



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

# **MUNICIPAL PLANNING BY-LAW, 2015**

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PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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*Ibhaliswe ePosini njengePhephandaba*

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The following Provincial Notice is published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Legislature Building,  
Wale Street,  
Cape Town.

**PROVINSIALE KENNISGEWING**

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat,  
Kaapstad.

**ISAZISO SEPHONDO**

Ezi zaziso zilandelayo zipapashelwe ukunika ulwazi ngokubanzi.

ADV. B. GERBER,  
UMLAWULI-JIKELELE

iSakhiwo sePhondo,  
Wale Street,  
eKapa.

P.N. 206/2015

29 June 2015

**CITY OF CAPE TOWN  
MUNICIPAL PLANNING BY-LAW, 2015**

# **BY-LAW**

## **PREAMBLE**

**WHEREAS** section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer local government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

**WHEREAS** Part B of Schedule 4 to the Constitution lists municipal planning as a local government matter;

**WHEREAS** section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

**WHEREAS** Parliament has enacted the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Provincial Legislature has enacted the Land Use Planning Act (Act 3 of 2014), which among other things set out development principles which apply to all organs of state responsible for the implementation of legislation regulating the use and development of land;

**WHEREAS** the City intends to regulate and control municipal planning matters within the geographical area of the City.

**AND NOW THEREFORE, BE IT ENACTED** by the Council of the City of Cape Town as follows:.

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## CHAPTER 1. DEFINITIONS

(s 1)

### 1 Definitions

In this By-Law, unless the context indicates otherwise –

**‘adopt’**, in relation to a spatial development framework, development management scheme, policy or strategy, means the approval thereof by the City;

**‘advisory panel’** means the advisory panel contemplated in section 121;

**‘appeal authority’** means the appeal authority contemplated in section 114(3);

**‘applicant’** means a person contemplated in section 40;

**‘approval’** means permission granted in terms of this By-Law and includes the conditions of approval;

**‘authorised official’** means an employee of the City responsible for carrying out any duty or function or exercising any power in terms of this By-Law and includes an employee delegated or designated to carry out or exercise such duty, function or power;

**‘base zoning’** means the zoning before the application of any overlay zoning and may include a subzoning as contemplated in the development management scheme;

**‘City’** means the municipality of the City of Cape Town established by Government Notice No 479 of 2000 issued in terms of section 12 the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and where the context so requires, includes –

- (a) the Municipal Council;
- (b) another political structure or a political office bearer of the City, authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (c) the Municipal Planning Tribunal authorised or delegated to perform a function or exercise a power in terms of this By-Law;
- (d) the City Manager; and
- (e) an authorised official;

**‘City Manager’** means the person appointed as the accounting officer of the City in terms of section 54A of the Municipal Systems Act;

**‘commencement of construction’** means to have begun a continuous programme of physical, on-site construction in accordance with building plans approved in terms of the National Building Regulations and Building Standards Act, 1977, and which has gone beyond site clearing, excavation or digging trenches in preparation for foundations;

**‘community facilities’** includes play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities and community halls;

**‘consent use’** means a land use permitted in terms of a particular zoning with the approval of the City;

**‘councillor’** means a member of the Municipal Council;

**‘date of notification’** means the date contemplated in section 111(6);

**‘Deeds Registries Act’** means the Deeds Registries Act, 1937 (Act 47 of 1937);

**‘Department’** means the directorate of the City responsible for spatial planning, land use management and building development management;

**‘departure’** means a permanent departure or a temporary departure;

**‘determination’** includes any conditions associated with the determination;

**‘development charge’** means a once-off charge imposed by the City on a developer as a condition of approval of a land development application in order to cover the cost of municipal engineering services required as a result of an intensification of land use;

**‘development edge line’** means a demarcated edge line as depicted in the municipal spatial development framework;

**‘development management scheme’** means the development management scheme contemplated in section 26(2);

**‘development rule’** means a provision, restriction or condition in the development management scheme that sets out the permissible extent of the land use in terms of a zoning;

**‘deviation’** in relation to a spatial development framework, means



- (a) an approval which departs from the provisions of the municipal spatial development framework contemplated in section 22(2) of SPLUMA;
- (b) a deviation from the provisions of the municipal spatial development framework authorised by section 9(1) of this By-Law; or
- (c) a deviation from the provisions of a district spatial development framework or local spatial development framework authorised by section 16(2)(b) of this By-Law;

and **'deviate'** has a corresponding meaning;

**'diagram'** means a diagram as defined in section 1 of the Land Survey Act;

**'district spatial development framework'** means a district spatial development framework contemplated in section 11;

**'effective date of decision'** means the date contemplated in section 105(2);

**'engineering service'** means a system for the provision of water, electricity, gas, roads or storm water drainage, or collection and removal of solid waste or sewerage, required for the purpose of land development;

**'engineering services agreement'** means an agreement between an applicant and the City in cases where an applicant constructs or installs external engineering services in lieu of the payment in full or in part of a development charge and in which the parties agree on their respective roles in the construction, installation and financing of infrastructure, including their respective responsibilities for maintenance and upkeep of infrastructure from the date of installation to the date of transfer of the land;

**'general plan'** means a general plan as defined in section 1 of the Land Survey Act;

**'Integrated Development Plan'** means the plan envisaged in section 25 of the Municipal Systems Act;

**'land development'** means the erection of a building or structure on land or the change in use of land, including township establishment, the rezoning, the subdivision or consolidation of land or any deviation from the land use or use permitted in terms of the development management scheme, and **'development of 'land'** and **'develop land'** have corresponding meanings;

**'land'** means any land unit or any portion of a land unit, and includes any improvement or building on the land and any real right in land;

**'land unit'** means a portion of land registered or capable of being registered in a deeds registry and includes a portion of land to which a registered servitude right or registered lease relates;

**'land use'** means the purpose for which land is or may be used lawfully in terms of the development management scheme;

**'Land Use Planning Act'** means the Western Cape Land Use Planning Act (Act 3 of 2014);

**'Land Survey Act'** means the Land Survey Act, 1997 (Act 8 of 1997);

**'local spatial development framework'** means a local spatial development framework contemplated in section 12;

**'Mayor'** means the Executive Mayor of the City;

**'Municipal Council'** means the Municipal Council of the City;

**'Municipal Planning Tribunal'** means the Municipal Planning Tribunal referred to in section 114;

**'municipal spatial development framework'** means the municipal spatial development framework adopted by the City in terms of Chapter 5 of the Municipal Systems Act;

**'Municipal Systems Act'** means the Local Government: Municipal Systems Act, 2000 (32 of 2000);

**'National Building Act'** means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

**'notification'** has the meaning contemplated in section 111 and includes the method by which the City may 'call for' or 'require' a person to do something, and **'notice'** and **'notify'** have corresponding meanings;

**'Ordinance'** means the Land Use Planning Ordinance, 1985 (Cape) (Ordinance 15 of 1985);

**'organ of state'** means an organ of state as defined in section 239 of the Constitution;

**'overlay zoning'** means a zoning, in addition to the base zoning, stipulating the purposes for which land may be used and the development rule which may be more or less restrictive than the base zoning;

**'owner'** includes their successor-in-title and means –

- (a) the person whose name is registered in a deeds registry as the owner of land;



- (b) the beneficial owner of land in law;
- (c) the owner of land by virtue of vesting in terms of this By-Law or another law; and
- (d) the legal representative of the owner or their estate where the registered owner lacks legal capacity for any reason including age, mental health, mental disability, death or insolvency;

**'owners' association'** means an owners' association established or deemed to have been established in terms of section 61;

**'permanent departure'** means right to use land otherwise than in accordance with the development rules of the zoning applicable to the property;

**'person'** means a natural or juristic person and includes the state;

**'planning law'** means the Townships Ordinance no 33 of 1934 or the Ordinance, whichever is applicable.

**'prescribe'** includes prescribe by procedure, standard, requirement or rule;

**'previous zoning scheme'** means –

- (a) a town planning scheme;
- (b) a town planning scheme in the course of preparation; or
- (c) zoning scheme regulations in operation in the geographic area of the City at any time before the commencement of this By-Law;

**'private street'** means privately owned land which provides vehicle access to a separate land unit or land units and which is designated as private road or private street on an approved general plan, diagram or approved plan of subdivision; it may include ancillary access control infrastructure such as a gatehouse, guardhouse, refuse room and utility room, but does not include a driveway on a property or a servitude;

**'Province'** means the Province of the Western Cape;

**'Provincial Government'** means the provincial government of the Province;

**'Provincial Minister'** means the member of the Executive Council in the Provincial Government responsible for land use planning;

**'public place'** means any open or enclosed place, park, public street or thoroughfare or other similar area of land shown on a general plan or diagram that is for use by the general public and is owned by, or vests in the ownership of, the City, and includes a public open space and a servitude for any similar purpose in favour of the general public;

**'public road'** means any highway, thoroughfare, lane, footpath, sidewalk, alley, passage, bridge or any other place of a similar nature or any portion thereof serving as a public right of way, whether for vehicles or pedestrians, established or proclaimed in terms of the former Municipal Ordinance, 1974 (Ordinance 20 of 1974) or any equivalent current municipal by-law and/or national legislation and includes a public street;

**'public street'** means any land indicated on an approved general plan, diagram or map as having been set aside as a public right of way, whether for vehicles or pedestrians or public or urban squares, of which the ownership is registered in favour of or vests in the City in terms of this By-Law or any other law;

**'registered planner'** means a professional or technical planner registered in terms of the Planning Profession Act, 2002 (Act 36 of 2002), unless the South African Council for Planners has reserved the work to be performed by a registered planner in terms of this Act for a particular category of registered persons in terms of section 16(2) of the Planning Profession Act, 2002, in which case a registered planner means the category of registered persons for whom the work has been reserved;

**'Registrar of Deeds'** means the Registrar of Deeds as defined in the Deeds Registries Act;

**'restrictive condition'** means any condition registered against the title deed of land restricting the use, development or subdivision of land concerned, excluding servitudes creating real or personal rights;

**'rezoning'** means the change of zoning in relation to a particular land unit or units in terms of this By-Law;

**'road'** includes a public street, a public road and a private street;

**'road reserve'** means a designated area of land that contains or is able to contain a public street or public road, including the road and associated verge, which land may or may not be defined by cadastral boundaries;

**‘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 of an integrated development plan and which may be an economic, land reform, environmental, housing, water, service or transport plan;

**‘service master plan’** means a high level infrastructure plan prepared by the City to cater for future development and includes an Integrated Transport Plan, Electricity Business Plan, Bulk Water and Sanitation Master Plan, Storm Water Master Plan and Integrated Waste Management Plan;

**‘spatial development framework’** means a national spatial development framework, regional spatial development framework (approved by either national or provincial government), provincial spatial development framework, municipal spatial development framework, district spatial development framework or local spatial development framework;

**‘SPLUMA’** means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and regulations promulgated in terms of thereof;

**‘state’** includes an organ of state as defined in section 239 of the Constitution and a state-owned enterprise listed as a public entity in Schedule 2 or 3 to the Public Finance Management Act, 1999 (Act 1 of 1999);

**‘street’** means ‘public street’ or ‘private street’;

**‘structure plan’** means a structure plan approved in terms of section 4(6) or 4(10) of the Ordinance;

**‘subdivision plan’** means a plan which depicts the relative location of newly proposed land units on a land unit that is to be subdivided;

**‘subdivision’**, in relation to land, means the division of a land unit into more land units and includes any physical activity on the land to prepare the land for subdivision but does not include the surveying of land for the preparation of a subdivision plan and **‘subdivide’** has the same meaning;

**‘subdivisional area’** when referring to a zoning, means the subdivisional overlay zoning permitting subdivision provided for in the development management scheme; and when referring to land, means land zoned with a subdivisional overlay zoning;

**‘substitution scheme’** means a zoning map or development rules which replaces, in terms of planning law, any other zoning map or portion thereof;

**‘Surveyor-General’** means the Surveyor-General as defined in the Land Survey Act;

**‘temporary departure’** means the right to use land on a temporary basis for a purpose for which no provision is made in the zoning applicable to the property;

**‘this By-Law’** includes the development management scheme and the other schedules to this By-Law;

**‘title deed’** means any deed registered in a deeds registry recording the ownership of land or a real right in land;

**‘urban edge line’** means a development edge line to demarcate the appropriate geographic limit to urban growth or to protect natural resources;

**‘use’** means the use of land for a purpose or the improvement of land;

**‘use right’**, in relation to land, means the right to use that land in accordance with its zoning, a departure, consent use, condition of approval or any other approval granted in respect of the rights to use the land;

**‘zone’** when used as a verb in relation to land, means to designate land for a particular zoning;

**‘zoning’** includes base zoning and overlay zoning and means a land use category prescribed by the development management scheme regulating the use of and development of land and setting out –

- (a) the purposes for which land may be used; and
- (b) the development rules applicable to that land use category;

**‘zoning map’** means the map of the zoning scheme contemplated in section 29(1);

**‘zoning register’** means the zoning register of the zoning scheme contemplated in section 32; and

**‘zoning scheme’** means the zoning scheme contemplated in section 25(1).

**CHAPTER 2.**  
**APPLICATION OF THIS BY-LAW AND CONFLICT OF LAWS**  
(s 2)

**2 Application of this By-Law and conflict of laws**

- (1) This By-Law applies to all land within the geographical area of the City, including land owned by the state.
- (2) This By-Law binds every owner and every user of land, including the state.
- (3) When considering an apparent conflict between this By-Law and another law, a court must prefer any reasonable interpretation that avoids a conflict over any alternative interpretation that results in a conflict.
- (4) If there is a conflict between this By-Law and another by-law, this By-Law prevails over the affected provision of the other by-law in respect of any municipal planning matter.

**CHAPTER 3.**  
**SPATIAL PLANNING**  
(ss 3-23)

**Part 1**  
***Introductory provisions concerning spatial development frameworks***  
(s 3)

**3 Spatial development frameworks**

- (1) The City's spatial development frameworks are –
  - (a) the municipal spatial development framework;
  - (b) district spatial development frameworks; and
  - (c) local spatial development frameworks.
- (2) The Cape Town Spatial Development Framework adopted as part of the Integrated Development Plan as amended, until it is replaced, is deemed to be the municipal spatial development framework.
- (3) The purposes of the City's spatial development frameworks include –
  - (a) providing a longer-term spatial depiction of the desired form and structure of the geographic area to which it applies;
  - (b) providing land use management guidelines regarding the appropriate nature, form, scale and location of development;
  - (c) contributing to spatial co-ordination;
  - (d) guiding investment and planning of municipal departments and where appropriate other spheres of government;
  - (e) guiding investment for the private sector;
  - (f) reflecting relevant provisions of strategies adopted by the Municipal Council; and
  - (g) guiding decision making on applications.

**Part 2**  
***The municipal spatial development framework***  
(ss 4-10)

**4 Process for drafting the municipal spatial development framework**

- (1) The City must adopt a process, which includes a public participation process, for drafting the municipal spatial development framework which complies with the Municipal Systems Act and any other applicable law.
- (2) Upon completion of the process contemplated in subsection (1), the Municipal Council must consider a written report from the Department that must at least –
  - (a) assess the draft municipal spatial development framework;
  - (b) summarise the process of drafting the municipal spatial development framework;
  - (c) summarise the consultation process;

- (d) set out the City's responses to the comments received;
  - (e) describe how the City has complied with, is complying with and intends to comply with the requirements of relevant national and provincial legislation, and relevant provisions of strategies adopted by the Municipal Council; and
  - (f) recommend the adoption of the draft municipal spatial development framework.
- (3) A registered planner must sign the report required by subsection (2).

## **5 Process for amending the municipal spatial development framework**

- (1) Section 34 of the Municipal Systems Act and the contemplated regulations govern the process for an amendment of the municipal spatial development framework.
- (2) Sections 4(2) and 6 apply to amendments to the municipal spatial development framework as a result of comments received by the Provincial Minister as contemplated in section 32 or 33 of the Municipal Systems Act.
- (3) The City Manager may prescribe the form and process governing a request to amend the municipal spatial development framework other than as a result of the annual review process contemplated in section 34(a) of the Municipal Systems Act.

## **6 Decision on the adoption or amendment of the municipal spatial development framework**

The Municipal Council may –

- (a) accept the report envisaged in section 4(2) and adopt the draft municipal spatial development framework in terms of Chapter 5 of the Municipal Systems Act;
- (b) adopt or refuse a draft amendment; or
- (c) refer the report on the adoption of the draft municipal spatial development framework or draft amendment back for further –
  - (i) specified information; and/or
  - (ii) specified consultation.

## **7 Submission of municipal spatial development framework to Provincial Minister**

Within 10 days of the Municipal Council adopting the municipal spatial development framework or an amendment thereof, the City Manager must submit the following to the Provincial Minister –

- (a) a written notice of the decision to adopt or amend the municipal spatial development framework;
- (b) the adopted or amended municipal spatial development framework;
- (c) a copy of the report referred to in section 4(2); and
- (d) a further report or statement to the extent required to comply with section 32(1)(b) of the Municipal Systems Act or section 14 of the Land Use Planning Act or any other legislation.

## **8 Publication of the adopted or amended municipal spatial development framework**

Within 14 days of the Municipal Council adopting the municipal spatial development framework or an amendment thereof, the City Manager must –

- (a) publish a notice of its decision to adopt or amend the municipal spatial development framework in the *Provincial Gazette* and in accordance with section 19;
- (b) give notice to the public and publicise a summary in accordance with section 25(4) of the Municipal Systems Act; and
- (c) publish a notice of the amendment of the municipal spatial development framework in the *Provincial Gazette* if the municipal spatial development framework is amended as contemplated in section 32 or section 33 of the Municipal Systems Act.

## **9 Status of the municipal spatial development framework**

- (1) Subject to section 22, the City may deviate from the provisions of the municipal spatial development framework only if site specific circumstances justify the deviation.

- (2) In determining whether the site specific circumstances exist, the City must have regard to the development application that has been submitted and any other relevant considerations.
- (3) If an application is inconsistent with the municipal spatial development framework, the applicant must describe the inconsistency in –
  - (a) the application; and
  - (b) the advertisement of the application.
- (4) The municipal spatial development framework does not confer or take away rights.
- (5) If there is a conflict between the municipal spatial development framework and a district spatial development framework or local spatial development framework, the municipal spatial development framework prevails over other development frameworks to the extent of the conflict.

## **10 Review of the municipal spatial development framework**

- (1) When reviewing the integrated development plan in terms of section 34(a) of the Municipal Systems Act, in relation to the review of the municipal spatial development framework, the City must consider at least –
  - (a) the record of deviations from the municipal spatial development framework and the reasons for the deviations;
  - (b) the requirements of provincial and national legislation relating to the municipal spatial development framework;
  - (c) relevant provisions of strategies adopted by the Municipal Council; and
  - (d) comments received in the review process.
- (2) Sections 5(1), 6 and 7 apply to a proposal to amend the municipal spatial development framework resulting from the review process.

### **Part 3**

#### ***District spatial development frameworks and local spatial development frameworks (ss 11-18)***

## **11 District spatial development frameworks**

- (1) The Municipal Council may adopt a district spatial development framework for a specified geographic area within the geographical area of the City.
- (2) A district spatial development framework must –
  - (a) align with and give further effect to the municipal spatial development frameworks;
  - (b) identify and depict on a map current and future significant elements which give structure or spatial order to a settlement including road circulation networks, public transport systems, public open spaces, public facilities, and external engineering services;
  - (c) provide land use management guidelines that relate to –
    - (i) desirable land use patterns;
    - (ii) appropriate development densities and urban form;
    - (iii) provision of public open space and public facilities;
    - (iv) environmentally sensitive areas; and
    - (v) high potential agricultural land;
  - (d) provide a spatial representation to support spatial restructuring and integration within the district by indicating –
    - (i) areas where public and private development should be prioritised and facilitated;
    - (ii) areas where strategic intervention is required to enable desired changes to land use or urban form;
    - (iii) locations of future publicly-funded housing developments;
    - (iv) key infrastructure requirements to enable development of areas that have been prioritised;
  - (e) support the municipal spatial development framework by depicting spatially the co-ordination, alignment and integration of relevant sectoral plans or policies of City departments;

- (f) include an implementation plan setting out how the proposals of the district spatial development framework are to be achieved; and
- (g) identify areas where more detailed local spatial development frameworks must be developed.

## **12 Local spatial development frameworks**

- (1) The Municipal Council may adopt a local spatial development framework for a specified geographic area within the geographical area of the City.
- (2) A local spatial development framework must align with and give further effect to the municipal spatial development framework and any relevant district spatial development framework by providing more detailed, local planning.
- (3) Where relevant, a local spatial development framework may contain the elements envisaged in sections 11(2)(a) to 11(2)(e).
- (4) A local spatial development framework may include an implementation plan which must among other things inform and guide actions aimed at realising proposals of the local spatial development framework.

## **13 Process for drafting or amending a district spatial development framework or a local spatial development framework**

- (1) If the City intends to adopt a district spatial development framework or a local spatial development framework, the City must –
  - (a) specify the geographic area concerned; and
  - (b) approve the drafting of a district spatial development framework or a local spatial development framework as the case may be.
- (2) If the City intends to adopt or amend a district spatial development framework or a local spatial development framework, the City must adopt a process for doing so.
- (3) Upon completion of the consultation process and the adopted process, the Department must provide a written report that must at least –
  - (a) describe the manner in which –
    - (i) the draft district spatial development framework or draft amendment thereof aligns to the municipal spatial development framework and relevant provisions of strategies adopted by the Municipal Council; or
    - (ii) the draft local spatial development framework or draft amendment thereof aligns to the municipal spatial development framework, the relevant district spatial development framework and relevant provisions of strategies adopted by the Municipal Council;as the case may be;
  - (b) summarise the process of drafting the district spatial development framework, local spatial development framework or amendment;
  - (c) summarise the consultation process;
  - (d) set out the City's responses to the comments received; and
  - (e) recommend the adoption of the draft district spatial development framework, draft local spatial development framework or draft amendment.

## **14 Decision on the adoption or amendment of a district spatial development framework or a local spatial development framework**

The Municipal Council may –

- (a) accept the report envisaged in section 13(3) and adopt the draft district spatial development framework, draft local spatial development framework or draft amendment, with or without a condition;
- (b) refer the report envisaged in section 13(3) back for further specified information and/or further specified consultation; or
- (c) refuse to adopt the draft district spatial development framework, draft local spatial development framework or draft amendment.



**15 Publication of the adopted or amended district spatial development framework or local spatial development framework**

Within 30 days of adopting or amending a district spatial development framework or a local spatial development framework, the City must publish the adopted or amended district spatial development framework or local spatial development framework in accordance with section 19.

**16 Status of a district spatial development framework and a local spatial development framework**

- (1) If an application is inconsistent with an applicable district spatial development framework or a local spatial development framework, the applicant must describe the inconsistency in –
  - (a) the application; and
  - (b) the advertisement of the application.
- (2) A person who takes a decision in terms of this By-Law –
  - (a) must be guided by an applicable district spatial development framework and/or local spatial development framework;
  - (b) subject to section 22, may deviate from the provisions of an applicable district spatial development framework and/or local spatial development framework only if the circumstances justify the deviation.
- (3) A district spatial development framework and a local spatial development framework do not confer or take away rights.

**17 Review of a district spatial development framework or a local spatial development framework**

- (1) The City must review a district spatial development framework or a local spatial development framework or structure plan at least every 10 years.
- (2) The City Manager must give notice in the media in accordance with section 21 of the Municipal Systems Act of the City's intention to review a district spatial development framework or a local spatial development framework and give details of the person to whom and the date by which any comments or suggestions to be taken into account in the review process, must be submitted.
- (3) When conducting a review for the purposes of subsection (1), the City must consider at least –
  - (a) the record of deviations from the district spatial development framework or local spatial development framework and the reasons for the deviations;
  - (b) any relevant amendments to the municipal spatial development framework;
  - (c) the requirements of provincial and national legislation relating to the municipal spatial development framework;
  - (d) relevant provisions of strategies adopted by the Municipal Council; and
  - (e) comments received in the review process.

**18 Withdrawal of a district spatial development framework or a local spatial development framework**

- (1) If the City intends to withdraw a district spatial development framework or a local spatial development framework, the City must comply with subsection (2).
- (2) Upon completion of the consultation process and the adopted process, the Department must provide a written report which must at least –
  - (a) describe the reasons for withdrawing the district spatial development framework or the local spatial development framework or structure plan;
  - (b) summarise the consultation process;
  - (c) set out the City's responses to the comments received; and
  - (d) recommend the withdrawal of the district spatial development framework or local spatial development framework or structure plan.
- (3) The Municipal Council may –
  - (a) accept the report envisaged in subsection (2) and withdraw the district spatial development framework or local spatial development framework or structure plan;

- (b) refer the report envisaged in subsection (2) back for further specified information, and/or require further specified consultation; or
  - (c) refuse to withdraw the district spatial development framework or local spatial development framework or structure plan.
- (4) Within 30 days of withdrawing a district spatial development framework or a local spatial development framework, the City must publish the withdrawal in accordance with section 15.

**Part 4**  
**General provisions concerning spatial planning**  
(ss 19-23)

**19 Record of and access to spatial development frameworks**

- (1) The City must keep, maintain and make accessible to the public, including on the City's website, the approved municipal spatial development framework, a district spatial development framework and a local spatial development framework and any amendment or withdrawal thereof.
- (2) The City must provide a requester, on payment of the prescribed fee, with a copy of the approved municipal spatial development framework, a district spatial development framework and a local spatial development framework and any amendments thereto.

**20 Structure plans**

- (1) A structure plan listed in Schedule 1 and which remains in force in terms of section 16(1)(b) of the Land Use Planning Act is deemed to be a district spatial development framework approved in terms of this By-Law and remains in force indefinitely until withdrawn in terms of this By-Law.
- (2) A structure plan approved in terms of section 4(6) or section 4(10) of the Ordinance and listed in Schedule 2 and which remains in force in terms of section 16(1)(b) of the Land Use Planning Act is deemed to be a local spatial development framework approved in terms of this By-Law and remains in force indefinitely until withdrawn in terms of this By-Law.
- (3) Sections 13 to 18, with changes required by the context, apply to the amendment, status or withdrawal of a structure plan.

**21 Policies to guide decision making**

- (1) The City may adopt a policy or guidelines to guide decision making in respect of applications made in terms of this By-Law.
- (2) The provisions of section 138 apply to policies contemplated in subsection (1).

**22 Record of deviations from spatial development frameworks**

- (1) A person who takes a decision in terms of this By-Law which deviates from the provisions of the municipal spatial development framework and/or an applicable district spatial development framework and/or local spatial development framework or policy must at the time of making the decision –
- (a) record in writing the reasons for the deviation; and
  - (b) keep a record of the decision and the written reasons for the deviation.
- (2) A record of decisions of applications that deviate from the municipal spatial development framework must be kept with the municipal spatial development framework.

**23 Spatial development frameworks applicable to land incorporated into the geographic area of the City**

When land situated in the geographic area of another municipality is incorporated into the geographic area of the City, any spatial development framework applicable to that area or to part of that area remains in force until the City reviews or amends it in terms of the provisions of this By-Law.



**CHAPTER 4.**  
**DEVELOPMENT MANAGEMENT**  
(ss 24-38)

**Part 1**  
**Zoning scheme**  
(ss 24-34)

**24 Zoning**

- (1) All land within the geographic area of the City must have a zoning.
- (2) A zoning may apply to a land unit or part thereof, and a zoning need not follow cadastral boundaries.
- (3) The City may, by amendment of the development management scheme, on its own initiative adopt a new overlay zoning or amend or remove an existing overlay zoning.
- (4) In respect of each overlay zoning, except a subdivisional area overlay zoning, the City must publish in the *Provincial Gazette* –
  - (a) which specified area or land units have the overlay zoning;
  - (b) a reference to a map available on the City's website that depicts which specified area or land units have the overlay zoning; or
  - (c) a statement that no specified area or land unit has the overlay zoning.
- (5) The City may at any time designate a specified area or land unit to have an overlay zoning, or to no longer have an overlay zoning, by following the process in the development management scheme and must publish the designation in the *Provincial Gazette*.
- (6) The City is not required to follow the process in the development management scheme contemplated in subsection (5) when publishing a notice contemplated in subsection (4) if the area or land unit specified in the notice has the same or a substantially similar overlay zoning as it does when this By-Law comes into operation.

**25 Zoning scheme**

- (1) The zoning scheme comprises –
  - (a) the development management scheme;
  - (b) the zoning map; and
  - (c) the zoning register.
- (2) The zoning scheme applies to all land in the geographic area of the City.

**26 Development management scheme**

- (1) The purposes of the development management scheme include –
  - (a) regulation of use rights and control of the use of land;
  - (b) facilitation of the implementation of policies and principles set out in relevant spatial development frameworks and binding policies and principles set out in and in terms of national and provincial legislation;
  - (c) facilitation of efficient, economic and sustainable use of land;
  - (d) protection of areas with an environment which could be substantially adversely affected by development;
  - (e) other purposes lawfully prescribed by national or provincial legislation.
- (2) The development management scheme is the scheme in Schedule 3.
- (3) The development management scheme is an integral part of this By-Law and its provisions have force of law.
- (4) When considering an apparent conflict between the body of this By-Law and the development management scheme, a court must prefer any reasonable interpretation that avoids a conflict over any alternative interpretation that results in a conflict.
- (5) If there is a conflict between the body of this By-Law and the development management scheme, the body of this By-Law prevails over the affected provision of the development management scheme.

## **27 Review of development management scheme**

- (1) The City Manager must, at least every five years after the commencement of this By-Law, review the development management scheme.
- (2) The City Manager must give notice in the media in accordance with section 21 of the Municipal Systems Act of the City's intention to review the development management scheme and give details of the person to whom and the date by which any comments or suggestions to be taken into account in the review process, must be submitted.
- (3) The City Manager must submit a review report to the Municipal Council setting out for the period under review at least –
  - (a) the proposed amendments to the development management scheme, including proposed overlay zones, aimed at aligning the development management scheme with the municipal spatial development framework;
  - (b) the number of deviations from the municipal spatial development framework and the nature and reasons for each deviation;
  - (c) the response to comments received as a result of the notice published in the media in accordance with subsection (2).
- (4) If the Municipal Council approves the recommendations in the review report, the City must commence a process to amend the development management scheme accordingly.
- (5) The City must comply with the provisions of section 27 of the Land Use Planning Act prior to adopting any amendment of the development management scheme.
- (6) A review contemplated in terms of this section is not required for ad hoc amendments to the development management scheme.

## **28 Zoning map**

- (1) The zoning map must –
  - (a) depict the zoning of every land unit in the City's geographical area;
  - (b) depict overlay zones applicable to a land unit; and
  - (c) be updated within a reasonable time after a use right has been granted or has lapsed.
- (2) The zoning map may –
  - (a) depict the proposed establishment, widening or closure of public streets and public roads;
  - (b) indicate by means of a symbol that a decision has been taken about a land use right; and
  - (c) be kept in electronic format.

## **29 Adoption, amendment and substitution of zoning map**

- (1) The zoning map is the zoning map in operation for the City at the commencement of this By-Law as may subsequently be amended or substituted.
- (2) A lawful zoning recorded on the zoning map at the commencement of this By-Law remains in force until it lapses or the zoning map is amended or substituted.
- (3) The City may amend or, after consultation, substitute the zoning map in terms of this By-Law.
- (4) The substitution contemplated in subsection (3) takes effect when notification of approval of the substituted zoning map is published in the *Provincial Gazette* or on a future date fixed in the *Provincial Gazette*.

## **30 Error in zoning map**

- (1) An owner who believes that the zoning map contains an error in respect of their property may apply to the City for the zoning map to be corrected.
- (2) An owner making an application contemplated in subsection (1) –
  - (a) must describe the nature of the error;
  - (b) bears the onus of proving the error and must provide written proof of the lawful land use rights; and
  - (c) must indicate the correct zoning.
- (3) The City must advertise the application –

- (a) to another owner if the application materially affects the other owner; and
  - (b) for public comment if the application materially affects the public.
- (4) The City may approve or refuse the application.
- (5) If the application is approved, the City Manager must amend the zoning map.
- (6) If the City finds an error on the zoning map, the City may on its own initiative amend the zoning map after –
  - (a) providing notice of the error and of the City's intention to correct the error to, and inviting representations within a specified time period from –
    - (i) the owner of the property concerned;
    - (ii) another owner if the proposed correction materially affects the other owner; and
    - (iii) the public if the proposed correction materially affects the public;
  - (b) considering any representations received; and
  - (c) taking a decision to amend the zoning map.

### **31 Status of zoning map and exemption of City from liability for any error**

- (1) The zoning map is the City's record of the zoning of each land unit.
- (2) A zoning recorded in the zoning map is presumed to be the correct zoning unless proved otherwise.
- (3) A use right ceases to exist on the day it lapses in terms of this By-Law or a previous zoning scheme even if the zoning map still records the use right as existing.
- (4) The City is exempt from liability for any damage which may be caused by –
  - (a) an error in the zoning map; or
  - (b) an erroneous representation by the City about a use right or the zoning of a land unit.

### **32 Zoning register**

- (1) The City must record in the zoning register –
  - (a) a decision taken in terms of this By-Law after the commencement of this By-Law to grant –
    - (i) a rezoning;
    - (ii) a permanent or temporary departure;
    - (iii) a consent;
    - (iv) a consolidation; or
    - (v) any other permission or approval granted in terms of the development management scheme;
  - (b) a non-conforming use which has been confirmed in terms of section 37(8); and
  - (c) any other matter which this By-Law requires to be recorded in the zoning register.
- (2) The City may keep the zoning register in electronic format.

### **33 Access to the zoning map and zoning register**

- (1) The zoning map is accessible to the public on the City's website.
- (2) The zoning map and zoning register are also available for inspection at the district offices of the Department.
- (3) The City must provide a requester, on payment of a fee, with a relevant extract in writing from the zoning map and zoning register.
- (4) An extract contemplated in subsection (3) must be in writing and signed by an authorised official.

### **34 Continuation of zoning schemes**

If the geographic area of the City is expanded to incorporate land from another municipality then the zoning scheme applicable to that land remains in force until the City amends, repeals or replaces it.

**Part 2**  
**Use right and non-conforming use**  
(ss 35-37)

**35 Use right**

- (1) A use right vests in land and not in a person.
- (2) No person may use or develop land unless the use or development is permitted in terms of the zoning scheme or an approval is granted or deemed to have been granted in terms of this By-Law.
- (3) No person may contravene or fail to comply with a condition of approval imposed or deemed to have been imposed in terms of this By-Law.
- (4) A condition of approval imposed or deemed to have been imposed in terms of this By-Law binds a successor-in-title of the land unit.

**36 Determination of zoning**

- (1) Save where land is deemed to be zoned as contemplated in the development management scheme, the City may determine a zoning for land which does not have a zoning.
- (2) When the City determines a zoning contemplated in subsection (1), it must have regard to at least –
  - (a) the lawful use of the land, or the purposes for which it could be lawfully used immediately before the commencement of this By-Law if possible to determine;
  - (b) the zoning, if any, that is most compatible with that use and any applicable title deed condition;
  - (c) any permanent departure or consent use that may be required in conjunction with that zoning;
  - (d) where land was vacant immediately before the commencement of this By-Law, the use permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the City; and
  - (e) where the lawful use of the land and the purpose for which it could be lawfully used immediately before the commencement of this By-Law cannot be determined, the zoning that is most desirable and compatible with any applicable title deed condition together with any departure or consent use that may be required.
- (3) When the City determines a zoning contemplated in subsection (1) and where the land is part of a protected area contemplated in the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) or similar legislation, the zoning is the zoning which would be most compatible with the objects of that legislation.
- (4) The zoning map must be amended to reflect the zoning determined and deemed to be the zoning of the land.
- (5) The City must give notice of its intention to determine a zoning to the owner if it acts in terms of subsection (1).
- (6) The City must comply with sections 79 and 80 if it acts in terms of subsection (1).
- (7) If the lawful use of the land cannot be determined, the City must follow a rezoning process.

**37 Non-conforming use**

- (1) For purposes of this section, 'non-conforming use' means the use of land or a building or part thereof for a purpose and in a manner which does not comply with the zoning scheme,
  - (a) but –
    - (i) has been so used lawfully for the same purpose and in the same manner continuously since at least 1 June 1950 without a material interruption; or
    - (ii) which once complied with an applicable previous zoning scheme and since then has been used lawfully for the same purpose and in the same manner continuously without a material interruption;
  - and
  - (b) is continuously so used from the commencement of this By-Law without an interruption of longer than six months.

- (2) For the purposes of subsection (1)(a), a material interruption is regarded as a period of longer than –
- (a) six months from 1 June 1950 to 30 June 1986; or
  - (b) two years from 1 July 1986 to the day before the commencement of this By-Law.
- (3) A person claiming a non-conforming use has the onus of proving its existence.
- (4) A non-confirming use –
- (a) may continue as long as it remains otherwise lawful;
  - (b) does not constitute an offence in terms of this By-Law; and
  - (c) is confined to the part of a land unit or building for which proof of its existence exists.
- (5) Notwithstanding the existence of a non-conforming use, no person may extend or alter the building concerned without approval in terms of this By-Law and any other applicable law.
- (6) If a building or a substantial part of it in respect of which a non-conforming use exists is destroyed or must be demolished because of damage, the City may on application and in its discretion grant permission for its reconstruction within the envelope of the non-conforming use and subject to conditions.
- (7) The permission in terms of subsection (6) does not relieve the owner from also obtaining authorisations required by any other applicable law.
- (8) The City may on its own initiative or on application make a binding determination as to the existence, nature and extent of a non-conforming use.
- (9) The City must advertise the application or intention to make a determination contemplated in subsection (8) –
- (a) to the owner concerned if the owner is not the applicant;
  - (b) to another owner if the application materially affects the other owner; and
  - (c) for public comment if the application materially affects the public.
- (10) An applicant applying for a determination contemplated in subsection (8) must use the prescribed form and must provide any information which the City calls for.

**Part 3**  
**General lapsing provision**  
(s 38)

**38 General lapsing provision**

- (1) Unless otherwise specified in this By-Law, an approval granted or deemed to have been granted in terms of this By-Law lapses two years after the effective date of decision –
- (a) where the land is not used in accordance with the approval; or
  - (b) where an improvement of land is required in order to use the land in accordance with the approval, lawful commencement of construction has not occurred.
- (2) An applicant may apply in terms of and subject to the requirements of section 107 for an extension of the validity periods contemplated in subsection (1), save that an extension may not exceed two years from the date that the original approval lapses.

**CHAPTER 5.**  
**GENERAL REQUIREMENTS FOR AN APPLICATION**  
(ss 39-43)

**39 Applications**

- (1) An applicant who requires approval in terms of this By-Law for the use or development of land must apply to the City in terms of section 42.
- (2) An approval granted or deemed to have been granted in terms of this By-Law does not –
- (a) release anyone from their duty to also obtain any other authorisation required by this By-Law or another law, and to comply with all law, a title deed restriction or a requirement in the constitution of an owners' association; or
  - (b) oblige anyone to use the approval.

**40 Persons who may make application in terms of this By-Law**

- (1) An application may be submitted only by –
  - (a) the owner of the land concerned;
  - (b) the City in respect of land which it does not own, for the purposes of sections 44(1) and 48(1);
  - (c) a person to whom the land concerned has been made available for development in writing by an organ of state or such person's duly authorised agent for housing purposes; or
  - (d) a service provider responsible for the provision of infrastructure, utilities or other related services.
- (2) A person duly authorised to make an application does so on behalf of the owner.

**41 Continuation of application by new owner**

If land that is the subject of an application in terms of this By-Law is transferred to a new owner, the new owner may continue with the application as the successor-in-title to the previous owner and the new owner will be regarded the applicant for the purposes of this By-Law.

**42 Types of applications**

A person may make application for the following in terms of this By-Law –

- (a) rezoning of land, including rezoning to subdivisinal area overlay zoning;
- (b) permanent departure;
- (c) temporary departure;
- (d) subdivision of land;
- (e) implementation of a subdivision approval in phases;
- (f) consolidation of land;
- (g) amendment, suspension or deletion of a restrictive condition;
- (h) consent or approval in terms of, or the relaxation of, a restrictive condition in a title deed where the restriction relates to use, subdivision, development rules or design criteria;
- (i) consent, approval or any other permission or requirement in terms of the development management scheme;
- (j) amendment, deletion or addition of conditions in respect of an existing approval granted or deemed to be granted in terms of this By-Law;
- (k) extension of the period of validity of an approval;
- (l) amendment or cancellation of an approved plan of subdivision or general plan;
- (m) permission required in terms of the conditions of approval of an application;
- (n) determination of a zoning, a non-conforming use right or any other matter which the City may determine in terms of this By-Law;
- (o) correction of a zoning map;
- (p) certification of an owners' association constitution or an amendment;
- (q) alteration or amendment of a street name or number;
- (r) determination of an administrative penalty as contemplated in section 129(1);
- (s) to exempt a subdivision from the need for approval in terms of this By-Law as contemplated in section 67(3);
- (t) any other application provided for in this By-Law;
- (u) any other application which the City Manager may prescribe in terms of this By-Law.

**43 Provisions which govern an application**

- (1) Unless otherwise provided in this By-Law, an application is governed by –
  - (a) the general procedures in Chapter 7;
  - (b) to the extent applicable, the special provisions in Chapter 6; and
  - (c) any other applicable provision in this By-Law.
- (2) In the event of an inconsistency between a special provision in Chapter 6 and another provision of this By-Law, the special provision prevails over the other provision.



**CHAPTER 6.**  
**SPECIAL PROVISIONS FOR CERTAIN APPLICATIONS**  
(ss 44-69)

**Part 1**  
***Rezoning, departure and consent use***  
(ss 44-47)

**44 Rezoning**

- (1) Subject to section 35(2) of the Land Use Planning Act and Chapter 7 of this By-Law, the City may on its own initiative rezone land which it does not own to give effect to approved spatial development frameworks and other City policies.
- (2) No application for approval of subdivision involving a change of zoning to more than one zone may be considered unless the land is zoned or will be zoned to subdivisational area.
- (3) Applications for rezoning to subdivisational area and for approval of subdivision may be considered simultaneously.
- (4) The City must as soon as practicable after rezoning land amend the zoning map and the zoning register to reflect the rezoning.

**45 Departure**

- (1) In respect of each land unit, a temporary departure to use land on a basis for which no provision is made in the zoning applicable to the land may not be granted –
  - (a) for a period exceeding five years;
  - (b) if another temporary departure is in operation at the time; or
  - (c) if the temporary departure includes an improvement to land that is not permitted by the zoning applicable to the property.
- (2) If a condition for the approval of a temporary departure is not complied with or is contravened, the City may withdraw the approval in terms of section 127.

**46 Consent use**

A consent use may be granted for a specified period of time or permanently.

**47 Lapsing of rezoning, consent use or departure**

- (1) A rezoning, other than a rezoning to a subdivisational area zoning, consent use or permanent departure approved or deemed to have been approved in terms of this By-Law lapses five years after the effective date of the decision –
  - (a) where the land is not used in accordance with the approval; or
  - (b) where an improvement of land is required in order to use the land in accordance with the approval, lawful commencement of construction has not occurred.
- (2) A rezoning to a subdivisational area approved or deemed to have been approved in terms of this By-Law lapses five years after the effective date of decision if the applicant does not make an application for approval of subdivision in accordance with the approved subdivisational area zoning.
- (3) An applicant may apply in terms of and subject to the requirements of section 107 for an extension of the validity period contemplated in subsections (1) and (2).
- (4) In the case of a rezoning other than a rezoning to subdivisational area, consent use or departure –
  - (a) the City must request the owner in writing prior to the lapsing period or extended lapsing period to submit proof that the land is being used in accordance with the approval;
  - (b) the owner must notify the City in writing within the lapsing period or extended lapsing period that the land is being used in accordance with the approval, failing which the rezoning, consent use or departure is presumed to have lapsed.
- (5) If a rezoning lapses, the zoning applicable to the land as reflected on the zoning map prior to the granting of the approval applies.

- (6) If a rezoning, including rezoning to a subdivisional area, consent use or departure lapses, the City must as soon as practicable after lapsing amend the zoning map and the zoning register to reflect the lapsing.

**Part 2**  
**Restrictive conditions**  
(ss 48-49)

**48 Removal, suspension or amendment of restrictive conditions**

- (1) Subject to section 39 of the Land Use Planning Act, the City may on its own initiative or on application remove, suspend or amend a restrictive condition in respect of any land unit.
- (2) An applicant must submit –
- (a) a certified copy of the title deed to the City; and
  - (b) the mortgage bond holder's consent to the application, if relevant.
- (3) In addition to the procedures in Chapter 7, notice of the application must be served on –
- (a) any provincial or national department if referred to in the title deed restriction;
  - (b) a person whose rights or legitimate expectations are materially and adversely affected by the application;
  - (c) any person mentioned in the title deed for whose benefit the restrictive condition was imposed; and
  - (d) if the City so requires, the public or any other person.
- (4) The City must have regard to section 39(5) of the Land Use Planning Act and section 47 of SPLUMA when considering whether to remove, suspend or amend a restrictive condition.
- (5) A decision to amend, suspend or remove any restrictive condition –
- (a) must be published by notice in the *Provincial Gazette* within 30 days of the effective date of the decision;
  - (b) may be unconditional or subject to any condition specified in the notice;
  - (c) may be permanent or for a period specified in the notice; and
  - (d) does not lapse.
- (6) The City must notify the Registrar of Deeds of the approval of the application as contemplated in subsection (5) and must forward a copy of the notification in the *Provincial Gazette*.

**49 Endorsements in connection with alterations, suspensions or removals of restrictions or obligations**

- (1) Upon notification of the approval of the application in the *Provincial Gazette* as contemplated in section 48(5)(a), the owner must, for purposes of the appropriate entries and endorsement, submit to the Registrar of Deeds –
- (a) the original title deed;
  - (b) the original letter of approval; and
  - (c) a copy of the notification of the *Provincial Gazette*.
- (2) The Registrar of Deeds concerned must, as soon as possible after the publication of the approval of the application in the *Provincial Gazette* as contemplated in section 48(5)(a), make, free of charge, such appropriate entries in and endorsements on any relevant register, title deeds, diagram or plan in its office or submitted to it as may be necessary to reflect the effect of the notice.

**Part 3**  
**Consolidation**  
(ss 50–51)

**50 Consolidation**

- (1) A person may not construct a building or structure that straddles the boundaries of two or more contiguous land units without the City's approval of the consolidation of the land units.
- (2) An applicant who requires consolidation of land units must –



- (a) obtain the City's approval (unless the consolidation is exempt in terms of section 67);
  - (b) submit a diagram for consolidation to the Surveyor-General for approval (who may approve the diagram in terms of the Land Survey Act only if the City has granted approval in terms of this By-Law);
  - (c) after the effective date of decision but before the City's approval lapses, obtain registration of the consolidation from the Registrar of Deeds in terms of the Deeds Registries Act.
- (3) If the City approves a consolidation or exempts a consolidation in terms of section 67 –
- (a) the applicant must, when submitting a diagram to the Surveyor-General for approval, include proof to the satisfaction of the Surveyor-General of –
    - (i) the City's decision to approve the consolidation or proof of exemption;
    - (ii) the City's conditions of approval, if any; and
    - (iii) the consolidation plan approved by the City;
  - (b) the City must –
    - (i) amend the zoning map, and where applicable, the zoning register accordingly; and
    - (ii) notify the Surveyor-General.
- (4) No building plan submitted in terms of section 7 of the National Building Regulations and Building Standards Act in respect of a building or structure contemplated in subsection (1) may be approved until the consolidation has been registered or a conveyancer provides written proof that the consolidation has been lodged with the Registrar of Deeds for registration.

#### **51 Lapsing of consolidation**

- (1) Subject to subsection (2), an approved consolidation of land units lapses if the Registrar of Deeds does not register it within five years, after the effective date of decision.
- (2) If a consolidation of land units is approved as part of another application, the City may specify as a condition of approval that the applicant must obtain registration of the consolidation by the Registrar of Deeds within that validity period of the other application failing which the consolidation will lapse.
- (3) If an approval of a consolidation lapses –
- (a) the City must –
    - (i) amend the zoning map, and where applicable, the zoning register accordingly; and
    - (ii) notify the Surveyor-General; and
  - (b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect that the consolidation has lapsed.

### **Part 4** **Subdivision** (ss 52-60)

#### **52 Approval of subdivision**

- (1) No land may be subdivided without approval of the City in terms of this By-Law, unless the subdivision is exempt in terms of section 67.
- (2) An application for approval of subdivision must be accompanied by a plan of subdivision showing at least –
- (a) the location of proposed land units, public places and land needed for public purposes; and
  - (b) the proposed zonings in respect of the proposed land units.
- (3) An applicant may apply for approval to implement a subdivision in phases.
- (4) If the City approves the subdivision, the City must –
- (a) impose any conditions of approval which the City considers reasonable, as contemplated in section 100, which must include conditions relating to the provision of engineering services;

- (b) in the case of a phased subdivision –
    - (i) include in the conditions of approval, details of the phasing of the subdivision; and
    - (ii) require the owner to submit a separate general plan to the Surveyor-General for each phase; and
  - (c) endorse a plan of subdivision which must be in accordance with the approved subdivision.
- (5) Land that on the date of commencement of the Townships Ordinance, 1934 (Ordinance 33 of 1934) had been laid out as a township or had been subdivided by means of an actual survey into land units and public places and the plan is registered in the office of the Surveyor-General concerned, is deemed to be a confirmed subdivision for the purposes of this By-Law except in so far as any portion thereof or any land unit therein is further subdivided or laid out.

### **53 Approval of general plan or diagram by Surveyor General**

- (1) If the City approves a subdivision and has endorsed a plan of subdivision, the applicant must submit the general plan or diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of –
- (a) the decision to approve the subdivision or an indication on the plan of subdivision (contemplated in section 67(4)) that the subdivision is exempt from the approval requirement;
  - (b) the endorsed plan of subdivision; and
  - (c) the conditions of approval contemplated in sections 52(4)(a) and 52(4)(b).
- (2) If the City approves a phased subdivision, the applicant must submit a general plan or diagram for each phase to the Surveyor-General for approval.

### **54 Transfer of land unit arising out of approved subdivision**

- (1) No person may obtain transfer of a land unit arising out of an approved subdivision or the relevant phase unless –
- (a) the Surveyor-General has granted the approval contemplated in section 53;
  - (b) the engineering services required by the conditions of approval contemplated in section 52(4) and any other applicable legislation in respect of the area or the relevant phase on the approved general plan or diagram have been completely installed;
  - (c) all other conditions of subdivision or the conditions relating to the relevant phase on the approved general plan or diagram and all conditions precedent to the transfer of the land unit have been met; and
  - (d) where an owners' association is required,
    - (i) the City has certified the constitution of the association (as contemplated in section 62(2));
    - (ii) the association has been or will be established upon transfer of the first land unit (as contemplated in section 61(5)); and
    - (iii) all land designated in terms of the conditions of approval to be transferred to the owners' association including private roads and private open space, arising from the subdivision or relevant phase have been, or together with the transfer of the first land unit, will be transferred to the association, without compensation.
- (2) No person may obtain transfer of a land unit arising out of an approved subdivision, unless the City Manager has issued a transfer certificate contemplated in section 137.
- (3) Where an owners' association is required, an applicant is guilty of an offence if the first land unit arising from a subdivision or relevant phase is transferred without all common property, including private roads and private open spaces originating from that subdivision, being transferred to the owners' association, and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).

**55 Confirmation of subdivision**

- (1) Within a period of five years after the effective date of decision, the applicant must, in respect of the approved general plan or diagram –
  - (a) meet all of the requirements in section 54(1); and
  - (b) obtain the registration of transfer in terms of the Deeds Registries Act of at least one land unit.
- (2) Upon compliance with subsection (1), the subdivision or phased part thereof is confirmed.
- (3) Upon confirmation of a subdivision or part thereof –
  - (a) the subdivision or part thereof cannot lapse;
  - (b) the zonings indicated on the approved subdivision plan are the zonings that apply to the land units arising from the subdivision or part thereof;
  - (c) the zonings contemplated in paragraph (b) cannot lapse; and
  - (d) the City must, as soon as practicable, amend the zoning map and the zoning register.
- (4) No building or structure may be constructed on a land unit forming part of an approved subdivision unless –
  - (a) the subdivision or relevant phased part thereof is confirmed; or
  - (b) the City approves the construction before the subdivision or phased part thereof is confirmed.

**56 Lapsing of subdivision and extension of validity periods**

- (1) An approval of a subdivision or of a phased portion thereof lapses if the requirements of section 55(1) are not met.
- (2) If only a portion of the general plan complies with sections 54(1)(b) and 54(1)(c), the approval for the subdivision or phased portion lapses.
- (3) An applicant may apply in terms of and subject to the requirements of section 107 for an extension of the period to comply with section 55(1).
- (4) If an approval of a subdivision or a phased portion thereof lapses –
  - (a) the zoning applicable to the land prior to the granting of the approval of the rezoning to subdivisional area applies;
  - (b) the City must –
    - (i) amend the zoning map and, where applicable, the zoning register accordingly; and
    - (ii) notify the Surveyor-General accordingly;
  - (c) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the lapsing.

**57 Land for public places and other uses**

- (1) When the City approves an application for subdivision, the applicant may be required to provide land for public places, community facilities and engineering services.
- (2) The extent of land required for public places is determined in accordance with the normal need arising from the subdivision or in accordance with a policy adopted by the City.
- (3) The land required for parks or public open spaces must be provided within the land area concerned with the application or may, with the consent of the City, be provided elsewhere within the municipal area.
- (4) Where the application is approved without the required provision of land for parks or public open space, the applicant may be required to make payment of a monetary amount in lieu of the provision of land for that purpose to the City.

**58 Ownership of public places and land required for municipal engineering services and community facilities**

- (1) The ownership of all land designated as a public place on an approved plan of subdivision vests in the City upon confirmation of the subdivision or a phased part thereof.
- (2) All land which vests in the City as contemplated by subsection (1) must be registered in the name of the City at the cost of the applicant within a period of six months after confirmation of the subdivision or the phased portion thereof.

- (3) In terms of the conditions imposed in terms of section 100, the City may determine that land designated for the provision of municipal engineering services and, where relevant, community facilities on an approved subdivision plan be transferred to the City upon confirmation of the subdivision or a part thereof.
- (4) Section 31 of the Deeds Registries Act applies to the transfer of the land to the City.
- (5) The City is not liable for compensation for the land referred to in subsection (1) if the City considers the provision of the public place to be a normal need arising from the subdivision or for internal engineering services.
- (6) A person who fails to comply with subsection (2) is guilty of an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).

## **59 Servitude in respect of services arising from subdivision**

The owner of any land unit arising from a subdivision must, after the confirmation of a subdivision –

- (a) without compensation, allow any service relating to the approval of the subdivision to be conveyed across or installed on the land unit in the manner and position that the City or organs of state from time to time reasonably requires. The services include –
- (i) gas mains;
  - (ii) electricity infrastructure;
  - (iii) telephone cables;
  - (iv) television cables;
  - (v) internet cables;
  - (vi) other electronic infrastructure;
  - (vii) main and other water pipes;
  - (viii) sewers;
  - (ix) storm water pipes;
  - (x) ditches and channels; and
  - (xi) surface installations such as mini-substations, meter kiosks and service pillars;
- (b) allow access to the works contemplated in paragraph (a) on the land unit at any reasonable time including for the purpose of constructing, altering, repairing, maintaining, removing or inspecting the works; and
- (c) receive such material or permit such excavation on the land unit as may be required to allow 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, unless the owner elects to build retaining walls to the satisfaction of and within a period determined by the City.

## **60 Amendment or cancellation of plan or subdivision**

- (1) The City may approve an application for the amendment, cancellation or partial cancellation of an approved plan of subdivision, diagram or general plan of –
- (a) a subdivision which has not been confirmed; or
  - (b) a confirmed subdivision, in relation to land units shown on the general plan in respect of which no transfer has been registered in terms of the Deeds Registries Act.
- (2) Prior to approving an application in respect of a confirmed subdivision, any affected public place indicated on a plan or diagram or general plan, must be closed in terms of the applicable legislation.
- (3) If an application contemplated in this section is approved –
- (a) the applicant must submit the amended or cancelled plan or diagram to the Surveyor-General to give effect to the amendment or cancellation;
  - (b) the applicant is liable for any expenditure resulting from the amendment or cancellation incurred by the City in respect of land that must be retransferred to or that reverts to the owner of the remainder of the land;
  - (c) after the subdivision or part thereof has been confirmed, any public place which has been closed must be given a deemed zoning or rezoned to an appropriate zoning; and
  - (d) the City must amend the zoning map and zoning register accordingly.

**Part 5**  
**Owners' association**  
(ss 61-63)

**61 Establishment and operation of an owners' association**

- (1) The City may, when approving an application for subdivision, require the applicant to establish an owners' association for an area determined in the conditions of approval.
- (2) The requirement may be imposed only if the applicant satisfies the City that the owners' association is likely to have the financial resources to maintain the private open space, private roads and other internal engineering services and amenities arising from the subdivision.
- (3) The owners of land units arising from the subdivision become members of the owners' association upon taking transfer of the land unit and may not resign from the owners' association.
- (4) No person may apply to the Registrar of Deeds for registration of, and the Registrar of Deeds may not register, a land unit arising from the subdivision without the consent of the owners' association, which consent may not be unreasonably withheld.
- (5) An owners' association –
  - (a) comes into existence upon the transfer of the first unit arising from the subdivision or part thereof;
  - (b) is a juristic person, has perpetual succession and is capable of suing and of being sued;
  - (c) has as its members all the owners of land units in the association's area who are jointly liable for the expenditure incurred in connection with the association; and
  - (d) must recover expenditure incurred in connection with the association from its members.
- (6) The applicant for approval of subdivision must call the first meeting of the owners' association within 60 days of the transfer of 60% of the land units arising from the subdivision or within two years of the transfer of the first land unit, whichever is the earlier.
- (7) An applicant who contravenes subsection (6) is guilty of an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).
- (8) Members of an owners' association must at the first meeting of the association elect the trustees of the association.
- (9) The applicant for approval of subdivision must within 60 days of the first meeting notify the City that the meeting has taken place and provide the City with a copy of the minutes of the meeting.
- (10) A home owners' association established in terms of a previous planning law and which exists at the commencement of this By-Law is deemed to be an owners' association established in terms of this By-Law.

**62 Constitution of an owners' association**

- (1) An owners' association must have a constitution which –
  - (a) must at least provide for –
    - (i) the association to act in accordance with the collective mutual interests of its members;
    - (ii) the control, administration and management of private open space, private streets and other services and amenities arising from the subdivision and buildings on land under the association's control for the benefit of all members;
    - (iii) the association's ownership of private open space, private streets and internal engineering services arising out of the subdivision concerned;
    - (iv) the obligation to enforce certain conditions of subdivision approval or management plans listed in the conditions;
    - (v) the matters in subsection 61(5);
    - (vi) where relevant, any further development which must form part of the association and the procedures for incorporating the development;
    - (vii) the regulation of at least one yearly meeting of its members;

- (viii) the prohibition of the transfer of a land unit arising from the subdivision unless the consent of the association has been obtained and the grounds upon which such consent may be refused;
- (ix) arrangements for the transfer of a land unit in the event that the association ceases to function; and
- (x) the association's implementation and enforcement of the provisions of subparagraphs (i) to (viii);
- (b) may also provide for –
  - (i) the control, administration and management of design guidelines for buildings and landscaping on land units arising from the subdivision, provided that design guidelines may not introduce more restrictive development rules or land uses than provided in the development management scheme;
  - (ii) financial penalties for a member who fails to comply with a provision of the constitution; and
  - (iii) any other matter determined by the association which does not conflict with this By-Law or any other law.
- (2) The City must certify that the constitution of an owners' association complies with subsection (1)(a).
- (3) The constitution of an owners' association, as certified by the City, is deemed to be the constitution of the owners' association and comes into force upon the transfer of the first land unit arising from the subdivision.
- (4) The constitution of an owners' association may be amended in accordance with the provisions of the constitution provided that an amendment concerning a matter in subsection (1)(a) becomes effective only when certified by the City.
- (5) The constitution of an owners' association and any amendment thereof must be lodged with the City and the latest copy duly lodged with the City, and which the City has certified in terms of subsection (2) or (4), is presumed to contain the operative provisions of the constitution.
- (6) The City is exempt from liability for any damage which may be caused by its certification of a constitution of an owners' association or an amendment thereof or by the loss of a constitution lodged with the City.
- (7) The owners' association must enforce the provisions of its constitution.

### **63 Owners' association which fails to meet an obligation or ceases to function**

- (1) If an owners' association fails to meet an obligation in section 61(5)(d) or section 62(1)(a)(ii) and the City believes that the community is adversely affected by the failure, the City may take appropriate action to rectify the failure.
- (2) The City may recover any expenditure in respect of the action contemplated in subsection (1) from the owners' association or its members, who are jointly liable.
- (3) The amount of any expenditure so recovered is considered to be expenditure incurred in connection with the owners' association for the purposes of section 61(5)(d).
- (4) If an owners' association ceases to function effectively or to carry out its obligations, the City may give the association a binding instruction to –
  - (a) hold a meeting and to reconstitute itself; or
  - (b) dissolve itself, subject to the amendment of the conditions of approval relating to an obligation to establish an owner's association and the removal of relevant provisions in the title deed.
- (5) In determining whether to act in terms of subsection (4)(a) or (4)(b), the City must have regard to –
  - (a) the purpose of the association;
  - (b) who will take over the maintenance of internal engineering services and other which the association is responsible for, if at all;
  - (c) the costs of upgrading the internal engineering services and other infrastructure if the City is to take over the infrastructure;
  - (d) the impact of the dissolution of the association on its members and the community;
  - (e) any written representations from the association and its members.
- (6) If the association is dissolved, the members must jointly pay the costs of –



- (a) the transfer to the City of the association's property which contains the internal engineering services and private open space;
  - (b) the upgrading of the internal engineering services to the standards of the City.
- (7) In the event that the owners' association has ceased to function and its constitution does not provide for an owner who wishes to transfer a land unit in that event, the owner must obtain the consent of at least 60% of the members of the association, which consent is deemed to be the consent of the owners' association unless the constitution provides for another procedure.

**Part 6**  
**Engineering services**  
(ss 64-66)

**64 Definitions in this Part**

In this Part, unless the context indicates otherwise –

**'bulk engineering service'** means an engineering service required to provide an engineering service to multiple users in the municipal area and includes the land required for the bulk engineering service;

**'external engineering service'** means a municipal engineering service situated outside the boundaries of a land area required to serve the use and development of the land area and is either a bulk engineering service or a link engineering service;

**'internal engineering service'** means an engineering service situated within the boundaries of a land area required for the use and development of the land area and which is to be owned and operated by the City or a service provider or an owners' association and may include a bulk engineering service or a link engineering service; and

**'link engineering service'** means an engineering service required to connect an engineering service situated within the boundaries of a land area to a bulk engineering service and includes the land required for the link engineering service.

**65 Responsibility for engineering services**

- (1) The City is responsible for the –
  - (a) provision of an external engineering service; and
  - (b) installation of a bulk engineering service if it is installed when planned according to the City's service master plans and capital budget.
- (2) An applicant is responsible for the –
  - (a) provision and installation of an internal engineering service;
  - (b) installation of a link engineering service, unless otherwise agreed with the City in writing; and
  - (c) installation of a bulk engineering service if the land development requires the installation of the bulk engineering service other than in accordance with the applicable service master plan or capital budget of the City, and if the City in the conditions of approval requires the applicant to perform the installation.
- (3) If necessary to maintain the functionality of the City's long-term plans, the City may require an applicant, when installing a bulk engineering service or a link engineering service, to install a service in excess of the capacity of service required for the land development.
- (4) Subject to subsection (5), the City must set off from the applicant's development charge liability the fair and reasonable costs to the applicant of installing the following when required by the City to do so –
  - (a) the portion of a link engineering service in excess of the capacity of service required for the land development; and
  - (b) a bulk engineering service.
- (5) An applicant is liable for the full costs of installing all bulk engineering services and link engineering services to meet the capacity of service required for the land development even if the costs exceed the total development charges for all phases of the development.

- (6) If the City is not the provider of a bulk engineering service or a link engineering service, the applicant must satisfy the City that adequate arrangements have been made with the relevant service provider or sphere of government for the provision of that service.
- (7) An applicant must ensure that the design of a bulk engineering service or a link engineering service to be installed by the applicant –
- (a) accords with the City's guidelines, design manuals, engineering practices and approved policies;
  - (b) meets the standard and capacity required by the City; and
  - (c) is approved in writing by the City before the engineering service is installed.
- (8) If the City requires the applicant to install a bulk engineering service or a link engineering service, the applicant may not commence installation until the applicant has concluded an engineering services agreement with the City.
- (9) The construction and installation of engineering services must be in accordance with plans and specifications which the applicant submitted to the City for the development or for each phase of the development and, if applicable, in accordance with the engineering services agreement.
- (10) An applicant may install internal engineering services and external engineering services in phases provided that –
- (a) such phasing is made a condition of approval; and
  - (b) the installation must be done in accordance with an approved phasing plan.
- (11) The City may grant an exemption from the installation of engineering services in accordance with a policy approved by the Municipal Council or in accordance with applicable legislation.

#### **66 Development charge**

- (1) The applicant must pay a development charge to the City in respect of the provision and installation of bulk engineering services and link engineering services in accordance with a policy adopted by the City.
- (2) The City may grant an exemption or rebate from the payment of development charges in accordance with a policy approved by the Municipal Council or in accordance with applicable legislation.
- (3) The development charge is subject to annual escalation as provided for in the approved policy.

### ***Part 7***

#### ***Exemption of certain subdivisions and consolidations from the need for approval (s 67)***

#### **67 Exemption of certain subdivisions and consolidations from the need for approval**

- (1) Subject to subsection (5), the subdivision or consolidation of land units does not require approval in terms of this By-Law if it arises from –
- (a) the implementation of a court order;
  - (b) an expropriation;
  - (c) an amendment of the common boundary between two or more land units if the resulting change in area of any of the land units is not more than 10%;
  - (d) the survey of closed streets or public open spaces in order to consolidate with an abutting land unit;
  - (e) construction or alteration of a public road or a public street;
  - (f) the need to transfer land units to the City or an organ of state in terms of the Deeds Registries Act for municipal or government purposes;
  - (g) the registration of a servitude or lease for the provision or construction of –
    - (i) an engineering service or other service provided by or on behalf of the state or a service provider including communication infrastructure and pipelines;
    - (ii) an encroachment into a road reserve; or
    - (iii) a municipal engineering service; or



- (h) an existing state- or City-owned housing scheme in order to make ownership of individual land units possible.
- (2) Subject to subsection (5), the City may, by notice in the *Provincial Gazette*, exempt any other type of subdivision application from the need for approval in terms of this By-Law if the exemption does not adversely affect the rights or legitimate expectations of any person.
- (3) Subject to subsection (4), the City may, on application, exempt a subdivision from the need for approval in terms of this By-Law if exceptional circumstances exist and if the exemption does not adversely affect the rights or legitimate expectations of any person.
- (4) The City must endorse on the plan of subdivision that a subdivision is exempt from the need for approval in terms of this By-Law.
- (5) The exemptions in subsection (1) and the power to exempt in subsection (2) do not apply –
  - (a) if a rezoning or any other land use approval in terms of this By-Law is required;
  - (b) when engineering services must be moved or provided; or
  - (c) if the subdivision is required to create individual land units for new housing.

**Part 8**  
**Emergency housing and urgent housing**  
(ss 68-69)

**68 Emergency housing**

- (1) In this section, unless the context indicates otherwise, ‘**emergency housing**’ means temporary housing required for households whose homes are uninhabitable as a result of a disaster situation caused by rain, flood, wind, fire, earthquake, accident or other circumstance sufficient in nature and scale to result in widespread homelessness and where the damage or threat to the homes cannot be rectified without temporary relocation and the households cannot be rehoused on site during the rectification.
- (2) If the City identifies a need for the establishment of emergency housing on land which is not zoned for the purpose, the City may approve the commencement of a process to declare the land to be an emergency housing site.
- (3) The City may approve the commencement of a process to declare the land to be an emergency housing site only if it is satisfied that basic water and sanitation services can be provided to the site and with the consent of owner of the land if the City is not the owner of the land.
- (4) The City must advertise its intention to establish an emergency housing site in accordance with the requirements of the Municipal Systems Act and any applicable City policy.
- (5) The notice must contain at least the following information-
  - (a) a description of the land and the physical address of the land;
  - (b) the reason for declaring the land to be an emergency housing site;
  - (c) that the City intends to suspend the zoning applicable to the land for a period of 90 days to allow the land to be used for emergency housing which would otherwise be in contravention of the development management scheme;
  - (d) details of where and when particulars of the matter are available for inspection;
  - (e) an invitation to members of the public to lodge with the City written comment or objection with reasons;
  - (f) details of the procedure for that person to submit written comment and the date by when it must be lodged (which may be no less than 10 days after the publication of the notice);
  - (g) a statement that no late comment or objection will be considered; and
  - (h) a statement that any person who cannot write may come during office hours to a stated place where an authorised official will assist that person by transcribing that person’s comment or objection and reasons.
- (6) To the extent necessary, the City must request the Provincial Minister for authorisation in terms of section 60(2) of the Land Use Planning Act to deviate from the provisions of that Act.
- (7) After considering any timeous comments, the City may declare the land to be an emergency housing site and suspend the zoning applicable to the land for a period of up to 90 days to allow the land to be used for emergency housing.

- (8) A declaration contemplated in subsection (7) –
  - (a) must be published by the City in the *Provincial Gazette* within 48 hours;
  - (b) means that the use of the land for emergency housing will be regarded as consistent with this By-Law; and
  - (c) does not exempt a person using land for emergency housing from their duty to comply with all other applicable law.
- (9) After following a process which complies with the provisions of this section, the City may extend the declaration contemplated in subsection (7) for a further period of up to 90 days.

## **69 Urgent housing**

- (1) Subject to subsection (2), the City may declare an application for the establishment of housing to be an urgent housing application.
- (2) The City may declare an application to be an urgent housing application only if –
  - (a) the application relates to government-subsidised housing; and
  - (b) the land concerned is either –
    - (i) designated for government subsidised housing in terms of the integrated development plan, the municipal spatial development framework, a district spatial development framework or a local spatial development framework; or
    - (ii) subject to an established high demand for government subsidised housing and a low supply of housing opportunities.
- (3) The City may to the extent necessary exempt the applicant from a procedural requirement or shorten a time period provided for in this By-Law, provided that the procedure must still comply with the provisions of applicable legislation dealing with advertising.
- (4) To the extent necessary, the City must obtain authorisation from the Provincial Minister in terms of section 60(1) of the Land Use Planning Act to deviate from the provisions of that Act in the processing of an urgent housing application.

## **CHAPTER 7. GENERAL PROCEDURES FOR ALL APPLICATIONS (ss 70-113)**

### **Part 1 Making an application (ss 70-78)**

## **70 Pre-application consultation**

- (1) The City may require an applicant to consult with an authorised official prior to submitting an application in terms of this By-Law in order to determine among other things the –
  - (a) information which must be submitted with the application;
  - (b) nature of the public notification to be carried out in accordance with Chapter 7;
  - (c) investigations which must be carried out;
  - (d) further applications required in terms of this By-Law or any other relevant law;
  - (e) sequence in which the applications should be processed;
  - (f) combined advertising of different applications required in terms of different laws;
  - (g) engineering services required and the need to liaise with other organs of state for services regarding engineering services;
  - (h) liaison required with other organs of state in order to align procedures for processing applications in terms of different legislation; and
  - (i) whether a package of plans approach is to be followed.
- (2) The City Manager may prescribe requirements to determine whether an application requires pre-application consultation, the nature of the information that is required, the procedures to be followed and the time periods within which such meetings must take place.
- (3) An applicant may in writing request a pre-application consultation.
- (4) The City must keep a record of a pre-application consultation.

## 71 Information required

- (1) An application must be accompanied by at least –
  - (a) the prescribed application form completed and signed by the applicant and owner, where the applicant is not the owner;
  - (b) the following authority –
    - (i) if the applicant is not the owner of the land, a power of attorney signed by the owner and the owner's contact details;
    - (ii) if the owner is a company, close corporation, trust, body corporate or an owners' association, proof that the applicant is authorised to act on behalf of the owner;
    - (iii) if the owner is a close corporation or company proof that a close corporation or company has not been deregistered and is not in the process of being deregistered;
    - (iv) if the owner is a trust, a copy of the Trust Deed; and
    - (v) the consent of any mortgage bond holder, if any, in respect of an application prescribed by the City Manager;
    - (vi) the name of the representative with whom, and the method by which, the City will liaise and notify;
  - (c) proof of payment of all fees in respect of the application;
  - (d) if pre-consultation has taken place, the record of the pre-consultation proceedings;
  - (e) a full copy of the title deed and if required by the City Manager, a conveyancer's certificate indicating that there are no restrictive conditions relating to the application;
  - (f) a locality plan, layout plan or plan depicting the proposed development in its cadastral context;
  - (g) a copy of the Surveyor-General's diagram of the subject property or extract from the approved general plan;
  - (h) written motivation for the application based on the criteria for decision and information to support such motivation;
  - (i) the information required in the pre-consultation;
  - (j) sufficient information as required in terms of the City's approved Development Charge policy;
  - (k) any additional information that the City Manager prescribes in relation to that type of application;
  - (l) any additional information that the City Manager calls for in relation to that particular application;
  - (m) in the case of an application for the subdivision of land, the subdivision plan showing the following –
    - (i) location of the proposed land units;
    - (ii) proposed zonings in respect of the proposed land units;
    - (iii) public places;
    - (iv) existing structures;
    - (v) existing and proposed access points;
    - (vi) servitudes;
    - (vii) contours with at least a 1m interval or such interval as the City Manager may prescribe;
    - (viii) existing external engineering services;
    - (ix) any significant natural features;
    - (x) street furniture;
    - (xi) scale of the plan; and
    - (xii) the proposed names and numbers of streets.
- (2) If a subdivision is to be implemented in phases, the subdivision application must be accompanied by a phasing plan showing –
  - (a) the proposed timeline for the completion of the entire subdivision;
  - (b) how the subdivision will be implemented and what engineering services must be in place before a certificate contemplated in section 137 may be granted;
  - (c) that the engineering services for each phase will be able to function independently and in sequence;

- (d) the links in engineering services to the next phase;
  - (e) proposed measures to avoid or mitigate any adverse impact on adjoining land units or proposed land units not located within the phase to be developed; and
  - (f) a map indicating –
    - (i) the proposed subdivision which clearly marks, in bold lines, the boundaries of each proposed phase;
    - (ii) each phase labelled alphabetically; and
    - (iii) the roads, land units, open spaces, internal engineering services and external engineering services that the applicant will provide for each phase.
- (3) If an application for subdivision requires a servitude over land which does not belong to the applicant, the applicant must provide a copy of a written agreement with the owner of the land over which the servitude will be registered.
- (4) If an owners' association is to be established, the applicant must provide an indication of the financial costs of the maintenance of the private open spaces, private streets and internal engineering services and amenities for the owners' association.
- (5) An application must comply with any information specification of the City Manager in respect of that particular application or that type of application relating to matters such as size, scale, colour, number of hard copies, electronic format and file format.
- (6) The City Manager may in writing waive any information requirement for a particular application or a type of application.

## **72 Application fee**

- (1) Before submitting an application, an applicant must pay the application fee.
- (2) The City may refund an application fee only if permitted by the City's Tariff, fees and charges book.

## **73 Refusal to accept an application**

- (1) The City must refuse to accept an application if –
  - (a) a pre-application consultation is required but has not taken place;
  - (b) the City has not received the application fee;
  - (c) the application does not comply with an information specification, lacks necessary information required in terms of section 71 or contains manifestly incorrect information; or
  - (d) in the City's opinion, a materially similar application was refused within the previous six months (other than by way of a deemed refusal contemplated in section 75(4)) and there has been no relevant change in law or policy or the factual considerations upon which the decision to refuse was based have not changed.
- (2) The City may refuse to accept an application if the application is not accompanied by an application for any other approval required in terms of this By-Law.

## **74 Acceptance of application and call for additional information**

If the City accepts the application, the City Manager must –

- (a) acknowledge receipt of an application either by means of a stamp on the submitted application on the day of receipt or in writing;
- (b) within 14 days after receipt of the application or such further period as may be agreed in writing either –
  - (i) call for additional information or fees; or
  - (ii) notify the applicant that the application is complete.

## **75 Additional information**

- (1) The applicant must, within 30 days or such further period agreed with the City Manager, provide the City with any additional information which the City Manager calls for.
- (2) If the applicant provides additional information or fees which the City Manager considers inadequate or non-compliant with an information specification, the City Manager may within 14 days or such further period as may be agreed, in writing either –

- (a) again call for additional information or fees; or
  - (b) notify the applicant that the application is closed, in which event subsection (4) applies.
- (3) If the applicant does not timeously provide the additional information and does not timeously request the City Manager to make a determination as contemplated in subsection (5), the City may close the application and notify the applicant in writing.
- (4) If the City closes the application –
- (a) the application is deemed to be refused; and
  - (b) the applicant may submit a new application and must pay a new application fee.
- (5) If the applicant disputes that the additional information is necessary, the applicant may, within 21 days of the call for information, request the City Manager to make a determination.

## **76 Complete application**

- (1) An application is complete if the City has received the application fee, all information necessary for the City to assess the application and the information submitted is compliant with all information specifications.
- (2) Within 14 days after receipt of any additional information which the City Manager called for and considers adequate and compliant with all information specifications, the City Manager must notify the applicant in writing that the application is complete.
- (3) The date that an application is complete is regarded as the date of submission.

## **77 Withdrawal of application**

- (1) An applicant may, at any time prior to a decision being taken, withdraw an application on written notice to the City.
- (2) If an applicant withdraws their application –
- (a) the application fee is not refundable; and
  - (b) the applicant must submit a new application to proceed with the application.

## **78 Duties of an applicant**

- (1) An applicant must ensure that –
- (a) no misrepresentation is made to the City;
  - (b) the City is not misled;
  - (c) all information furnished to the City is accurate; and
  - (d) the application does not omit any relevant information.
- (2) A person who contravenes subsections (1)(a) or (1)(b) is guilty an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).

## **Part 2** **Notice and comment** (ss 79-95)

## **79 Notice of application**

- (1) The City must, in accordance with the requirements of this Part, cause notice to be given of its intention to consider an application.
- (2) Subject to sections 80, 81 and 82, the City may require the use of or use any one or a combination of these methods of notice –
- (a) publish a notice in the media as contemplated in section 81;
  - (b) serve a notice to a person as contemplated in section 82;
  - (c) serve a notice of no objection as contemplated in section 84.
- (3) The City may, in addition to the methods contemplated in subsection (2), require the applicant to display a site notice which must –
- (i) be laminated and of a size of at least 60 cm by 42 cm;
  - (ii) be displayed on every boundary of the land unit or units concerned which abut a street or at any other conspicuous place on the unit or units which the public is likely to see;

- (iii) be displayed for a period and from a date set by the City Manager, which may not be less than 30 days; and
  - (iv) be replaced if it is damaged or removed during the notification period.
- (4) Where an applicant gives notice, the applicant must provide proof to the City within seven days of giving notice.
- (5) Subject to the requirements of national and provincial legislation, the City Manager may exempt an application from a public notification process if the application does not materially and adversely affect the rights of the public.

## **80 Content of notice**

- (1) Any notice which is given regarding an application must contain the following information –
  - (a) details of the applicant and the owner of the land unit (if different from the applicant);
  - (b) description and physical address of the land unit;
  - (c) the purpose of the application to which the notice relates;
  - (d) details of where and when particulars of the application of which notice is given are available for inspection;
  - (e) an invitation to members of the public to lodge with the City written comment or objection with reasons;
  - (f) details of the procedure for a person to submit written comment or objection and the date by when it must be lodged (which may not be a date less than 30 days from the date of the notice);
  - (g) a statement that no late comment or objection will be considered unless the City Manager has agreed in writing; and
  - (h) a statement that any person who cannot write may come during office hours to a stated place where an authorised official will assist that person by transcribing that person's comment or objection and reasons.
- (2) The notice must require a person providing written comment or objection to provide the details contemplated in section 90(5).

## **81 Notice in the media**

- (1) The City Manager must cause notice to be given in the media of the City's intention to consider an application listed in section 43 and 44 of the Land Use Planning Act.
- (2) The City Manager may prescribe any other type or category of application that requires the publication of a notice in the media.
- (3) A notice in the media contemplated in subsection (1) or (2) must be published—
  - (a) in accordance with section 21 of the Municipal Systems Act in at least two of the official languages of the Province most spoken in the area concerned; and
  - (b) if publication as contemplated in paragraph (a) is considered to be ineffective, through other effective means, which may include announcements through a loudhailer, publication on websites or community notice boards, or communication through email lists or social media.

## **82 Notice to a person**

- (1) The City Manager must cause a notice to be served, as contemplated in subsections (2) and (4), of the City's intention to consider the following applications –
  - (a) determination of a zoning or deemed zoning;
  - (b) rezoning of land;
  - (c) subdivision or amendment of subdivision;
  - (d) consolidation;
  - (e) amendment or imposition of a condition;
  - (f) removal, suspension or amendment of a restrictive condition;
  - (g) any other category of application contemplated in section 42(u) that the City Manager prescribes.
- (2) The notice must be served –



- (a) on a person whose rights or legitimate expectations are materially and adversely affected if the application is approved;
  - (b) in accordance with section 111 of this By-Law.
- (3) If the City intends to rezone land which it does not own it must give notice to the owner.
- (4) If notice is given in only one official language of the Province, the notice must contain a statement in each of the other official languages of the Province that the City will, upon request delivered within seven days of notification, translate the notice into another official language of the Province.

### **83 Notice to a representative**

The City Manager may prescribe a category of application contemplated in section 42 which must be served on –

- (a) a councillor for the area to which the application relates; or
- (b) a named organisation which represents an interest to which the application relates and which is registered with the City for this purpose.

### **84 Notice of no objection**

- (1) The City Manager may cause a notice to be served as contemplated in subsection (2) of the City's intention to consider the following applications –
  - (a) departure;
  - (b) consent use;
  - (c) extension of time period;
  - (d) consent in terms of or relaxation of a restrictive condition where provided for in the title deed condition;
  - (e) any other form of permission required in terms of the development management scheme.
- (2) The notice must contain at least –
  - (a) the information contemplated in sections 80(1)(a) - 80(1)(d);
  - (b) details of the land use proposal or building plan number, date and version as the case may be;
  - (c) provisions to permit the person to whom notice is given to sign indicating that they have no objection to the proposed application and waiving their right to be notified in accordance with section 82; and
  - (d) information relating to the person's right to have the application advertised to them so that they may comment or object to the application.
- (3) Unless an alternative method of service is authorised by the City Manager, the notice must be served personally on a person whose rights or legitimate expectations are likely to be materially and adversely affected by the approval of the application.
- (4) The procedure in section 82 must be followed if –
  - (a) the information on the notice of no objection is incomplete; or
  - (b) an affected owner refuses to sign a notice of no objection or cannot be contacted to sign the notice.
- (5) If the applicant furnishes a notice of no objection from all the persons the City Manager identifies, then –
  - (a) that date will be regarded as the date of closure of the period for public comment; and
  - (b) the provisions of the Part do not apply, apart from sections 86, 87, 88, and 95.

### **85 Deemed notice to owners in a sectional title development**

- (1) Where there is a sectional title development constituted under the Sectional Titles Act, notification to the Body Corporate concerned is deemed to be notification to all owners in that sectional title development.
- (2) The Chairperson of the Body Corporate must ensure that all owners in the sectional title development are notified.



**86 Notice to the Provincial Government**

- (1) When an application relating to any of the following is complete (in accordance with section 76), the City must refer the application to the head of the department in the Provincial Government responsible for land use for comment –
- (a) a development outside of the City's development edge line in the municipal spatial development framework;
  - (b) a rezoning of land zoned for agricultural purposes or conservation purposes;
  - (c) a development prescribed by the City Manager; and
  - (d) a development prescribed by the Provincial Government.
- (2) The City may not decide on an application contemplated in subsection (1) until –
- (a) it has received comment from the head of department; or
  - (b) no comment has been received with 60 days of referral, or such further period agreed by the City Manager, in which event the Provincial Government will be regarded as having no comment.

**87 Notice to an organ of state other than the Provincial Government**

- (1) An organ of state which is given notice of an application and invited to comment must do so within 60 days of –
- (a) notification; or
  - (b) receiving all information reasonably necessary to comment if the application is incomplete and the organ made a request for additional information within 14 days of notification.
- (2) An organ of state that fails to comment within the period contemplated in subsection (1) will be regarded as having no comment.
- (3) An organ of state may be given notice by means of email addressed to the Head of Department or Director General of that organ of state.

**88 Internal circulation**

- (1) The City Manager must forward an application simultaneously to every department of the City which may have a direct interest in the application.
- (2) A department must submit comment relevant to the functional area of that department within the time period set by the City Manager, failing which it will be regarded as having no comment.
- (3) If as a result of circulation to departments, the City Manager requires additional information, the provisions of section 75 apply.

**89 Intervener**

- (1) A person contemplated in subsection (2) may, within the period contemplated in subsection (3), submit a petition on the prescribed form to the City Manager to be granted intervener status.
- (2) A person may submit a petition only if he or she has not been given notice of the application in terms of sections 82 or 83 and –
- (a) if the application has not yet been decided – the petitioner has an interest in the application; or
  - (b) if the application has been decided – the petitioner has a pecuniary or proprietary interest which is adversely affected or is able to demonstrate that she or he will be adversely affected by the decision or an appeal in respect of the decision.
- (3) A petition is invalid if it is submitted –
- (a) more than seven days after the petitioner became aware of the application or might reasonably have been expected to have become aware of the application; or
  - (b) after the effective date of decision contemplated in section 105(2).
- (4) A petitioner must submit together with the petition –
- (a) if the application has not yet been decided – in accordance with section 90(5), any objection, comment or representations and the reasons therefor that the petitioner wishes the decision-maker to consider;

- (b) if the application has been decided – a written notice of appeal and grounds of appeal in accordance with section 108(1); and
  - (c) an affidavit stating that he or she is not colluding with any applicant, objector or appellant and is willing to act in regard to the application or appeal as the City may direct.
- (5) The City Manager must provide a copy of the petition and the information contemplated in subsection (4) to the existing parties to the proceedings for comment.
- (6) The City Manager may –
- (a) refuse a petition if it is late;
  - (b) if there is no question that the petition should be granted, grant the petitioner intervener status; or
  - (c) in the event that a question arises as to whether the petition should be granted, refer the petition for determination to –
    - (i) the Municipal Planning Tribunal or the authorised official who must decide the application if the application has not yet been decided; or
    - (ii) the appeal authority if the application has been decided.
- (7) In deciding whether to grant a petitioner intervener status, the Municipal Planning Tribunal, authorised official or appeal authority, as the case may be, must consider at least whether –
- (a) the petitioner qualifies in terms of subsection (2);
  - (b) no existing party to the proceedings adequately represents the interest of the petitioner;
  - (c) the petitioner represents other persons who have a similar interest in the proceedings and who are not otherwise represented;
  - (d) refusing the petition would impede the ability of the petitioner to protect his or her interest;
  - (e) the petitioner's objection, comment or representations are relevant to the proceedings, different from those of the existing parties, and would assist the decision-maker; and
  - (f) granting the petition would not cause undue delay or otherwise prejudice the interest of any party to the proceedings.
- (8) The decision-maker must notify the petitioner and the existing parties to the proceedings of the outcome of the petition.
- (9) There is no appeal against a determination to grant or to refuse a petition.
- (10) A person who is granted intervener status after an application is decided is regarded as an appellant.

## **90 Objection to an application**

- (1) A person who has been invited to comment or object, or any person in response to a public invitation to comment or object, may object to, comment on or make representations about the application in accordance with this section.
- (2) An objection, comment or representation must be in writing.
- (3) A late objection, comment or representation will not be considered unless the City Manager condones the late submission in terms of subsection (4).
- (4) The City Manager may condone the late submission of an objection, comment or representation if good cause is shown and consideration of the late objection, comment or representation would not –
- (a) cause an unreasonable delay; or
  - (b) prejudice the public interest.
- (5) A person who submits an objection, comment or representation must provide –
- (a) sufficient details of the application for it to be readily identified;
  - (b) their full name;
  - (c) their address and other contact details and the method by which they may be notified;
  - (d) their interest in the application;
  - (e) the reason for their objection, comment or representation, including at least –
    - (i) the effect that the application will have on them or the area;

- (ii) any aspect of the application that is considered to be inconsistent with policy, and how.
- (6) An objection, comment or representation which does not meet the requirements of subsection (5) may be disregarded.
- (7) The City Manager may keep the information provided under subsections (5)(b) and (5)(c) confidential on good cause shown.
- (8) No person may request the payment of money or any other form of consideration from the applicant or any person involved in the application in return for not submitting an objection or in return for submitting a notice of no objection or a supportive comment.
- (9) No person may offer a person payment of money or any other form of consideration in return for not submitting an objection or for submitting a notice of no objection or a supportive comment.
- (10) Subsections (8) and (9) do not prohibit the request for or the offer to undertake measures to mitigate the impact of the development contemplated in the application.
- (11) A person who contravenes subsections (8) or (9) is guilty an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).

## **91 Petition**

- (1) The minimum requirements of a petition are that –
  - (a) each page of the petition must contain –
    - (i) sufficient details of the application for it to be readily identified;
    - (ii) a brief statement of and reason for the petition; and
    - (iii) the effect that the application will have on the petitioners or the area;
  - (b) each petitioner must give their full name, physical address and signature;
  - (c) when the petition is submitted, the authorised representative of the petitioners must give their full name, postal address, telephone number and email address or fax number.
- (2) A petition must be submitted within the time allowed for public comment as contemplated in Chapter 7.
- (3) A late petition will not be considered unless the City Manager condones a late submission in terms of subsection (4).
- (4) The City Manager may condone the late submission of a petition if good cause is shown and consideration of the late petition would not –
  - (a) cause an unreasonable delay; or
  - (b) prejudice the public interest.
- (5) Notice given to the person contemplated in subsection (1)(c) will be regarded as notice to all petitioners.
- (6) If support for a petition is collected electronically, the provisions of this section apply as far as possible, provided that no signatures will be required.
- (7) A petition which does not meet the requirements of subsection (1) may be disregarded.
- (8) A petition will be regarded as a representation for the purposes of this Part.

## **92 Response from the applicant**

- (1) Within 14 days of the closing date for comment, the City Manager must provide the applicant with –
  - (a) copies of all comments, representations or objections received;
  - (b) requirements of a department of the City; and
  - (c) a notice informing the applicant of their rights in terms of this section.
- (2) Within 30 days of notification, or within an additional period of 14 days if the City Manager approves an extension before expiry of the 30 days, the applicant may submit to the City a written response to the comments, representations, objections and requirements.
- (3) An applicant who fails to submit a response within the period contemplated in subsection (2) will be regarded as having no response.

- (4) The applicant may elect to not submit a response in terms of subsection (2), in which event the date that the City receives a written communication to that effect will be regarded as the date of the applicant's response.

### **93 Amendment of application before decision**

- (1) The applicant may amend their application at any time after notice has been given in terms of this By-Law and prior to the date a decision is taken –
- (a) at the applicant's own initiative;
  - (b) as a result of objections and comments made during the public notification process;
  - or
  - (c) at the request of the City.
- (2) If an amendment is material, the City may require additional notification in terms of this By-Law and may require the recirculation of the application.

### **94 Further notice**

- (1) The City may require that fresh notice of an application be given if a period of more than 24 months has elapsed since the first notice of the application and the application has not been decided.
- (2) The City may determine the manner of giving notice as contemplated in subsection (1).
- (3) The City may require notice of an application to be republished or served again and recirculated to departments at any stage during the processing of the application if new information comes to its attention which is material to the consideration of the application and which adversely affects any person.

### **95 Access to information about an application**

- (1) By lodging an application in terms of this By-Law, the applicant acknowledges that the information contained in the application and obtained during the process may be made available to the public.
- (2) By lodging an objection, representation, comment or appeal, the person doing so acknowledges that information may be made available to the public and to the applicant.
- (3) A file created by the City concerning the application is available for inspection by the public during office hours at any stage during the processing of the application if not being used by the Department.
- (4) After a decision has been taken, the decision and conditions imposed are available to the public on payment of the fee prescribed by the City's Tariff, fees and charges book.

## ***Part 3***

### ***Process and criteria for deciding application***

*(ss 96-103)*

### **96 Power to conduct inspection**

- (1) An authorised official may enter land or a building for the purpose of assessing an application in terms of this By-Law and preparing a report contemplated in section 97.
- (2) When conducting an inspection, the authorised official may –
- (a) request that any record, document or item be produced to assist in the inspection;
  - (b) make copies of, or take extracts from any document produced by virtue of paragraph (a) that is related to the inspection;
  - (c) on providing a receipt, remove a record, document or other item that is related to the inspection;
  - (d) take any photograph that the authorised official considers necessary; and
  - (e) inspect any building or structure and make enquiries regarding that building or structure.
- (3) No person may interfere with an authorised official who is conducting an inspection contemplated in subsection (1).

(4) The authorised official must, on request, produce identification showing that the City has authorised them to conduct the inspection.

(5) An inspection under subsection (1) must take place at a reasonable time and after reasonable notice to the owner or occupier of the land or building.

#### **97 Assessment of application**

(1) The Department must provide a written report for consideration by the decision maker containing –

- (a) an assessment of the application;
- (b) a recommendation;
- (c) where applicable, proposed conditions; and
- (d) copies of all relevant information to enable the decision maker to take an informed decision.

(2) The Department must provide the report contemplated in subsection (1) to the decision maker within the time period determined by the City Manager.

(3) In the event that the Department fails to provide the report within the time period contemplated in subsection (2), the applicant may request the City Manager to take steps to ensure that the report is provided to the decision maker within 30 days of the City Manager deciding that the report must be provided.

(4) Where a decision is to be taken by an authorised official, the authorised official taking the decision must be senior to or at the same level as the authorised official assessing the application and making a recommendation.

(5) A registered planner must provide the report contemplated in subsection (1) when dealing with the –

- (a) adoption or an amendment of the municipal spatial development framework;
- (b) approval or amendment of the development management scheme;
- (c) rezoning of land;
- (d) subdivision of land into more than 20 land units;
- (e) determination of a zoning;
- (f) approval of an overlay zone through the amendment of this By-Law;
- (g) removal, suspension or amendment of a restrictive condition, if a change of land use is involved;
- (h) amendment, deletion or additional conditions in respect of an existing use right; or
- (i) phasing, amendment or cancellation of a plan of subdivision or a part thereof.

#### **98 Determination of application**

The City may in respect of an application –

- (a) conduct any necessary investigation including the power to conduct an inspection as contemplated in section 96;
- (b) approve the application –
  - (i) in whole or in part;
  - (ii) with an amendment provided that the amendment does not materially change the nature of the application;
  - (iii) subject to conditions set out in section 100; and
  - (iv) limit the approval to one or more of the uses included within the zoning or description of the consent use in case of an approval of a rezoning application or a consent use;
- (c) refuse the application;
- (d) make an appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this By-Law and other applicable law.

#### **99 Criteria for deciding application**

(1) An application must be refused if the decision-maker is satisfied that it fails to comply with the following minimum threshold requirements –

- (a) the application must comply with the requirements of this By-Law;
  - (b) the proposed land use must comply with or be consistent with the municipal spatial development framework, or if not, a deviation from the municipal spatial development framework must be permissible;
  - (c) the proposed land use must be desirable as contemplated in subsection (3); and
  - (d) in the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone.
- (2) If an application is not refused under subsection (1), when deciding whether or not to approve the application, the decision maker must consider all relevant considerations including, where relevant, the following –
- (a) any applicable spatial development framework;
  - (b) relevant criteria contemplated in the development management scheme;
  - (c) any applicable policy approved by the City to guide decision making;
  - (d) the extent of desirability of the proposed land use as contemplated in subsection (3);
  - (e) impact on existing rights (other than the right to be protected against trade competition);
  - (f) in an application for the consolidation of land unit –
    - (i) the scale and design of the development;
    - (ii) the impact of the building massing;
    - (iii) the impact on surrounding properties; and
  - (g) other considerations prescribed in relevant national or provincial legislation.
- (3) The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable –
- (a) economic impact;
  - (b) social impact;
  - (c) scale of the capital investment;
  - (d) compatibility with surrounding uses;
  - (e) impact on the external engineering services;
  - (f) impact on safety, health and wellbeing of the surrounding community;
  - (g) impact on heritage;
  - (h) impact on the biophysical environment;
  - (i) traffic impacts, parking, access and other transport related considerations; and
  - (j) whether the imposition of conditions can mitigate an adverse impact of the proposed land use.
- (4) An application in respect of an existing use or construction work which has commenced in contravention of this By-Law must be dealt with in terms of section 130.
- (5) No decision required to be made in terms of this By-Law may be delayed pending the creation of a policy to guide decision-making on the matter.

## **100 Conditions of approval**

- (1) The City, when granting an approval or making a determination in terms of this By-Law, may impose reasonable conditions which arise from the proposed use of land.
- (2) The conditions may include but are not limited to conditions relating to –
- (a) the provision of land needed for public places or the payment of money in lieu of the provision of land;
  - (b) the cession of land or the payment of money;
  - (c) the provision and installation of engineering services and indicate –
    - (i) whether the applicant is required to provide or install engineering services as contemplated in section 65, or pay a development charge, or partly provide or install the engineering services and partly pay a development charge;
    - (ii) if relevant, the development charge payable and the date that it is payable;
    - (iii) if a phasing plan for the development is approved, that the installation of engineering services and the payment of development charges may take place separately for each phase;



- (iv) if the City will take over responsibility for the engineering services, whether the applicant is required to maintain the engineering services for a specified period of time or provide a maintenance guarantee;
  - (v) a requirement to provide proof that an organ of state or state owned enterprise responsible for the provision of a service, is able to provide that service before the transfer of the first land unit;
  - (d) the provision of land needed by, and other requirements of, other organs of state;
  - (e) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where ownership vests in the City;
  - (f) the registration of public places in the name of the City;
  - (g) the transfer of ownership to the municipality of land needed for other public purposes or community facilities;
  - (h) the implementation of a subdivision in phases;
  - (i) the establishment of an owners' association by the applicant in respect of a subdivision as contemplated in section 61;
  - (j) a requirement to carry forward into the title deed of each land unit arising from an approved subdivision that -
    - (i) every owner of a land unit arising from an approved subdivision becomes a member of the owners' association on registration of transfer in their name and must remain a member whilst owning the land unit; and
    - (ii) the land unit may not be sold or transferred except with the consent of the owners' association which may not be unreasonably withheld;
  - (k) the payment of a administrative penalty as contemplated in section 129 in respect of the unlawful use of land;
  - (l) conditions contemplated in the development management scheme in respect of a particular application.
- (3) A condition contemplated in subsection (2)(b) may require a proportional contribution to municipal public expenditure according to the normal need arising from the approval, as determined by the City in accordance with norms and standards as may be prescribed or in accordance with an approved policy.
- (4) Municipal public expenditure contemplated in subsection (3) includes, but is not limited to, municipal public expenditure for municipal service infrastructure and amenities relating to –
- (a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;
  - (b) environment conservation purposes;
  - (c) engineering services; or
  - (d) municipal public transport.
- (5) Apart from public places and land needed for internal engineering services, any additional land required by the City or another organ of state arising from an approved subdivision must –
- (a) be acquired subject to any applicable law that provides for the acquisition or expropriation of land;
  - (b) be purchased at the time specified in a condition or in the absence of any time specified in the condition, when the applicant can prove to the City or organ of state that 50% of the saleable land units arising from the subdivision have been sold.
- (6) Where relevant to the type of condition, a condition must contain an objective criterion which must be met.
- (7) The decision maker may not impose a condition that stipulates that approval in terms of other legislation is required.
- (8) If the City approves an application subject to a condition, it must specify the date or event by which a condition must be met (such as before the sale, development or transfer of the land), or whether it applies for the duration of the approval.
- (9) A conditional approval of an application lapses if a condition is not met within –
- (a) the period for compliance specified in such approval;
  - (b) if no period for compliance is specified in the approval, five years from the effective date of decision; or
  - (c) any period of extension granted in terms of section 107.



### **101 Further conditions and amendment of conditions**

The City may amend or remove a condition imposed or deemed to have been imposed in terms of this By-Law, or impose a condition –

- (a) on application; or
- (b) on its own initiative after notice to the owner and any affected person.

### **102 Timeframe for making a decision**

(1) If an application complies with all the requirements of this By-Law and any other applicable legislation the decision-maker must decide on the application within 180 days or such other period agreed with the applicant, calculated from –

- (a) the date the application is complete as contemplated in section 76, in cases where no notice of the application has been given.
- (b) the latest closing date for the submission of comments, objections or representations, where the City does not receive any comment, objection or representation; or
- (c) the date that the applicant responds to comments, objections or representations or the closing date for a response if the applicant does not respond, where the City receives a comment, objection or representation.

(2) The City may (without the applicant's agreement) extend the period contemplated in subsection (1) and notify the applicant of the period of the extension and the reasons for the extension –

- (a) in exceptional circumstances related to the nature or complexity of the application;
- (b) if the City is in recess; or
- (c) where the City Manager has taken steps contemplated in section 97(3) to ensure that the report contemplated in that subsection is provided to the decision maker.

### **103 Failure to decide timeously**

If the decision maker fails to decide on an application within the period referred to in section 102, then the applicant may exercise a right of appeal and the appeal authority must decide on the application.

## **Part 4 Decision (ss 104-106)**

### **104 Requirement for writing and notification of decision**

(1) A decision in terms of this By-Law is valid only if it is in writing.

(2) Within 21 days of a decision in terms of this By-Law, the City must notify the persons contemplated in subsection (3) in writing of –

- (a) the decision;
- (b) where the decision may be inspected;
- (c) if applicable, their right of appeal and right to request reasons; and
- (d) the effective date of decision contemplated in section 105.

(3) The City must notify the following persons if applicable –

- (a) the owner;
- (b) the applicant, if different from the owner;
- (c) any person who comments on, objects to, or intervenes in an application; and
- (d) a person in respect of whom an enforcement action is taken in terms of Chapter 9.

### **105 Effective date of decision**

(1) The operation of the approval of an application is suspended until the effective date of the decision contemplated in subsections (2) and (3).

(2) The effective date of a decision in terms of this By-Law is –

- (a) the date that the City gives notice that no appeal has been timeously lodged and that the decision is accordingly effective; or

- (b) subject to subsection (3), if an appeal is timeously lodged, the date that the appeal is decided by the appeal authority.
- (3) If an appeal is lodged only against a condition imposed in terms of section 100, the City may determine that the operation of the approval of the application is not suspended.
- (4) In the event that a decision is challenged in an application for administrative review before a competent court, the City may on application suspend the operation of the decision pending the final determination of the review.

#### **106 Errors and omissions**

- (1) The City may at any time correct an error in the wording of its decision as long as the correction does not change its decision or result in an alteration, suspension or deletion of a condition of its approval.
- (2) The City may at any time, of its own accord or on application by an applicant or interested party, upon good cause being shown, condone an error in the procedure provided that such condonation does not have material adverse impact on or unreasonably prejudice any party.

### ***Part 5*** ***Extension of validity of an approval*** ***(s 107)***

#### **107 Extension of validity of an approval**

- (1) Subject to the remaining provisions of this section, and unless another provision of this By-Law provides otherwise, the City may approve an application for the extension of the validity period of an approval granted or deemed to be granted in terms of this By-Law.
- (2) The City may not grant the extension if –
  - (a) the application for extension is submitted after the validity period has expired;
  - (b) the circumstances which prevailed at the time of the original approval have materially changed;
  - (c) the legislative or policy requirements applicable to the approval which prevailed at the time of the original approval have materially changed;
  - (d) the City believes that new or further conditions of approval are necessary; or
  - (e) an approval for a temporary departure was granted.
- (3) An extension may not exceed five years from the date that the original approval lapses.
- (4) An extension takes effect and is calculated from the date that the original approval lapses regardless of the date upon which the extension is granted.
- (5) A validity period may be extended only once.
- (6) If the City has not decided an application contemplated in subsection (1) by the date of expiry of the original validity period, the use rights at issue may not be exercised until and unless the City extends the validity period.

### ***Part 6*** ***Appeal*** ***(ss 108-109)***

#### **108 Appeal**

- (1) A person contemplated in subsection (2) and an applicant contemplated in section 103 may appeal to the appeal authority by giving written notice of the appeal and grounds of appeal.
- (2) The following persons may appeal against a decision made in terms of this By-Law –
  - (a) the applicant;
  - (b) the owner if the owner is not the applicant;
  - (c) the City Manager;
  - (d) a person contemplated in section 89 who is granted intervener status;
  - (e) a person contemplated in section 90(1) who submits a comment on or objection to the application which complies with the requirements of section 90; and

- (f) the owner or other person –
  - (i) in respect of whom the City decides in terms of section 127 to withdraw an approval for a temporary departure or an approval granted for a limited period of time;
  - (ii) who is issued with a directive in terms of section 128; or
  - (iii) upon whom an administrative penalty contemplated in section 129 is imposed.
- (3) An appeal contemplated in subsection (1) must be lodged within 21 days of the date of notification of the decision or, in the case of an appeal contemplated in section 103, within 21 days of the expiry of the period referred to in section 102.
- (4) An appeal is invalid if it does not comply with this section.
- (5) The appeal authority may receive relevant information and reconsider the matter afresh.
- (6) The appeal authority must decide –
  - (a) whether the appeal has been lodged timeously; and
  - (b) the appeal according to the criteria for decision contemplated in section 99.
- (7) The appeal authority may –
  - (a) dismiss the appeal and confirm the decision appealed against;
  - (b) uphold part or all of the appeal and –
    - (i) vary the decision appealed against;
    - (ii) set aside the decision and make a new decision; or
    - (iii) set aside the decision and remit the matter to the decision-maker, with or without directions to any person or body to take appropriate steps;
  - (c) decide on an application contemplated in section 103; or
  - (d) refer the appeal back to the advisory panel, if one was appointed, or to the Department with directions to investigate, obtain further information from a relevant department of the City or consider specific facts or issues and to report back to the appeal authority.

### 109 Procedure for appeal

- (1) A person authorised to appeal must lodge the appeal with the City Manager, provided that if the appeal is by the City Manager, the City Manager must lodge the appeal with the appeal authority.
- (2) No later than 14 days after an appeal is lodged, the City Manager must give notice of the appeal to, and invite comment on the appeal in writing within 21 days from –
  - (a) the applicant if the applicant is not the appellant; and
  - (b) any person who submitted an objection to, comment on or representation about the application.
- (3) After receipt of an appeal, the City –
  - (a) may request the Provincial Minister to comment in writing within 60 days on the appeal; and
  - (b) must request such comment if the appeal concerns an application referred to in section 45(1)(a) to (f) of the Land Use Planning Act.
- (4) A late opposition to or comment on the appeal will not be considered unless the appeal authority condones the late submission on good cause shown.
- (5) The appeal authority may not decide on the appeal until all the parties entitled to comment have done so or the time period allowed for comment has lapsed.
- (6) The Department must draft a report assessing the appeal and all comments contemplated in subsections (2) or (3) and must provide the report to the decision-maker for comment.
- (7) As soon as possible and within 150 days after the lodging of the appeal the City Manager must submit the appeal to the appeal authority together with all necessary documentation including the report and comments contemplated in this section.
- (8) The appeal authority must decide on the appeal within 90 days after the City Manager has submitted the appeal and documentation to the appeal authority.
- (9) The appeal authority may, without the agreement of the parties to the appeal, extend the period contemplated in subsection (8) and notify the parties of the extension and the reasons for the extension –
  - (a) in exceptional circumstances related to the nature or complexity of the application; or

- (b) if the City is in recess.
- (10) The City must within 30 days of a decision of the appeal authority in writing give notice of the decision and the reasons for the decision to –
  - (a) the parties to the appeal; and
  - (b) the Provincial Minister if the appeal concerns an application referred to in section 45(1)(a) to (f) of the Land Use Planning Act.
- (11) The City may determine procedures required for the determination of appeals.

**Part 7**  
**Prescribed requirements and notification**  
 (ss 110-112)

**110 Prescribed requirements for applications**

- (1) The City Manager may prescribe in relation to applications –
  - (a) information specifications relating to matters such as size, scale, colour, hard copy, number of copies, electronic format and file format;
  - (b) the manner of submission and communication with the City;
  - (c) the method by which a person may be notified;
  - (d) other information requirements; and
  - (e) other procedural requirements.
- (2) A prescription contemplated in subsection (1) may –
  - (a) relate to the whole application or any part of it; and
  - (b) differentiate between types of application, categories of application or categories of applicant.
- (3) The provisions of section 138 apply to a prescription in subsection (1).

**111 Method and date of notification**

- (1) Notification to a person contemplated in this By-Law may be given –
  - (a) by the City by orally informing the person; or
  - (b) in writing –
    - (i) by hand to that person personally;
    - (ii) left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
    - (iii) by registered post to that person's last known residential or business address in the Republic as recorded in the City's information system;
    - (iv) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by subparagraphs (i), (ii) or (iii);
    - (v) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates;
    - (vi) by email;
    - (vii) by fax; or
    - (viii) by some other form of electronic communication contemplated in the Electronic Communications and Transactions Act, 2002 (25 of 2002).
- (2) If the City gives a person notification orally, it must as soon as reasonably possible thereafter record in writing the content of the notification and the date upon which it was given and give service of the record in accordance with subsection (1)(b).
- (3) Unless a person has consented to being notified by fax, email or some other form of electronic communication or the City Manager has prescribed or this By-Law authorises that as the method of notification, if the City uses that method of notification then the City must also serve the notification in the relevant manner provided by subsections (1)(b)(i)-(1)(b)(v).
- (4) Where an owner has authorised a person to represent them in an application, a notification provided to the representative is regarded as having been provided to the owner.

(5) When any notice must be served on the owner, occupier or holder of any property or right in any property, or their representative, it is sufficient if that person is described in the notice as the owner, occupier or holder of the property or right in question, or their representative, and it is not necessary to name that person.

(6) For the purposes of this By-Law, the date of notification, if the notification is provided –

- (a) orally, is the date of oral communication;
- (b) by hand, is the date of delivery or collection;
- (c) by registered post, is regarded as the fourth day after the date stamped upon the receipt for registration issued by the post office which accepted the notice; or
- (d) by email, fax or some other form of electronic communication, is the date that the email, fax or other form of electronic communication is sent, provided that the person concerned has consented to being so notified or the City Manager has prescribed that as the method of notification.

### **112 Costs of notification**

The City may, as part of its tariff structure, adopt a tariff for the costs involved in issuing and serving a notification, notice and directive.

## **Part 8 Integrated decisions (s 113)**

### **113 Notice in terms of integrated procedure**

(1) The City may, on prior written request and written motivation by an applicant determine that –

- (a) a public notice procedure carried out in terms of another law in respect of the application constitutes public notice for the purpose of an application made in terms of this By-Law, provided the public notice procedure meets the requirements of this By-Law; or
- (b) an application made in terms of this By-Law may be published in accordance with the requirements of notice for a related application made in terms of another law, and which is regulated by a written agreement between the City and the organ of state responsible for administering the other law.

(2) Unless the City decides that a procedure in terms of another law, as contemplated in subsection (1)(a), is considered to be notice in terms of this By-Law or that the provisions of subsection (1)(b) apply, the City must act in accordance with the requirements of section 79 within 30 days of having notified the applicant that the application is complete.

(3) The City may enter into a written agreement with other organs of state to avoid duplication in the submission of information or the execution of a process for cases where a proposed development requires an application to the City and other organs of state.

## **CHAPTER 8. DECISION-MAKERS (ss 114-122)**

### **114 Decision-makers**

(1) The Municipal Council must prescribe the categories of applications to be decided by –

- (a) the Municipal Planning Tribunal; and
- (b) an authorised official.

(2) An authorised official contemplated in subsection (1)(b) may refer an application to the Municipal Planning Tribunal.

(3) The appeal authority is the Mayor.

(4) If the Mayor is unable to act as appeal authority, the Mayor may appoint an acting appeal authority.

### 115 Establishment of Municipal Planning Tribunal

- (1) The Municipal Council must establish a Municipal Planning Tribunal for its municipal area.
- (2) When the Municipal Council establishes the Municipal Planning Tribunal contemplated in subsection (1) it must, subject to section 36 of SPLUMA –
  - (a) determine the number of members of the Municipal Planning Tribunal;
  - (b) determine the number of authorised officials and number of other persons contemplated in section 36 of SPLUMA;
  - (c) designate authorised officials, who are in the full-time employment of the municipality, and who have knowledge and experience in any of the disciplines of spatial planning, land use management, land development or the law related thereto to serve as members of the Municipal Planning Tribunal; and
  - (d) appoint persons who are not officials, and who have knowledge and experience in any of the disciplines of spatial planning, land use management, land development or the law related thereto to serve as members of the Municipal Planning Tribunal.
- (3) The City must invite applications or nominations for persons contemplated in subsection (2)(d) to be appointed to the Municipal Planning Tribunal in a format determined by the City and by placing a notice in the media in accordance with the requirements of section 21 of the Municipal Systems Act and SPLUMA.
- (4) The notice contemplated in subsection (3) must require the applications or nominations to be submitted on a form determined by the City containing the information set out in subsection (5) within a specified date to a specified person at a specified address which may be an electronic mail address.
- (5) The application or nomination must be accompanied by at least –
  - (a) the personal details of the applicant or nominee;
  - (b) sufficient information for the City to evaluate the applicant's or nominee's knowledge and experience in matters listed in section 36(1)(b) of SPLUMA, the requirements of this By-Law and any additional criteria that the City has identified;
  - (c) in the case of a nomination, a letter of acceptance of nomination by the nominee;
  - (d) confirmation by the applicant or nominee that he or she is not disqualified in terms of section 38 of SPLUMA;
  - (e) a statement that the nominee will be obliged to commit to and uphold a code of conduct; and
  - (f) the agreement of the nominee that the City may investigate and independently verify the information provided by the nominee.
- (6) An evaluation panel consisting of authorised officials in the employ of the City and appointed by the City to evaluate applications and nominations must –
  - (a) evaluate all nominations received by City by the closing date in response to the invitation and call for nominations in terms of the requirements of SPLUMA, this By-Law and any further criteria identified by the City; and
  - (b) make recommendations on the appointment to the Municipal Council.
- (7) When evaluating applications or nominations, the Municipal Council must take into consideration –
  - (a) the applicant's or nominee's knowledge and experience of the matters referred in subsection (2)(d);
  - (b) the need for applying the principles of employment equity;
  - (c) the appropriate experience and expertise required for the effective functioning of the Municipal Planning Tribunal;
  - (d) any other criteria determined by the City; and
  - (e) any other criteria prescribed by SPLUMA.
- (8) If no suitable applications or nominations are received as a result of the advertising process, the City must invite and call for nominations for a second time and follow the process set out in subsections (3) to (7).
- (9) If after the second invitation and calling for nominations, no suitable applications or nominations are received, the Executive Authority must designate persons to the Municipal Planning Tribunal who meet the requirements of section 36 of SPLUMA and comply with the additional criteria determined by the City.



- (10) The City Manager must notify the successful applicants and nominees of their appointment as members and, within 30 days after the appointment of the members of the Municipal Planning Tribunal, publish a notice in the *Provincial Gazette* indicating –
- (a) the name of the every member appointed or designated; and
  - (b) the term of office of the member.
- (11) The City Manager must within 30 days of the first appointment of the members to a Municipal Planning Tribunal –
- (a) obtain written confirmation from the Municipal Council that it is satisfied that the Municipal Planning Tribunal is in a position to commence operations; and
  - (b) after receipt of the confirmation referred to in paragraph (a), publish a notice in the *Provincial Gazette* stating the date that the Municipal Planning Tribunal will commence operation.
- (12) The Municipal Planning Tribunal may commence operation only after publication of the notice contemplated in subsection (11)(b).

#### **116 Term of office for members of the Municipal Planning Tribunal**

- (1) The Municipal Council must stipulate the term of office of an authorised official when designating such authorised official as contemplated in section 37(1) of SPLUMA
- (2) An authorised official may only serve as a member of the Municipal Planning Tribunal whilst he or she is in the full-time employment of the City.
- (3) The Municipal Council must stipulate the term of office of a member of the Municipal Planning Tribunal who is not an authorised official when appointing such member as contemplated in section 37(1) of SPLUMA.
- (4) The term of office of a member of the Municipal Planning Tribunal may not exceed five years and is renewable once.

#### **117 Conditions of service and Code of Conduct of the Municipal Planning Tribunal.**

- (1) The Municipal Council must determine the terms and conditions of service of and the remuneration to be paid to the members of the Municipal Planning Tribunals who are appointed as contemplated in section 115(2)(d) in accordance with the norms and standards referred to in SPLUMA and other relevant requirements.
- (2) The Municipal Council must approve a code of conduct for members of the Municipal Planning Tribunal, that must have regard to minimum requirements set out in SPLUMA and require a member to at least –
- (a) generally act in accordance with the principles of accountability and transparency;
  - (b) make decisions fairly, impartially and promptly;
  - (c) treat members of the public and other members of the Tribunal with respect, courtesy, honesty and fairness;
  - (d) make public disclosure of all his or her personal or private business interests regarding any decision to be made in the planning process in which he or she serves, or has been requested to serve;
  - (e) abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which he or she has a personal or private business interest, and leave any chamber in which such matter is under deliberation, unless the personal or private business interest has been made a matter of public record, or his or her employer, if any, has given written approval, and the public official or structure within the City with jurisdiction to rule on ethical matters has expressly authorised his or her participation;
  - (f) not receive, seek or offer a gift or favour any under circumstances in which it might reasonably be inferred that the gift or favour is intended or expected to influence a participant's objectivity as an advisor or decision-maker in the planning process;
  - (g) not use the power of any office to seek or obtain special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge;
  - (h) not use confidential information acquired in the course of his or her duties to further a personal or private business interest;



- (i) not disclose confidential information acquired in the course of his or her duties unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
  - (j) not commit a deliberately wrongful act which reflects adversely on the Municipal Planning Tribunal, the City, government at large or the planning profession by seeking business by stating or implying that he or she is prepared, willing or able to influence decisions by improper means.
- (3) A member who contravenes the code of conduct is guilty of an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).

### **118 Indemnity and Legal Representation**

- (1) Whenever a claim is made or legal proceedings are instituted against a member of the Municipal Planning Tribunal or authorised official or the appeal authority arising out of any act or any omission by a member, authorised official or appeal authority in the performance of his or her duties or the exercise of his or her powers, the City must, if it is of the opinion that the member, authorised official or appeal authority acted or omitted to act in good faith and without negligence –
- (a) in the case of a civil claim or civil proceedings, indemnify the member or authorised official or appeal authority in respect of such claim or proceedings; and
  - (b) provide legal representation for such member or authorised official or appeal authority at the cost of the City or pay taxed party and party costs of legal representation.
- (2) If a criminal prosecution is instituted against a member of the Municipal Planning Tribunal, an authorised official or the appeal authority, the City must, if it is of the opinion that the member, authorised official or appeal authority acted or omitted to act in good faith and without negligence or it is in the interests of the City to do so, provide for legal representation for such member at the cost of the City.
- (3) The City must determine by means of a policy or by other means –
- (a) the terms and conditions of such indemnity and legal representation; and
  - (b) the circumstances in which such indemnity or legal representation may be withdrawn by the City.
- (4) For the purpose of this section “indemnify” means an undertaking to pay the damages, claim or taxed costs awarded by a court against a member of a Municipal Planning Tribunal, authorised official or the appeal authority or agreed to by the City in terms of a formal settlement process.

### **119 Vacancy or removal of a member**

- (1) The office of a member becomes vacant if –
- (a) the member is absent from two consecutive meetings of the Municipal Planning Tribunal without the leave of the chairperson of the Tribunal;
  - (b) the member tenders his or her resignation in writing to the chairperson of the Tribunal;
  - (c) the member is removed from the Tribunal under subsection (2);
  - (d) the member dies.
- (2) The Municipal Council may remove a member of the Municipal Planning Tribunal, after giving the member an opportunity to be heard, if –
- (a) sufficient reasons exist for his or her removal; or
  - (b) the member contravenes the code of conduct.
- (3) The Municipal Council must remove a member of the Municipal Planning Tribunal, after giving the member an opportunity to be heard, if the member becomes subject to a disqualification as contemplated in section 38(1) of SPLUMA.
- (4) The Municipal Council must fill a vacancy on the Municipal Planning Tribunal in terms of section 116 and section 117 in the case of a member who is not an authorised official.

## 120 Functioning of Municipal Planning Tribunal

- (1) The Municipal Council must designate a member of the Municipal Planning Tribunal as chairperson and another member as deputy chairperson to act as chairperson when the chairperson is absent or unable to perform his or her duties.
- (2) If the chairperson and the deputy chairperson fail to attend a meeting of the Municipal Planning Tribunal, the members who are present must elect one of their number to preside at that meeting.
- (3) The Municipal Council may determine that the Municipal Planning Tribunal must constitute itself to comprise one or more panels, with each panel designated to determine an application relating to land in a particular geographic area of the city and/or a particular type or category of application.
- (4) In this section, unless the context indicates otherwise, '**the Municipal Planning Tribunal**' includes a panel of the Municipal Planning Tribunal contemplated in subsection (3).
- (5) The Municipal Planning Tribunal must meet at the time and place determined by the chairperson, provided that it must meet at least once per month if there is an application to consider.
- (6) The Municipal Planning Tribunal must designate at least three members of the Municipal Planning Tribunal to determine an application.
- (7) A quorum for a meeting of the Municipal Planning Tribunal is the simple majority of its appointed members.
- (8) A quorum for a meeting of a panel of the Municipal Planning Tribunal is the greater of a simple majority of its designated members and three.
- (9) The person presiding at a meeting of the Municipal Planning Tribunal has a casting vote in the event of an equality of votes.
- (10) No person, other than a municipal councillor, may make oral submissions at a meeting of the Municipal Planning Tribunal without the permission of the person presiding at the meeting.
- (11) A person seeking permission contemplated in subsection (10) must submit the request to the Municipal Planning Tribunal in writing at least seven days before the meeting in question, or closer to the meeting if good cause is shown, and must provide adequate reasons for the request.
- (12) A municipal councillor who intends to make oral submissions to the Municipal Planning Tribunal must give the Municipal Planning Tribunal notice in writing of the intention at least five days before the meeting in question, or closer to the meeting if good cause is shown.
- (13) The Municipal Planning Tribunal may request any person to make oral submissions on any aspect of an application.
- (14) The person presiding at a meeting of the Municipal Planning Tribunal may impose reasonable conditions on oral submissions.
- (15) The Municipal Planning Tribunal must provide any party to the proceedings who is adversely affected by an oral submission with an opportunity to respond to the oral submission.
- (16) Meetings of the Municipal Planning Tribunal must be open to the public, except in so far as the Municipal Planning Tribunal may in special cases otherwise direct.
- (17) The Municipal Council must adopt rules of procedure for the proper functioning of the Municipal Planning Tribunal.
- (18) The City must –
  - (a) ensure the continued functioning of the Municipal Planning Tribunal in accordance with section 38 of SPLUMA; and
  - (b) provide the Municipal Planning Tribunal with an authorised official whose function is to provide administrative secretarial support to the Municipal Planning Tribunal.

## 121 Advisory panel

- (1) The Mayor may recommend to the Municipal Council to establish an advisory panel to consider and recommend to the appeal authority on an appeal.
- (2) The advisory panel contemplated in subsection (1) may be established in terms of another law.
- (3) The advisory panel may request any person to make oral submissions on any aspect of an application and must do so if it appears that the issues for determination of the appeal cannot be

adequately determined on the documentation before the appeal authority in the absence of the parties.

(4) An advisory panel must apply the criteria for deciding applications contemplated in section 99.

## **122 Technical adviser**

The appeal authority may appoint a technical adviser to advise or assist it with regard to a matter forming part of the appeal.

## **CHAPTER 9. ENFORCEMENT** (ss 123-135)

### ***Part 1 Introductory provisions for this Chapter (ss 123-124)***

## **123 Definitions in this Chapter**

In this Chapter, unless the context indicates otherwise –

‘**contravention**’ includes a failure to comply with a duty or requirement; and

‘**owner**’, in addition to the definition in section 1, is deemed to also include –

- (a) if the registered owner is deceased and if an executor has not been appointed – an heir; and if there is no heir or if the City is unable to determine the identity of the heir – the person who is entitled to the benefit of the use of the land or building or who enjoys such benefit;
- (b) if the registered owner is a close corporation that is deregistered – a member of the close corporation at the time of deregistration;
- (c) if the registered owner is absent from the Republic or their whereabouts are unknown – a person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of the land or building or who is responsible therefor; and
- (d) if the City is unable to determine the identity of a person otherwise defined as owner – a person who is entitled to the benefit of the use of the land or building or who enjoys such benefit.

## **124 Choice of enforcement measure**

The City may take any one or more of the enforcement measures contemplated in this Chapter, and may take them in any order or combination or with one as an alternative to another in the event of a failure to comply, or sequentially.

### ***Part 2 Complaint (s 125)***

## **125 Complaint**

(1) A person, who is affected by an alleged contravention of this By-Law, may in writing and using the prescribed form or in a manner determined by a policy, request the City Manager to investigate the alleged contravention and to act in terms of this Chapter.

(2) The City must investigate the complaint within the time and in accordance with the procedure set out in guidelines adopted by the Department.

(3) The City must inform the complainant of the outcome of the investigation within 30 days of the investigation being completed and the steps to be taken in the event that the City is of the opinion that this By-Law is being contravened.

**Part 3**  
**Civil enforcement**  
(ss 126-132)

**126 Compliance notice**

- (1) The City may serve a notice on an owner or other person if there are reasonable grounds for believing that the owner or other person is in contravention of this By-Law.
- (2) The notice must –
  - (a) describe the land unit;
  - (b) describe the conduct constituting a contravention of this By-Law;
  - (c) indicate which provision of this By-Law, condition of approval or other provision the conduct contravenes;
  - (d) if relevant, state that the unlawful conduct constitutes an offence and indicate the penalties;
  - (e) instruct the owner or other person to cease the unlawful conduct and to comply with this By-Law, condition of approval or other provision immediately or within a time period determined by the City, and where relevant must specify the steps to be taken to comply;
  - (f) state that a failure to comply with the notice constitutes an offence and indicate the penalties; and
  - (g) state that, in the event of non-compliance with the notice, the City may take one or more of the following measures –
    - (i) if relevant, take steps contemplated in section 127 to withdraw an approval for a temporary departure or an approval granted for a limited period of time;
    - (ii) take steps contemplated in section 128 to issue a directive in the terms specified in the notice;
    - (iii) apply in terms of section 129 for the determination of an administrative penalty;
    - (iv) apply to a competent court for appropriate relief including the costs of the application; and
    - (v) institute a criminal prosecution.
- (3) If relevant, the notice may advise the owner or other person of their right to apply for rectification of the contravention as contemplated in section 130, and may state that the City intends to take the measures contemplated in subsection (2)(g) in the event that the owner or other person fails to apply for rectification of the contravention within a specified time.
- (4) The notice may invite the owner or other person within a specified time to inform the City what steps have been taken to comply with the notice.
- (5) There is no appeal against a decision to issue or not to issue a compliance notice in terms of this section.

**127 Withdrawal of approval**

- (1) If the City is of the opinion that an owner or other person is not complying with an approval for a temporary departure or an approval granted for a limited period of time, it may serve a notice on the owner or other person –
  - (a) setting out the information contemplated in sections 126(2)(a)-126(2)(c); and
  - (b) inviting the owner or other person within a specified time to make written representations on the notice and to give reasons why the approval should not be withdrawn.
- (2) After considering any representations and reasons submitted, and if it is satisfied that this By-Law is being contravened, the City may decide to withdraw the approval contemplated in subsection (1).
- (3) If the City decides to withdraw the approval –
  - (a) the City must notify the owner or other person as contemplated in section 104(2); and
  - (b) the approval is withdrawn from the effective date of decision contemplated in section 105(2).
- (4) Once the withdrawal of an approval is effective, the City must –

- (a) notify the owner or other person of the withdrawal and instruct the owner or other person to cease the activity in question and to take any other which the City considers necessary to comply with this By-Law immediately or within a time determined by the City; and
- (b) update the zoning register.

### **128 Directive**

- (1) If the City is of the opinion that an owner or other person is in contravention of this By-Law, it may serve a notice on the owner or other person –
  - (a) setting out the information contemplated in sections 126(2)(a)-126(2)(c); and
  - (b) inviting the owner or other person within a specified time to make written representations on the notice and give reasons why the City should not direct the owner or other person within a specified time to –
    - (i) submit documentation including a diagram or plan to the City or appoint a professional person selected by the City to conduct an investigation and to report to the City on the nature and extent of the contravention;
    - (ii) demolish a building or part thereof which contravenes this By-Law and restore the building or rehabilitate the land as the case may be to a form and within the time period specified in the directive; or
    - (iii) address another impact of the contravention.
- (2) After considering any representations and reasons submitted, and if it is satisfied that this By-Law is being contravened, the City may decide to issue a directive in terms which are the same as, substantially similar to or less onerous than those contemplated in subsection (1)(b).
- (3) A directive must –
  - (a) set out the directions;
  - (b) include the information contemplated in section 104(2);
  - (c) state that a failure to comply with a duty imposed by the directive constitutes an offence and indicate the penalties; and
  - (d) state that instead of, or in addition to, prosecuting the owner or other person, without further notice the City may apply to a competent court for enforcement of the directive and other appropriate relief including the costs of the application.
- (4) The owner or other person must comply with a directive from the effective date of decision contemplated in section 105(2).

### **129 Administrative penalty**

- (1) A person who is in contravention of this By-Law, and who wishes to rectify the contravention in terms of section 130, may apply to the City for the determination of an administrative penalty if the City has not issued a demolition directive (in terms of subsection 128) in respect of the land or building or part thereof concerned.
- (2) A person making an application contemplated in subsection (1) must –
  - (a) submit an application;
  - (b) pay the prescribed fee;
  - (c) provide the information contemplated in subsections (7) and (8); and
  - (d) comply with the duties of an applicant in section 78.
- (3) The City Manager may apply to the Municipal Planning Tribunal for an order that a person who has contravened this By-Law must pay an administrative penalty in an amount determined by the Municipal Planning Tribunal, and must provide the information contemplated in subsections (7) and (8) to the extent that it is known to the City Manager.
- (4) If the City Manager makes an application contemplated in subsection (3), the Municipal Planning Tribunal must invite the person concerned within a specified time to make written representations on the application.
- (5) The Department must provide a written report to the Municipal Planning Tribunal.
- (6) The Municipal Planning Tribunal may –
  - (a) call for additional information to decide an application in terms of this section; and

- (b) draw an adverse inference against a person who fails or refuses to provide, to the satisfaction of the Municipal Planning Tribunal, information contemplated in subsection (2)(c) or paragraph (a).
- (7) After considering the Departmental report, the representations by the City Manager and any representations from the person concerned, if the Municipal Planning Tribunal decides to impose an administrative penalty on a person who has contravened this By-Law, it must determine an amount which –
  - (a) for building work in contravention of this By-Law – may not be less than 10% and not more than 100% of the value of the building, construction and engineering work unlawfully carried out, as determined by the City;
  - (b) for land use in contravention of this By-Law – may not be less than 10% and not more than 100% of the municipal valuation of the area that is used unlawfully, as determined by the City; and
  - (c) for building work and land use in contravention of this By-Law – must comprise the penalties in both paragraphs (a) and (b).
- (8) When determining an appropriate administrative penalty, the Municipal Planning Tribunal must consider at least the following factors –
  - (a) the nature, duration, gravity and extent of the contravention;
  - (b) the conduct of the person involved in the contravention;
  - (c) whether the unlawful conduct was stopped; and
  - (d) whether a person involved in the contravention has previously contravened this By-Law or a previous planning law.
- (9) The Municipal Planning Tribunal must notify the person who has contravened this By-Law of its decision and if it decides to impose an administrative penalty, the notice must –
  - (a) set out the administrative penalty;
  - (b) include the information contemplated in section 104(2);
  - (c) state that the person must pay the administrative penalty to the City within 30 days of the effective date of decision contemplated in section 105(2) or within such further period that the Municipal Planning Tribunal may decide;
  - (d) state that the payment of an administrative penalty in terms of this section does not limit the City's power to investigate an offence or institute a criminal prosecution; and
  - (e) state that, without further notice, the City may apply to a competent court for an order confirming the administrative penalty and other appropriate relief including the costs of the application.
- (10) The City may apply to the High Court for an order confirming the order of the Municipal Planning Tribunal to pay an administrative penalty.

### **130 Rectification of contravention**

- (1) A person who is in contravention of this By-Law may apply to the City in terms of this By-Law for the necessary approval.
- (2) Subject to subsection (3), a person contemplated in subsection (1) must submit an application for and pay an administrative penalty determined in terms of section 129 before the City may consider an application contemplated in subsection (1).
- (3) If an application for an administrative penalty contemplated in section 129 has been submitted but not yet determined, or an administrative penalty determined in terms of section 129 has not yet been paid, in exceptional circumstances the City may consider an application contemplated in subsection (1) provided that the City, when granting an approval or making a determination, must impose appropriate conditions to ensure payment of any administrative penalty.
- (4) The submission of an application for, determination of, or payment of an administrative penalty in terms of section 129, or the approval of an application contemplated in this section, does not limit the City's power to investigate an offence or institute a criminal prosecution.



### **131 Enforcement litigation**

Notwithstanding that this Chapter may give the City an alternative remedy, the City may apply to the High Court for appropriate relief, including orders compelling the owner or other person to –

- (a) demolish, remove or alter any building, structure or work erected in contravention of this By-Law, and rehabilitate the land concerned; and
- (b) cease or modify conduct in contravention of this By-Law, to comply with this By-Law, or to address another impact of the contravention.

### **132 Urgent matter**

If the City believes that urgent action is required to cease or modify conduct in contravention of this By-Law, to comply with this By-Law, or to address an impact of the contravention, the City may –

- (a) serve an appropriate compliance notice on the owner or other person by telephone, by email or some other form of electronic communication contemplated in the Electronic Communications and Transactions Act, 2002 (25 of 2002) or by placing the notice on the land unit or by a combination of these methods; or
- (b) apply to the High Court on an urgent basis for appropriate relief, including an interdict.

## **Part 4** **Criminal enforcement** (ss 133-134)

### **133 Offences and penalties**

- (1) A person is guilty of an offence if the person –
  - (a) contravenes a –
    - (i) decision taken or a condition imposed or deemed to have been taken or imposed in terms of this By-Law;
    - (ii) provision of the development management scheme;
    - (iii) uses land in a manner other than permitted by the development management scheme;
    - (iv) compliance notice issued in terms of section 126; or
    - (v) directive issued in terms of section 128;
  - (b) alters or destroys land to the extent that the property cannot be used for the purpose set out in the development management scheme;
  - (c) threatens, obstructs, hinders or fails to permit entry when called upon to do so or uses abusive language to an authorised official or any person lawfully accompanying such authorised official in the exercise of a power conferred in terms of section 135;
  - (d) when called upon by an authorised official to furnish information, furnishes false or misleading information; or
  - (e) supplies particulars, information or answers in an application or in an appeal knowing it to be false, incorrect or misleading or not believing it to be correct.
- (2) Upon conviction of an offence in this By-Law a person is liable to a fine or imprisonment not exceeding 20 years or to both a fine and such imprisonment.
- (3) A person convicted of an offence under this By-Law who, after conviction, continues with the conduct in respect of which he or she was so convicted, is guilty of a continuing offence and upon conviction is liable to a fine or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment, in respect of each day on which he or she so continues with that conduct.
- (4) An owner –
  - (a) who permits their land to be used, or fails to take reasonable steps to ensure that their land is not used, in a manner which constitutes an offence under this By-Law is guilty of an offence and upon conviction is liable to the penalties contemplated in section (2);
  - (b) convicted of an offence contemplated in paragraph (a) who, after conviction, continues with the conduct in respect of which he or she was so convicted, is guilty of



a continuing offence and upon conviction is liable to the penalties contemplated in subsection (3).

### **134 Prosecution of corporate body and partnership**

A person is personally guilty of an offence contemplated in terms of this By-Law if –

- (a) the offence was committed by –
  - (i) a corporate body established in terms of any law; or
  - (ii) a partnership;
- (b) at the time that the offence was committed the person was a partner in the partnership, or a member of the board, executive committee or other managing body of the corporate body; and
- (c) the person knew or reasonably ought to have known that an offence was being committed and failed to take reasonable steps to prevent the offence.

### **Part 5**

### ***Investigative and enforcement powers of authorised official***

*(s 135)*

### **135 Powers and functions of an authorised official**

- (1) The City may authorise an official or any other person to act in terms of this section for the purposes of investigating any matter in connection with this By-Law.
- (2) A law enforcement officer appointed by the City is considered to be an authorised official contemplated in subsection (1);
- (3) An authorised official may, subject to subsection (4) and (5), at any reasonable time, and without prior notice, enter and inspect any land, building or premises for the purpose of ensuring compliance with this By-Law.
- (4) An authorised official may at any reasonable time and after reasonable notice has been given to the owner or occupier of the land or building and after obtaining the consent of the owner or lawful occupier or person in control of the building, enter and inspect a private dwelling without a warrant for the purpose of ensuring compliance with this By-Law.
- (5) An authorised official may, if consent is not obtained as contemplated in subsection (4), with a warrant of entry obtained, enter and inspect a private dwelling for the purpose of ensuring compliance with this By-Law.
- (6) The authorised official is not required to give reasonable or any notice to enter land or a building other than a private dwelling and may conduct an inspection or take enforcement action without the consent of the owner or occupier of such land or building and without a warrant if –
  - (a) he or she believes on reasonable grounds that a warrant will be issued to him or her; and
  - (b) the delay in obtaining the warrant would defeat the object of the inspection and enforcement action.
- (7) An authorised official must be in possession of a certificate signed by the City Manager stating that he or she has been designated as an authorised official for the purposes of this By-Law or must show proof that he or she is a law enforcement officer.
- (8) An authorised official must produce a certificate on the request of any person being affected by the exercise of a power in terms of this section.
- (9) An authorised official may not investigate a matter in which he or she has a direct or indirect personal or private interest.
- (10) In ascertaining compliance with this By-Law, an authorised official may –
  - (a) be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection;
  - (b) question any person who is or was on that land and who, in the opinion of the authorised official, may be able to furnish information on a matter to which this By-Law relates;
  - (c) question any person about any act or omission in respect of which there is a reasonable suspicion that it might constitute a contravention of this By-Law;

- (d) question a person about any structure, object, document, book or record or inspect any written or electronic information or object which may be relevant for to the investigation;
  - (e) examine any book, record or other written or electronic information and make a copy thereof or an extract therefrom and remove such document, book, record or written or electronic information in order to make copies or extracts;
  - (f) require a person to produce or to deliver to a place specified by the authorised official, any document, book, record, or any written or electronic information referred to in paragraph (e) for inspection;
  - (g) require from such person an explanation of any entry in such document, book, record or written or electronic information;
  - (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
  - (i) seize any book, record or other document, details or any article, substance, plant or machinery or a part or sample thereof which in his or her opinion may serve as evidence at the trial of any person charged with an offence under this By-Law, provided that the user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure;
  - (j) direct any person to appear before him or her at such time and place as may be determined by the authorised official and question such person either alone or in the presence of any other person on any matter to which this By-Law relates; and
  - (k) take photographs or make audio visual recordings or tape recordings of any person or anything for the purpose of his or her investigation.
- (11) When an authorised official removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated above, he or she must issue a receipt to the owner or person in control thereof and return it as soon as practicable after achieving the purpose for which it was removed or seized.
- (12) Where an authorised official enters any land in terms of subsection (3), a person who controls or manages the land must at all times provide such facilities as are reasonably required by the authorised official to enable him or her to perform his or her functions effectively and safely under this By-Law.
- (13) An authorised official who enters and searches any land or private dwelling under this section, must conduct such search or seizure with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy.

## **CHAPTER 10.**

### **NAMING AND NUMBERING OF STREETS**

(s 136)

#### **136 Naming and numbering of streets**

- (1) If a street is created as a result of the approval of an application, the City must approve the naming of the street and must allocate a street number for each land unit located in the street.
- (2) The proposed name of the street and numbers must be submitted as part of the application for subdivision.
- (3) In considering the naming of a street, the City must take into account the relevant policies relating to street naming and numbering.
- (4) The applicant must erect signs displaying the street name according to the City's standards.
- (5) No person may alter or amend a street name approved as contemplated in subsection (1) without the approval of the City.
- (6) No person may display a name of a street unless the name is approved by the City.

- (7) The City may, on its own initiative, alter or amend a street name after complying with the provisions set out in Part 2 of Chapter 7.
- (8) The City may name any unnamed street that arose from the approval of an application approved in terms of this By-Law or planning law.
- (9) The procedure as set out in Chapter 7 applies.
- (10) A person or who alters or amends or displays a street name without the City's approval is guilty of an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).

## **CHAPTER 11.**

### **TRANSFER CERTIFICATE**

(s 137)

#### **137 Transfer certificate**

- (1) A transferor intending to effect the first registration of transfer of a land unit which arises out of an approved subdivision within the geographic area of the City must provide the City with proof to the satisfaction of the City that all the further requirements contemplated in section 54(1) have been met.
- (2) A transferor intending to effect the registration of transfer of a land unit within the geographic area of the City that is indicated on the system as being subject to the action referred to in paragraphs (a) and (b), must provide proof to the satisfaction of the City, that –
  - (a) in cases where a contravention levy was imposed in terms of the Ordinance and or an administrative penalty contemplated in section 129 was imposed – that the levy or penalty has been paid;
  - (b) in cases where a directive has been issued in terms of section 128 – that the directive has been complied with.
- (3) If the City Manager is satisfied that the requirements of subsection (1) and (2) have been met, the City Manager must issue a certificate authorising the transfer and, if the land unit arises out of an approved subdivision, the City Manager must issue a certificate for each land unit and may only issue a certificate for a land unit within a phase approved by the City.
- (4) No person may apply to the Registrar of Deeds for, and the Registrar of Deeds may not register, the transfer of a land unit without the certificate contemplated in subsection (3).
- (5) If a certificate contemplated in subsection (3) is issued in error –
  - (a) the new owner must still comply with all outstanding requirements contemplated in subsection (1), regardless of whether another person also has the duty to do so; and
  - (b) the City is exempt from liability for any damage which may be caused as a result.

## **CHAPTER 12.**

### **GENERAL ADMINISTRATIVE PROVISIONS**

(ss 138-143)

#### **138 Policies, procedures, prescriptions, standards, requirements and guidelines**

- (1) The City may adopt a policy, procedure, standard, requirement or guideline for the effective administration of this By-Law.
- (2) Unless the power to prescribe is entrusted to another person or body, the City Manager may prescribe anything which may be prescribed in terms of this By-Law.
- (3) The City must make available on the City's website any prescription contemplated in subsection (2) and may make available on the City's website any policy, procedure, standard, requirement or guideline contemplated in subsection (1).
- (4) An applicable policy, procedure, standard, requirement or guideline applies to an application in terms of this By-Law.

#### **139 Delegations**

- (1) The City Manager may –

- (a) delegate any function, power or duty conferred on the City Manager in this By-Law to an official; or
  - (b) instruct an official to perform any of the City Manager's duties in terms of this By-Law.
- (2) The Mayor may delegate the power to decide an appeal arising from a decision of an authorised official or a failure to take a decision (section 103) to a political office holder or an authorised official.

#### **140 Exemption**

The City may in writing and subject to section 60 of the Land Use Planning Act exempt an application from compliance with the provisions of this By-Law to reduce the financial or administrative burden of –

- (a) the provision of housing with the assistance of a state subsidy; or
- (b) the incremental upgrading of an existing settlement.

#### **141 Liability of the City**

The City is not liable for any loss sustained by or damage caused to any person as a result of any act or omission in good faith relating to the performance of any duty under this By-Law, unless gross negligence is proved.

#### **142 Savings and transitional provisions**

- (1) Any approval, designation, determination, consent, right, authorisation, confirmation or instruction issued, granted or in force in terms of a law repealed by the Land Use Planning Act, and in existence immediately before the commencement of the Land Use Planning Act, remains in force and where applicable is regarded to have been issued, granted or occurred in accordance with this By-Law subject to the conditions under which it was issued and is valid for the period for which it was granted under the repealed law.
- (2) Despite the repeal of the Ordinance, any action taken or application made before the commencement of this By-Law in terms of a law repealed by the Land Use Planning Act, including a previous zoning scheme, which has not been finalised immediately before the commencement of this By-Law, must be finalised as if the Land Use Planning Act and this By-Law are not in force and as if the previous zoning scheme was not repealed.
- (3) Conduct in contravention of a law repealed by the Land Use Planning Act is regarded as a contravention of this By-Law and the penalties in this By-Law apply where the conduct would constitute an offence under this By-Law.
- (4) When an approval is acted on, a land unit is regarded as having been allocated a corresponding zoning in the development management scheme as determined by the City if –
  - (a) a rezoning application or substitution scheme was approved, but not yet acted on, before the commencement of this By-Law; or
  - (b) a rezoning application or substitution scheme is approved after the commencement of this By-Law in accordance with the provisions of a previous zoning scheme (as contemplated in subsection (2)).
- (5) A building plan application that was formally submitted and accepted –
  - (a) before 1 March 2013 and which is still being processed; or
  - (b) on or after 1 March 2013 with the purpose to act on an approval in terms of a previous planning law,must be assessed in accordance with that approval, provided that the building plan application is approved by 31 August 2017.
- (6) An owner whose land on 1 March 2013 was zoned as General Business: Subzone GB3 to GB7 or Mixed Use Subzone MU2 and MU3 may, until 28 February 2023, elect to be regulated by the zoning provisions of either the development management scheme or the zoning scheme in operation on 28 February 2013.
- (7) Where an owner contemplated in subsection (6) elects to be regulated by the zoning provisions of a zoning scheme in operation on 28 February 2013, all the provisions applicable to that zoning apply and no departure from that zoning may be granted.

(8) Any reference to the approval in the area of the jurisdiction of the City by the Administrator or Townships Board in a restrictive condition, excluding a condition in terms of which the Provincial Government acquires private law rights, is regarded as a reference to the approval by the City.

#### **143 Short title and commencement**

(1) This By-Law is called the City of Cape Town Municipal Planning By-Law, 2015 and comes into operation on a date fixed by the Mayor by proclamation in the *Provincial Gazette*.

(2) The Mayor may set different dates for different provisions of this By-Law to come into operation.

**SCHEDULE 1**  
**STRUCTURE PLANS DEEMED TO BE A DISTRICT SPATIAL DEVELOPMENT FRAMEWORK**  
**(s 20(1))**

	<b>Name of structure plan</b>
1.	Blaauwberg District Plan: Technical Report
2.	Cape Flats District Plan: Technical Report
3.	Helderberg District Plan: Technical Report
4.	Khayelitsha Mitchells Plain Greater Blue Downs District Plan: Technical Report
5.	Northern District Plan: Technical Report
6.	Southern District Plan: Technical Report
7.	Table Bay District Plan: Technical Report
8.	Tygerberg District Plan: Technical Report

**SCHEDULE 2**  
**STRUCTURE PLANS DEEMED TO BE A LOCAL SPATIAL DEVELOPMENT FRAMEWORK**  
**(s 20(2))**

	<b>Name of structure plan</b>
1.	Constantia Triangle Local Structure Plan
2.	Development Framework for Elsieskraal River Valley
3.	Management Plan for Victoria Avenue, Hout Bay: Oxford Street to Princess Street
4.	Scarborough and Misty Cliffs Structure Plan
5.	Simon's Town Structure Plan
6.	Sunnydale Local Area Structure Plan
7.	Urban Design Framework for Durbanville CBD



**SCHEDULE 3**  
**CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME**  
**(s 25(1)(a))**

**DIVISION I: INTERPRETATION AND PROCEDURES**  
*(items 1-7)*

**CHAPTER 1.: DEFINITIONS AND INTERPRETATION**  
*(items 1-6)*

**1 Definitions in this development management scheme**

In this development management scheme unless the context indicates otherwise –

**‘abattoir’** means a place where animals are slaughtered and prepared for distribution to butchery shops, supermarkets and food markets;

**‘additional dwelling unit’** means a dwelling unit that may be erected with the approval of the City in an Agricultural zoning, in addition to a second dwelling, dwelling or residential accommodation for bona fide agricultural workers;

**‘additional use right’** means a land use specified in this development management scheme as an activity or use that is permitted in a zoning, provided that any conditions or further provisions specified for such activity or use are complied with;

**‘adult entertainment’** means property used for adult film theatres or strip clubs where sexually explicit, live or recorded shows are displayed, but does not include adult services or an adult shop;

**‘adult services’** means property used for massage parlours or escort agencies where sexually orientated personal services are provided, unless such services form part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; but does not include adult entertainment or an adult shop;

**‘adult shop’** means property used for the retail sale of pornographic, sexually explicit or erotic material, whether or not such material is displayed for sale, unless such material forms part of a medical or therapeutic service provided by a registered medical practitioner or similar registered professional person; but does not include adult entertainment or adult services;

**‘advertisement’**, when used in the context of outdoor advertising, has the same meaning as assigned to it in terms of the City’s Outdoor Advertising & Signage By-Law;

**‘agricultural industry’** means an enterprise for the processing of agricultural products on or close to the land unit where these agricultural products are grown, and where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products; and includes a winery and distillery, but does not include a service trade or abattoir;

**‘agriculture’** means the cultivation of land for crops and plants, the keeping and breeding of animals, beekeeping, or the operation of a game farm, and includes such activities and buildings as are reasonably connected with the main farming activities, such as dwelling units for the farmer, farm manager and farm labourers, the packing of agricultural produce grown on the property for delivery to the market, and a plant nursery; but excludes intensive horticulture, intensive animal farming, a farm shop, harvesting of natural resources, and agricultural industry;

**‘air and underground rights’** means the development of a defined space above or below a public street, open space, railway line or another transport usage, and the allocation of use rights for such purpose which may include any use with the approval of the City;

**‘airport’** means a complex comprising aircraft runways and associated buildings for the take-off and landing of civilian aircraft, as well as facilities for the handling and storage of air freight;

**‘ancillary’** means a land use, purpose, building, structure or activity which is directly related to, and subservient to, the lawful, dominant use of the property;

**‘animal care centre’** means a place for the care of pets and animals, operated on either a commercial or a welfare basis, and includes boarding kennels and pet training centres;

**‘antenna’** means any system of wires, poles, rods, reflective surfaces or similar devices, used to transmit or receive electronic communication signals or electro-magnetic waves;

**‘aqua-culture’** means the breeding, for commercial purposes, of water flora or fauna in artificially constructed dams or holding tanks, or suspended from floating supports in natural water bodies;

**‘atrium’** means a covered courtyard comprising a void within a building that extends for one or more floors in height, but does not contain floors that penetrate into the void. An atrium contains a floor and a roof or ceiling;

**‘authority use’** means a use which is practised by or on behalf of an organ of state, the characteristics of which are such that it cannot be classified or defined under other uses in this development management scheme, and includes a use practised by:

- (a) the national government, such as a military base and installation, police station or prison;
- (b) the provincial government, such as a road station or road camp;
- (c) the City, such as fire services or a municipal depot with related uses, including limited accommodation for staff who are required to be on standby for emergencies;
- (d) a foreign government, such as an embassy or consulate, but does not include a dwelling house where the dominant use is for living accommodation of foreign diplomatic personnel.

**‘average ground level’** means the average of the highest and lowest existing ground levels immediately abutting the external elevational plane or wall cutting into the ground of a building or vertical division of a building, and the City may:

- (a) determine the average ground level from measurements supplied on a building plan; or
- (b) deem a level to be the average ground level based on measurements interpolated from a contour plan, local height benchmark or other information held by the City; or
- (c) require the owner or applicant to commission a registered surveyor to measure levels of the ground or interpolate levels, in order to provide the City with sufficient information so that it can determine the average ground level for the purpose of administering this development management scheme;

**‘backpackers lodge’** has the same meaning as ‘boarding house’ except that lodging is provided per bed and not per bedroom;

**‘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 may include a roof over such floor and pillars supporting such roof;

**‘base level’** of a building means an imaginary plane drawn horizontally at the average ground level of the building, or vertical division of the building, is at the bottom of the ground floor and is directly above or on top of the ceiling of any basement;

**‘basement’** means that space in a building between a floor and ceiling, including such floor or ceiling, which is not intended as habitable space and which is completely below the existing ground level and remains underground, except that it may include vehicular access from a road, provided that such access may only be obtained at a downward or level angle;

**‘bed and breakfast establishment’** means a dwelling house or second dwelling in which the owner of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; provided that:

- (a) the dominant use of the dwelling house concerned remain for the living accommodation of a single family; and
- (b) the property complies with the requirements contained in this development management scheme for a bed and breakfast establishment;

**‘boarding house’** means a building where lodging is provided, and may incorporate cooking, dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith; and includes a building in which rooms are rented for residential purposes, youth hostel, backpackers’ lodge, guest house, home for the aged, handicapped or orphaned and residential club; but does not include a hotel, dwelling house, second dwelling or group house;

**‘boundary’** in relation to a land unit means one or more of the cadastral lines separating such land unit from another land unit or from a road reserve;

**‘boundary wall’** means any wall, fence or enclosing structure erected on or next to a cadastral property boundary, and any other structure, including security devices, such as spikes, barbed wire, razor wire or electric fences, affixed to or on top of a boundary wall;

**‘braai room’** means a room which is part of the main dwelling or outbuildings and is used primarily for entertainment purposes and where food and drinks may be prepared, but excludes a kitchen;

**‘building’**, without in any way limiting its ordinary meaning, includes:

- (a) any roofed structure;
- (b) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building;
- (c) any walls or railings enclosing any feature referred to in paragraph (b) above; and
- (d) any other portion of a building;

**‘building line’** means an imaginary line on a land unit, which defines a distance from a specified cadastral boundary, within which the erection of buildings or structures are completely or partially prohibited;

**‘builder’s yard’** means a property used for the storage of material and equipment which:

- (a) is required for or is normally used for construction work;
- (b) was obtained from demolitions of structures or excavations of ground; or
- (c) is necessary for or is normally used for land development, such as storage of material used for building roads, installing essential services, or for any other construction work, whether for public or private purposes;

**‘business premises’** means a property from which business is conducted and includes a shop, supermarket, restaurant, sale of alcoholic beverages, plant nursery, office, service trade, funeral parlour, financial institution and building for similar uses, but does not include a place of assembly, place of entertainment, institution, motor repair garage, industry, noxious trade, risk activity, adult entertainment business, adult services or adult shop;

**‘cadastral line’** means a line representing the official boundary of a land unit as recorded on a diagram or general plan approved by the Surveyor General and registered in the Deeds Office;

**‘camping site’** means a property in which tents or caravans are used 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 of a balcony) projecting from the wall of a building;

**‘caravan’** means a vehicle which has been equipped or converted for living and sleeping purposes and which can be readily moved;

**‘carport’** means a structure for the storage of one or more vehicles that is covered by a roof, provided that not more than two sides may be permanently enclosed;

**‘carriageway crossing’**, in relation to a motor vehicle carriageway crossing, means an entrance or exit way, or a combined entrance and exit way, from a land unit to an abutting road;

**‘cemetery’** means a place for the burial of human or domestic animal remains, and may include ancillary buildings such as an office and chapel, but does not include a crematorium;

**‘clinic’** means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients, provided that a clinic may contain live-in facilities for no more than twenty persons, including patients and staff; and a clinic may include medical consulting rooms, operating theatre, an outpatients centre and a wellness centre with ancillary uses;

**‘commercial’** combined with a use, such as ‘commercial entertainment’, ‘commercial conference facility’ etc., means an enterprise that is run with the express purpose of making a profit and where there are no or limited social or charitable objectives;

**‘common boundary’** in relation to a land unit means a boundary that is common with an adjoining land unit other than a street boundary;

**‘conference facility’** means a place of commercial nature where information is presented and ideas or information exchanged among groups of people or delegates whose normal place of work is elsewhere, and may include overnight accommodation and the supply of meals to delegates;

**‘container site’** means property used for the storage of shipping or transport containers;

**‘contextual framework’** means a plan or written strategy approved by the City as envisaged in item 136(4)(a);

**‘coverage’** means the total area of a land unit that may be covered by buildings, expressed as a percentage of the area of such land unit, and shall include all roofed areas; provided that the following portions of buildings shall be disregarded in the calculation of coverage:

- (a) stoeps, entrance steps and landings;

- (b) open balconies and retractable awnings;
- (c) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building;
- (d) eaves not projecting more than 1 m from the wall of the building;
- (e) a basement, provided that the finished level of the top of the basement roof slab does not project above the existing ground level;

**'crematorium'** means a place for incinerating corpses in a furnace, and includes ancillary facilities such as a chapel and offices;

**'cultural and social ceremonies'** means the practice of cultural and social ceremonies by any person belonging to a cultural, religious or linguistic community, provided that such ceremonies are lawful;

**'development framework'** means a development framework as contemplated in item 136(4)(b);

**'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;

**'domestic staff quarters'** means an outbuilding which has a floor space of not more than 50 m<sup>2</sup>, including sanitary and cooking facilities, and used for the accommodation of domestic staff employed at the dwelling house concerned;

**'dominant use'** means the predominant or major use of a property, and may consist of primary uses, consent uses or other lawful uses permitted on the property;

**'dwelling house'** means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including domestic staff quarters;

**'dwelling unit'** means a self-contained, interleading group of rooms, with not more than one kitchen, used for the living accommodation and housing of one family, together with such outbuildings as are ordinarily used therewith, but does not include domestic staff quarters, or tourist accommodation or accommodation used as part of a hotel;

**'earth bank'** means land that is shaped to hold back earth or loose rock;

**'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;

**'electronic or mechanical playing devices'** means any electronic or mechanical or similar devices which are designed or used for the purpose of playing of any game or for recreational or amusement purposes or where the operator or player is entitled to a limited payout as determined by law and the operation involves the payment of any valuable consideration either by insertion of a coin, token coin, disc or another manner;

**'encroachment agreement'** means an agreement between an owner and the City relating to the projection or overhang of portions of a building or structure from the owner's property onto or over the City's property;

**'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 conservation use'** means the use or maintenance of land in a substantially natural state with the object of preserving the biophysical and heritage characteristics of that land, as well as flora and fauna living on the land, and includes associated infrastructure required for such use;

**'environmental facilities'** means facilities for the management, study, interpretation, education, and public appreciation of a predominantly natural area or heritage site; and includes accommodation for staff, support services and associated infrastructure, but does not include tourist facilities or tourist accommodation;

**'environmental site- or activity management plan'** means a plan that documents the management of site preparation, construction and/or operations affecting an environmental resource or an environmentally significant place, its environmental values and management requirements, or both;

**'equipment room'** means a building or a part thereof to accommodate communication equipment associated with telecommunication infrastructure. This can be a separate building used exclusively for the equipment, or it can be a container or a room within a building;

**'erection'** in relation to a building or structure includes:

- (a) the construction of a new building or structure;

- (b) the alteration or conversion of, or addition to, a building or structure; and
- (c) the re-construction of a building or structure which has completely or partially been demolished;

and **'erect'** has a corresponding meaning;

**'erf'** has the same meaning as 'land unit';

**'existing ground level'** means the level of the land surface on a land unit:

- (a) in its unmodified state, before any building had been erected or alterations in levels had been made thereon; or
- (b) as established from a plan indicating the contours of the land lodged with and accepted by an official agency such as the municipality or a government department, which depicts the existing level of the ground at or before the commencement date; or
- (c) in a state which has been graded, with the City's approval, for the purpose of development; or
- (d) as determined by the City, if in its opinion it is not possible to ascertain the existing level of the ground due to irregularities or disturbances of the land; and

the City may require the owner or applicant to commission a registered surveyor to measure levels of the ground or interpolate levels, which shall be tied to the National Control Network, or where this is not possible, to provide at least two durable reference marks suitably located, in order to provide the City with sufficient information so that it can determine the most appropriate existing ground level for the purpose of administering this development management scheme;

**'expo centre'** means a place for large exhibitions, particularly of a commercial nature where products are displayed to promote trade, or a place for large conventions; and includes a conference facility;

**'factory'** means property containing an industrial manufacturing plant used for the manufacture of goods;

**'factory shop'** means property used for the retail sale of goods to the public, in which the goods concerned have been completely or predominantly manufactured in a factory on the property concerned;

**'family'** means:

- (a) one person maintaining an independent household; or
- (b) two or more persons related by blood, marriage or civil union maintaining a common household; or
- (c) not more than five unrelated persons without dependants maintaining a common household; but

does not exclude up to six foster children, or dependants under legal guardianship as part of a household;

**'farm shop'** means a building, located on a farm, where the farmer sells produce grown on the farm and other goods to the general public;

**'flats'** means a building containing three or more dwelling units, together with such outbuildings as are ordinarily associated therewith; provided further that in those zonings where flats are permissible, a building with less than three dwelling units shall also be permissible in a building approved for flats or purposes other than for flats;

**'flood'** means a general and temporary condition of partial or complete inundation of land from the overflow of a body of water;

**'flood-prone area'** means any land area susceptible to being inundated by water from any source;

**'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 area of the land unit;

**'floor space'** in relation to any building means the area of a floor which is covered by a slab, roof or projection; provided that:

- (a) any area, including a basement, which is reserved solely for parking or loading of vehicles shall be excluded;



- (b) external entrance steps and landings, any canopy, any stoep and any area required for external fire escapes shall be excluded;
- (c) 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;
- (d) any uncovered internal courtyard, lightwell or other uncovered shaft which has an area in excess of 10 m<sup>2</sup> shall be excluded;
- (e) 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, and which is permanently open to the elements on at least the front or long side, shall be excluded;
- (f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 m in width, shall be excluded;
- (g) subject to paragraph (h) below, any stairs, stairwells and atriums that are covered by a roof shall be included;
- (h) in the case of multi-level buildings, any stairwells, liftwells, lightwells or other wells, and any atrium, shall only be counted once;

and provided further that 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 level, the total floor space shall be the sum of the floor space of all the levels, including that of basements;

**'freestanding base telecommunication station'** means a freestanding support structure on land or anchored to land and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals, and may include an access road to such facility;

**'funeral parlour'** means property where the dead are prepared for burial or cremation and includes facilities for ancillary administrative and religious functions but does not include a crematorium;

**'garage'** means a building for the storage of one or more motor vehicles, and includes a carport but does not include a motor repair garage or service station;

**'greenhouse'** means a structure with the sides primarily made of a transparent material such as glass, perspex or plastic for the purpose of growing of 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 as follows:

Gross dwelling density

$$(\text{units per hectare}) = \frac{\text{Total number of dwelling units in a specified area}}{\text{Extent of specified area in hectares}}$$

**'gross leasable area or GLA'** means the area of a building designed for, or capable of, occupancy and/or control by tenants, measured from the centre line of joint partitions to the inside finished surface of the outside walls, and shall exclude the following:

- (a) all exclusions from the definition of floor space;
- (b) toilets;
- (c) lift shafts, service ducts, vertical penetrations of floors;
- (d) lift motor rooms and rooms for other mechanical equipment required for the proper functioning of the building;
- (e) areas reasonably used in connection with the cleaning, maintenance and care of the building, excluding dwelling units for caretakers, supervisors, cleaners or maintenance staff; and
- (f) interior parking and loading bays;

**'ground floor'** means the lowest floor of a building that is not a basement and is positioned on the base level of a building or vertical division;

**'ground level'**: see 'average ground level' and 'existing ground level';

**'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 which may be subdivided but are planned, designed and built as a harmonious architectural entity and integrated with open space in an ordered way;

**'group housing site'** means one or more land units on which a group housing scheme may be erected;

**'guest house'** means a dwelling house or second dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment, and may include business meetings or training sessions by and for guests on the property;

**'habitable space'** means space used, designed, adapted or intended to be used by persons for sleeping in, living in, preparation or consumption of food or drink, transaction of business, rendering of any services, manufacturing, processing or sale of goods, performance of work, gathering together of persons or for recreational purposes;

**'halfway house'** means a facility that provides temporary accommodation for residents who have completed a formal treatment programme for substance abuse, but excludes inpatient treatment or similar facilities;

**'harvesting of natural resources'** means the gathering of flora and/or fauna within a conservation-worthy area for sale or use by a person or agency other than a recognised environmental agency; provided that such harvesting:

- (a) is sustainable;
- (b) does not deplete the resources below acceptable levels; and
- (c) is not detrimental to the ecosystem;

**'hazardous substance' or 'hazardous substances'** has the same meaning as the definition of 'grouped hazardous substance' in the Hazardous Substances Act, 1973 (Act 15 of 1973);

**'height'** of a building means a vertical dimension from a specified level to another specified level, as set out in the development rules of a zoning, measured in metres; provided that chimneys, flues, masts, antennas, satellite dishes not exceeding 1,5 m in diameter and external geysers with associated equipment not protruding more than 1,5 m above the top of the roof shall not be counted for the purpose of height control;

**'helicopter landing pad'** means any portion of land, building, structure or part thereof which has been demarcated for the purposes of landing or take-off of helicopters or vertical lift-off aircraft;

**'heritage area'** has the same meaning as described in section 31 of the National Heritage Resources Act;

**'heritage management plan'** means a plan that documents a heritage resource, its heritage values and management requirements. Such a heritage management plan must be subject to public consultation and approved by the City before it may be implemented;

**'heritage place'** means a property, site, area, region, structure, group of structures, open space, public square, street, park, field or natural feature that is worthy of conservation due to its heritage value;

**'heritage register'** has the same meaning as defined in the National Heritage Resources Act;

**'heritage resource'** has the same meaning as defined in the National Heritage Resources Act;

**'home child care'** means the use of portion of a dwelling house or outbuildings by the occupant to provide day care, after school care or instruction for a limited number of infants or children;

**'home occupation'** means the practising of an occupation or the conducting of an enterprise from a land unit, dwelling house, second dwelling, dwelling unit or outbuilding by one or more occupants who reside on the property;

**'horticulture'**: see 'intensive horticulture';

**'hospital'** means a place for the diagnosis and treatment of human illness, with integrated facilities such as operating theatres and live-in accommodation for patients; and includes a clinic and medical consulting rooms;

**'hotel'** means a property used as a temporary residence for transient guests, where lodging and meals are provided, and may include:

- (a) a restaurant or restaurants;
- (b) conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel; and

- (c) premises which are licensed to sell alcoholic beverages for consumption on the property;
- but does not include an off-sales facility, dwelling house or dwelling unit;
- 'house shop'** means the conducting of a retail trade from a dwelling house, second dwelling or outbuilding by one or more occupants who shall reside on the property;
- 'industry'** means a property used as a factory or for such purposes and in or on which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse, but does not include a noxious trade or risk activity;
- 'informal trading'** means the legal selling of products in areas demarcated by the City specifically for these purposes, such as markets and other demarcated areas;
- 'institution'** means a property used as a welfare facility such as a home for the aged, retired, indigent or handicapped; or a social facility such as a counselling centre, orphanages or reformatory; and includes ancillary administrative, health care and support services for these facilities; but does not include a hospital, clinic or prison;
- 'intensive animal farming'** means the breeding, feeding and keeping of animals or poultry on an intensive basis, but excludes the breeding, feeding and keeping of wildlife;
- 'intensive horticulture'** means the culture of plants on an intensive scale, including the culture of plants under a roof or in greenhouses, as well as the sale of self-produced plants on a property;
- 'kitchen'** means a room or part of a room equipped for preparing and cooking meals and excludes a braai room, food and drink preparation area or bar facilities in an entertainment area;
- 'landscaping'** means the placement of plants, contoured features, water features, paving, street furniture and other soft and hard elements, for the purposes of enhancing the aesthetic appeal, environmental management, amenity and value of a property or area;
- 'loading bay'** means an area which is clearly demarcated for the loading and off-loading of goods from commercial vehicles, and which has vehicular access to a public street to the satisfaction of the City;
- 'lodging'** means bedroom (or bed, in the case of a backpackers lodge) accommodation which is made available for payment, and the services ordinarily related to such accommodation, and **'lodger'** has a corresponding meaning;
- 'maximum floor space'** means the greatest total floor space that is allowed for a building or buildings on a land unit, and is calculated by multiplying the floor factor by the area of the land unit or that portion of the land unit which is situated within a particular zoning; provided that where the land unit is situated within two or more zonings 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 zoned portion of the land unit;
- 'medical consulting rooms'** means an office or offices and ancillary rooms used by a registered medical professional for human medical or medical-related consultation, where such office is not attached to a hospital or clinic;
- 'metropolitan road'** means any public street or road declared by the City as a road of metropolitan significance in terms of a schedule of such roads published and shown on a plan, as may be amended by the City from time to time;
- 'mine'** has the same meaning as stipulated in the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and include prospecting or prospecting related activities;
- 'mobile home'** means a transportable structure with the necessary service connections, which is designed so that it can be used as a permanent dwelling;
- 'motor repair garage'** means a commercial enterprise where motor vehicles are provided with fuel and/or major services such as engine overhauling, spray-painting, panel beating, black-smithery, exhaust fitment, shock absorber fitment or body work, and includes a service station;
- 'motor vehicle'** means a wheeled vehicle designed or used for propulsion by means of an internal combustion or electrical engine, and includes a motor cycle, trailer or caravan, but does not include a vehicle moving exclusively on rails;

**‘multiple parking garage’** means a place, excluding a road, street and on-site parking associated with a primary or consent use, that is used for parking of motor vehicles by the public, with or without a fee, and may include parking within a building;

**‘National Environmental Management Act’** means the National Environmental Management Act, 1998 (Act 107 of 1998);

**‘National Heritage Resources Act’** means the National Heritage Resources Act, 1999 (Act 25 of 1999);

**‘National Ports Authority’** means an authority that could either be a business unit or division within Transnet or a public company or enterprise created through the provisions of the National Ports Act, 2005 (Act 12 of 2005);

**‘natural ground level’**: see ‘average ground level’ or ‘existing ground level’;

**‘noise level’** means a reading on an integrated impulse sound level meter taken in accordance with accepted scientific principles, as described in Noise Control Regulations promulgated in terms section 25 of the Environment Conservation Act, 1989 (Act 73 of 1989) and published in PN 200/2013 in *Provincial Gazette* 7141 of 20 June 2013, or any such subsequent superseding regulations or legislation;

**‘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 considered by the City to be a potential source of danger, nuisance or offence to the general public or persons in the surrounding area;

**‘occupant’** means any person who physically inhabits a property;

**‘occupational health and safety law’** means the Occupational Health and Safety Act, 1993 (Act 85 of 1993) or municipal by-laws governing occupational health and safety, whichever is applicable;

**‘office’** means property used for the conducting of an enterprise primarily concerned with administrative, clerical, financial or professional duties, and includes medical consulting rooms;

**‘open space’** means land, not designated as public open space or not deemed to be an ancillary use, which is used primarily as a site for outdoor sports, play, rest or recreation, or as a park or nature area; and includes ancillary buildings, infrastructure and uses, but excludes shops, restaurants and gymnasiums;

**‘outbuilding’** means a structure, whether attached or separate from the main building, which is normally ancillary and subservient to the main building on a land unit, and includes a building which is designed to be used for the garaging of motor vehicles, and any other normal activities in so far as these are usually and reasonably required in the connection with the main building; as well as domestic staff quarters in the case of a dwelling house, but does not include a second dwelling;

**‘outdoor advertising’** means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place outdoors;

**‘package of plans’** means the hierarchy of plans specified in terms of the provisions in item 136 of this development management scheme, and applies to areas generally referred to as Special planning areas;

**‘parapet’** means a low projection, wall or moulding which finishes the uppermost edge of a building with a flat or low pitched roof;

**‘parking bay’** means an area measuring not less than 5 m by 2,5 m for perpendicular or angled parking and 6 m by 2,5 m for parallel parking, which is clearly identified and demarcated for the parking of one motor vehicle and may be provided in the form of a garage or carport, and which is accessible for easy and safe vehicle movement;

**‘pergola’** means any unroofed horizontal or approximately horizontal grille or framework and associated vertical support structure, such that the area in the horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof;

**‘place of assembly’** means a place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers and which is not predominantly a commercial enterprise; including a civic hall, concert hall, indoor sports centre, gymnasium, sport stadium and club house, but does not include a place of entertainment or conference facility;

**‘place of entertainment’** means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis; including a cinema, theatre, amusement park, dance hall, ball room, gymnasium, facility for betting, electronic or mechanical playing devices, gambling hall and nightclub;

**‘place of instruction’** means a place for education or training at pre-school, school or post-school levels, including a crèche, nursery school, primary school, secondary school, college, university or research institute, and ancillary uses such as boarding hostels; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery or museum; or a place of instruction in sport where the main objective is instruction as opposed to participation by the public as either competitors or spectators; but excludes a reformatory, commercial conference facility, gymnasium and in-house business training centre;

**‘place of worship’** means a church, synagogue, mosque, temple, chapel or other place for practising a faith or religion, and includes ancillary uses such as a religious leader’s dwelling, office or place for religious instruction; but does not include a funeral parlour, cemetery or crematorium, provided that a dwelling where the occupants engage in worship does not constitute a place of worship;

**‘plant nursery’** means a property which is used for the cultivation and sale of plants, gardening products and gardening equipment as a commercial enterprise;

**‘plaza’** means an urban open space or square, primarily designed for outdoor use by pedestrians;

**‘policy plan’** means a policy adopted by the City, or structure plan, spatial development framework or other plan as approved in terms of this By-Law;

**‘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 thereunder and any low walls or railings enclosing such paved area, and any pillars supporting such roof;

**‘port’** has the same meaning as in the National Ports Act, 2005 (Act 12 of 2005);

**‘Port development framework plan’** means a plan prepared and approved by the National Ports Authority, in consultation with the affected municipality, that reflects the policy for the port development and the land use and development rules within such port;

**‘precinct plan’** means a plan, approved by the City, as envisaged in item 136(4)(c) of this development management scheme;

**‘premises’** means any shop or restaurant within a building that is not linked in any manner or way with another shop or restaurant in the same building;

**‘primary use’** in relation to property means any land use specified in this development management scheme as a primary use, being a use that is permitted without the need to obtain the City’s approval first;

**‘private road’** means privately owned land which provides vehicle access to a separate cadastral property or properties and which is designated as private road; it may include ancillary access control infrastructure such as a gatehouse, guardhouse, refuse room and utility room, but a driveway on a property and a servitude right of way over a property do not constitute private roads for the purpose of this development management scheme;

**‘private open space’**: see ‘open space’;

**‘property’** has the same meaning as ‘land’;

**‘protected area’** has the same meaning as assigned to it in terms of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);

**‘public nuisance’** means any act, omission or condition which in the City’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:

- (a) the reasonableness of the activities in question in the area concerned, and the impacts which result from these activities; and
- (b) the ambient noise level of the area concerned;

**‘public open space’** means land which is designated as public open space, under the ownership of the City or other organ of state, with or without access control, and which is set aside for the public as an open space for recreation or outdoor sport, including a park, playground, public or

urban square, picnic area, public garden, nature area; and includes ancillary buildings, infrastructure and uses;

**'public road'** means any highway, thoroughfare, lane, footpath, sidewalk, alley, passage, bridge or any other place of a similar nature or any portion thereof serving as a public right of way, whether for vehicles or pedestrians, established or proclaimed in terms of the former Municipal Ordinance, 1974 (Ordinance 20 of 1974) or any equivalent current municipal by-law and/or national legislation and includes a public street;

**'public street'** means any land indicated on an approved general plan, diagram or map as having been set aside as a public right of way, whether for vehicles or pedestrians or public or urban squares, of which the ownership is registered in favour of or vests in the municipality in terms of this By-Law or any other law;

**'registered surveyor'** means someone who is registered in terms of the Professional and Technical Surveyors' Act, 1984 (Act 40 of 1984) as either a professional land surveyor, a professional surveyor or a surveyor;

**'restaurant'** means a commercial establishment where meals and liquid refreshments are prepared and/or served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property; but does not exclude the option for some customers to purchase food for consumption off the property;

**'retaining structure'** means a wall or structure constructed so as to hold back earth or loose rock;

**'riding stables'** means a commercial enterprise for the stabling of horses and includes riding instruction and the care and hiring 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, give rise to poisonous fumes, or cause explosion, and includes major hazardous installations and activities involving dangerous and hazardous substances that are controlled in terms of national legislation;

**'risk management and prevention plan'** means a plan, programme or strategy, developed in accordance with guidelines approved by the City, to prevent or minimise danger to the environment or humans from a particular activity or series of activities, and to deal with the consequences should any dangerous event occur;

**'rooftop base telecommunication station'** means a support structure attached to the roof, side or any other part of a building and used to accommodate telecommunication infrastructure for the transmitting or receiving of electronic communication signals;

**'sale of alcoholic beverages'** means the sale or offering for sale to the public of drinks capable of producing intoxication in a consumer;

**'satellite dish antenna'** means apparatus fixed to a structure or mounted permanently on the ground, that is capable of receiving or transmitting communication signals from a satellite;

**'scenic drive'** means a public street which is designated as a scenic drive by the City in recognition of the high visual amenity alongside that public street, including background vistas of mountain, open country, coastline or city;

**'scrapyard'** means a property which is utilised for one or more of the following purposes:

- (a) storing, depositing or collecting of junk or scrap material or articles the value of which depend mainly or entirely on the material used in the manufacture thereof;
- (b) the dismantling of second-hand vehicles or machines to recover components or material; and
- (c) 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;

**'second dwelling'** means another dwelling unit which may, in terms of this development management scheme, be erected on a land unit where a dwelling house is also permitted; and such second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house; provided that:

- (a) the second dwelling shall remain on the same land unit as the dwelling house; and
- (b) the second dwelling shall comply with the requirements specified in this development management scheme;

**'service station'** means property for the retail supply of fuel, and includes trading in motor vehicles, oil, tyres or motor spares, general repairs to motor vehicles, exhaust fitment, shock



absorber fitment, washing of vehicles, and an ancillary shop; but does not include spray-painting, panel beating or body work;

**'service trade'** means an enterprise which:

- (a) is primarily involved in the rendering of a service for the local community, such as the repair of household and electrical appliances or the supply of household services;
- (b) is not likely to be a source of disturbance to surrounding properties;
- (c) employs at most 10 people;
- (d) is not likely, in the event of fire, to cause excessive combustion, give rise to poisonous fumes or cause explosions; and

may include a builder's yard and allied trades, fitment centre for tyres, shock absorbers or exhausts, and similar types of uses; but does not include an abattoir, brick-making site, sewage works, service station or motor repair garage;

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

**'shipping or transport container'** means a large, weatherproof container used for the transport of goods by sea, rail or road, that is usually stored in the open when not in use;

**'shop'** or **'shops'** means property used for the retail sale of goods and services to the public, and 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 40% of the floor space of the shop; 'shop' does not include an industry, supermarket, service trade, motor repair garage, service station, restaurant, adult entertainment business, adult services, adult shop or sale of alcoholic beverages;

**'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 scaled and dimensioned plan which shows development details such as (but not limited to) site layout, positioning of buildings and structures, property access, building designs and landscaping of the proposed development;

**'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, then up to the ceiling; provided that:

- (a) a basement does not constitute a storey;
- (b) a roof, or dome which forms part of a roof, shall not constitute a separate storey unless the space within the roof or dome is designed for or used for human occupation, in which case it is counted as a storey;
- (c) any storey which is greater than 4,8 m but equal to or less than 7,2 m in height shall, for the purposes of the height measurement, be counted as two storeys, and every additional 4,8 m in height or portion thereof, shall be counted as an additional storey; and
- (d) in counting the number of storeys of a building, the ground floor is the first storey and the next floor above is the second storey;

**'stormwater'** means water resulting from natural processes, precipitation and/or the accumulation thereof, and includes groundwater and springwater ordinarily conveyed by the stormwater system, as well as sea water within estuaries, but excludes water in a drinking-water or waste-water reticulation system;

**'stormwater system'** means constructed and natural facilities, including pipes, culverts and water courses, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of stormwater;

**'street'**: see 'public street';

**'street boundary'** means the boundary between a land unit and an abutting public street or private road; provided that the boundary of a pedestrian way or service lane that cannot or will never be



used by motor vehicles, shall be deemed to be a common boundary for the purpose of determining building lines, street centreline setback and site access requirements;

**'street centreline 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;

**'structure'**, without in any way limiting its ordinary meaning, includes any building, shelter, wall, fence, pillar, tower, pergola, steps, landing, terrace, sign, ornamental architectural feature, swimming pool, fuel pump or underground tank, any building ancillary to service infrastructure provision, and any portion of a structure;

**'supermarket'** means a shop having a total floor space in excess of 400 m<sup>2</sup>, in which a range of goods, including foodstuff and household goods, is offered for sale on a predominantly self-service basis;

**'telecommunication infrastructure'** means any part of the infrastructure of a telecommunication network for radio/wireless communication, including voice, data and video telecommunications, which may include antennas; and any support structure, equipment room, radio equipment or optical communications equipment (laser or infra-red) provided by cellular network operators and any other telecommunication provider; as well as all ancillary structures needed for the operation of telecommunication infrastructure. Fibre optic installations and point-to-point copper (cable) installations are excluded from this definition;

**'terrace'** means an area to which occupants or users of a building have access, created on a flat roof over a portion of the building, resulting from the setting back of part of the building above such portion;

**'top of the roof'**, for the purpose of height control, means the top of the roof ridge in the case of a pitched roof, or the top of the parapet where a parapet extends above the roof;

**'total floor space'** of a building means the sum of the floor space of all the levels therein, including basements;

**'tourist accommodation'** means a harmoniously designed and built development, used for holiday or recreational purposes, whether in private or public ownership, which:

- (a) consists of a single enterprise in which overnight accommodation is supplied by means of short-term rental or time sharing only; and
- (b) may include the provision of a camping site or mobile home park; but does not include a hotel;

**'tourist facilities'** means amenities for tourists or visitors such as lecture rooms, restaurants, gift shops, restrooms and recreational facilities, but does not include a hotel or tourist accommodation;

**'transport impact statement'** means a study of the transport impact generated by a proposed development on the existing and planned road system, and recommendation of mitigating measures required as a result of the impact;

**'transport management plan'** means a document or plan specifying how the transport requirements will be accommodated in terms of all modes of transport, such as (but not limited to) public transport, private transport, cycling and walking, and how the parking requirements will be accommodated both on and off a site, including what services associated with parking will be required;

**'transport use'** means the use of land, a building or structure for the operation of a public service for the transportation of goods (including liquids and gases) or passengers by means of rail, road, sea or pipeline, including the use of such land, building or structure for the purpose of a harbour, railway station, bus depot or taxi interchange, a transport undertaking based on the provision of a transport service; and includes a public private undertaking such as a railway station, bus depot, taxi rank, public transport interchange, harbour and ancillary purposes, but does not include an airport or helicopter landing pad;

**'urban agriculture'** means the cultivation of crops, on relatively small areas within the urban area or edge, for own consumption or sale in neighbouring markets; provided that cultivation of a garden at a dwelling by an occupant shall not be regarded as urban agriculture for the purpose of this development management scheme;

**'used'**, in addition to its ordinary meaning, includes 'designated or intended to be used';

**'utility service'** means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes a water reservoir

and purification works, electricity substation and transmission lines, stormwater retention facilities, and a waste-water pump station and treatment works, but does not include road, wind turbine infrastructure or transport use;

**'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;

**'vertical division'** of a building means a portion of the building bounded by external and/or internal walls, with or without openings, which portion is clearly identifiable as a logical vertical component from other portions of the building, provided that any opening in an internal wall separating divisions may not exceed 3 m or a third of its horizontal width, whichever is the greatest; the City may deem that a building is divided into vertical divisions, where every such division shall have a separate base level for the purpose of administering this development management scheme;

**'wallplate'** means the lowest point of a longitudinal member, truss, bracket, pillar, post, structure or any other similar device as determined by the City, supporting a roof;

**'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;

**'watercourse'** means:

- (a) a river, stream, channel or canal in which water flows regularly or intermittently;
- (b) a vlei, wetland, dam, or lake into which or from which water flows;

and includes the bed and banks of a watercourse;

**'winery'** means a place where wine is made, and may include a selling point to the general public and wine-tasting area; and

**'wind turbine infrastructure'** means a device that converts energy from the wind to electricity that may or may not be linked to an electricity provider's grid or network and comprises a rotor (propeller), a generator, a tower and any infrastructure in support thereof.

## 2 Interpretation

The following provisions govern interpretation of the development management scheme:

- (a) Whenever reference is made to the use of a building, land unit or property, it includes the erection of a building, the use of part of a building and the use of a land unit, whether a building is erected on the land unit or not.
- (b) A sentence in italics is for guidance and should be regarded as not forming part of this development management scheme.

## 3 Methods of measuring distances, heights and levels

The following provisions apply with regard to measuring distances, levels or height:

- (a) If required by the City, the owner or applicant shall appoint a registered surveyor to supply or verify information necessary for the City to make a decision about compliance with distances or levels required in terms of this development management scheme.
- (b) 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 measurements shall be made on such a plane; and
  - (ii) The distance between a point on a building and a boundary shall be measured at the shortest distance between the point and the boundary.
- (c) Where reference is made to a portion of a boundary 'opposite a building', such portion shall be defined by drawing lines in the manner described in paragraph (b) from points on such building, at right angles to such boundary.
- (d) Any post-construction deviation from a height restriction that does not exceed 300 mm will not be considered a contravention of the provisions of this development management scheme, provided that this deviation provision does not apply for the purposes of making an application.

- (e) If there is doubt about the height of a building or structure, the City may require the owner to appoint a registered surveyor to:
  - (i) certify the actual height of the building or structure in accordance with the provisions of this development management scheme;
  - (ii) certify if a building or structure is in contravention of the provisions of this development management scheme; and
  - (iii) certify that all structures on the property comply with the height restrictions applicable to the property.
- (f) Where reference is made to a distance, ground level, height of a point on a building or other measurement, then such distance, level or height shall be calculated in accordance with recognised geometric principles, and for the purposes of determining contours, from any data set held by the City at or before the commencement date or any data set so determined by the City. In any case where the distance, level or height involved is so irregular that calculation in accordance with these principles is impractical or leads to a result which is clearly not in accordance with the intent of the development management scheme, the City shall determine the distance, level or height concerned for the purpose of administering this development management scheme.

#### **4 Interpretation of boundaries**

Where uncertainty exists as to the boundaries of 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 or road 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 zone, the City shall make a determination.

#### **5 Interpretation of category of use and zoning**

In the event that there is:

- (a) uncertainty or dispute about zoning categories;
- (b) conflict between the provisions of a zoning map, the development management scheme and the register; or
- (c) uncertainty or dispute about the zoning of property,

the City, after giving due consideration to any relevant representations, shall determine the category of use or zoning, and its decision shall be final.

#### **6 Evasion of intent of the development management scheme**

The City may refuse any application in terms of this By-Law if it considers such application to constitute or facilitate an evasion of the intent of this development management scheme or any of its provisions.

### **CHAPTER 2.: APPLICATION AND APPROVAL PROCEDURES**

*(item 7)*

#### **7 Conditions applicable to an approved consent use**

- (1) When a consent use is approved, the following general conditions shall apply:
  - (a) If such consent use as listed in a specific zoning is a primary use in another zoning, it shall be subject to the most restrictive development rules operating in such other zoning;
  - (b) If such consent use as listed in a zoning is not a primary use in another zoning, it shall be subject to the development rules in that zoning;

- (c) Notwithstanding (a) and (b) above, a consent use for a second dwelling in the Single Residential 1 Zoning is subject to the development rules in that zoning.
- (2) Notwithstanding sub-item (1), the City may impose further conditions including:
  - (a) limiting a consent use for a specified period of time;
  - (b) requiring that a consent use does not adversely affect the potential use of that property for its primary uses in terms of this development management scheme;

## **DIVISION II: ZONING CATEGORIES, BASE ZONINGS AND DEVELOPMENT RULES**

*(items 8 -120)*

*This division describes the various zoning categories, base zonings and their respective provisions. It sets out the development rules that apply to each zoning, including primary and consent uses. Zoning categories are grouped into chapters according to similarity of use rights and intensity of development. In turn, the chapters are divided into parts, with each zoning being dealt with as a part. As many of the applicable development rules as possible are contained in the section concerned, but general rules and definitions that apply to all zonings and the development management scheme in general are contained in Division III.*

### **CHAPTER 3.: ZONING AND USE OF PROPERTY**

#### **Part 1: Zonings**

*(items 8 - 9)*

#### **8 Zonings**

- (1) All properties that were zoned in terms of a former zoning scheme are deemed to be zoned in terms of this development management scheme.
- (2) The City Manager shall ensure that the zoning of all properties within the municipal area are determined and depicted on the zoning map, and where appropriate, recorded in the register.
- (3) Property situated within a particular zoning is subject to the provisions specified for that zoning under Division II of this development management scheme.
- (4) In addition to the provisions of Division II the general provisions of Division III shall apply in all zonings, and the provisions of any applicable overlay zoning in terms of Division IV shall apply to the land units concerned.

#### **9 Subzonings**

- (1) Certain zonings have been divided into subzonings that distinguish between different building forms through different development rules. In order to change or relax the development rules applicable to property regulated by a base or subzoning, either:
  - (a) an application for departure from the development rule(s), or
  - (b) an application for rezoning to another zoning or subzoningmust be submitted and approved.
- (2) A rezoning application must be submitted if the change contemplated in sub-item (1) is equivalent to or greater than the permitted floor space or height of the next most intensive subzoning.

#### **Part 2: Uses permitted as of right**

*(items 10 - 12)*

#### **10 Primary uses**

The use of property for any purpose specified as a primary use in the zoning of that property is permitted without the approval of the City.

## **11 Additional use rights**

An activity or use described as an additional use right in a particular zoning is permitted in that zoning without the approval of the City, provided that any condition or further provisions specified for such activity or use are adhered to.

## **12 Ancillary uses**

An ancillary use is permitted where a primary use, approved consent use or other lawful use is exercised.

### ***Part 3: Uses permitted only with the City's approval (items 13 - 15)***

## **13 Consent uses**

A consent use as listed under a base zoning in this development management scheme is permitted only if the City grants its approval for such consent use.

## **14 Occasional uses**

(1) The occasional use of a property for temporary events (including craft markets, circuses, public meetings, religious gatherings, film shoots or other events) may be permitted with the City's approval, even though these events are not in accordance with the use rights of the property concerned, provided that:

- (a) the occasional use will not have a significant negative impact on surrounding areas, or on the natural and cultural environment;
- (b) the occasional use is genuinely of a temporary and short term nature, and may not occur for more than 5 days per month or more days as may be allowed by the City; and
- (c) the occasional use conforms with the City's policies.

(2) Approval in terms of sub-item (1) above may be granted subject to, but not limited to, the following conditions:

- (a) the amount of parking and the number of ablution facilities required;
- (b) the maximum duration or occurrence of the occasional use.

(3) The City may issue a notice calling for compliance with conditions or for the ceasing of the occasional use by a specific date, where:

- (a) conditions of approval are not met; or
- (b) where a public nuisance is caused.

## **15 Special use**

(1) A special use is a use not defined or provided for in this development management scheme, and may be so classified and permitted in any zoning with the approval of the City.

(2) All special uses so approved shall be listed in Annexure A.

### ***Part 4: Deemed zoning (items 16 - 19)***

## **16 Public open space and public streets**

(1) Any portion of land designated on the zoning map or specified on a General Plan of a registered township as public open space shall be deemed to be zoned as Open Space Zoning 2: Public Open Space.

(2) All public roads and public streets referred to in this development management scheme are roads proclaimed in terms of the Roads Ordinance, 1976 (Ordinance 19 of 1976) or roads or streets established in terms of the former Municipal Ordinance, 1974 (Ordinance 20 of 1974) or any equivalent current municipal by-law and/or national legislation, unless they are specifically excluded.



- (3) Any public road and public street and any portion of land proclaimed or reserved under any law as public road or public street or the widening or improvement of any such existing public road or street or specified on a General Plan of a registered township as public road or public street, shall be deemed to be zoned as Transport Zoning 2: Public Street and Public Parking.
- (4) Where a proclamation or reservation in terms of sub-item (3) or part thereof is withdrawn or cancelled, the City shall determine a zoning and/or subzoning for a land unit which was subject to such proclamation or reservation, whereafter the land unit concerned shall be deemed to be zoned in accordance with such determination, provided that:
- (a) the City Manager shall notify the affected land owner; and
  - (b) the City shall consider any representations received in terms of paragraph (a) above prior to making such determination.
- (5) Notwithstanding the provisions in sub-item (4), where only a part of a land unit was deemed Transport Zoning 2: Public Street and Public Parking, such part which was subject to a proclamation or reservation shall be deemed to fall into the same zoning and/or subzoning as that of the rest of the land unit.
- (6) Where a proclamation or reservation is withdrawn or cancelled as contemplated in sub-items (4) and (5), such withdrawal or cancellation, including deeming, shall only apply to the land referred to in the relevant resolution, or notice of withdrawal or cancellation.
- (7) Any portion of land which was previously part of a public street but has become the property of an abutting owner through prescription shall be deemed to be zoned as Transport Zoning 2: Public Street and Public Parking; provided that where the City specifically resolves that such portion of land is no longer required for public street purposes, such land shall be deemed to fall into the same zoning and subzoning as that of the abutting land belonging to such owner.
- (8) Where any portion of land (other than land referred to in sub-item (4)) which was previously a public street or public open space vested in or owned by the City, is closed and transferred to an abutting owner, such portion of land shall be deemed to fall into the same zoning and subzoning, including any conditions of approval, if any, as that of the abutting land belonging to such owner provided that:
- (a) where the intended owner of the public street or public open space does not own the abutting property, or
  - (b) where the intended owner owns abutting properties falling into more than one zoning, or
  - (c) in any other case not provided for herein,
- the City shall determine which zone shall apply to the property concerned.
- (9) Where the zoning and/or subzoning of a land unit or part thereof is deemed under Part 4: Deemed zoning of this development management scheme, the City shall record such deemed zoning and/or subzoning on the zoning map.

#### **17 Land subject to the provisions of section 13 of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989)**

- (1) All land subject to section 13 of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989) is deemed to be zoned Transport Zoning 1: Transport Use (TR1).
- (2) Where an agreement has been entered into between the City and the South African Transport Services or any of its divisions or its successors in title in terms of the Legal Succession of the South African Transport Services Act, 1989 (Act 9 of 1989) or preceding legislation, the provisions and conditions contained within such agreement shall prevail over the provisions of the TR1 zoning.
- (3) The conditions contained in an agreement referred to in sub-item (2) are deemed to be development rules.
- (4) If these development rules are to be altered, this must be done by means of a departure in terms of this By-Law.
- (5) Where additional land use rights are applied for, this must be done by means of rezoning in terms of this By-Law.
- (6) Where land that is owned by the former South African Transport Services or any of its divisions or successors in title has been lawfully zoned to any zoning other than Transport



Zoning 1: Transport Use (TR1), such land will be deemed to retain its zoning and be allocated with a corresponding zoning in terms of this development management scheme on the City's zoning map.

## 18 Land deemed as a heritage area in accordance with the National Heritage Resources Act

All Heritage Protection Overlay Zones as published in the *Provincial Gazette* are deemed to be heritage areas in accordance with the National Heritage Resources Act.

## 19 Special provisions

The provisions in the following table are deemed to constitute development rules in terms of this development management scheme.

Former zoning scheme in terms of which special zone, special area or special provision was established	Name of former special zone, special area or special provision	Reference number (if applicable)
Municipality of the City of Cape Town Zoning Scheme	Rondebosch Shopping precinct Schedule 8: Special provisions applicable to certain properties	
Pinelands Zoning Scheme	Special Zone A: Howard Place Special Zone B: Mutual Park	

## CHAPTER 4.: SUMMARY OF ZONINGS (item 20)

## 20 Zoning summary table

(1) Table A contains a summary of the base zonings and development rules as set out in this development management scheme.

(2) Table A does not supersede the detailed provisions contained in Division II.

**Table A: Summary of the zonings and development rules**

SINGLE RESIDENTIAL ZONINGS	LAND UNIT AREA (m <sup>2</sup> )	FLOOR FACTOR	MAXIMUM FLOOR SPACE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
<b>SINGLE RESIDENTIAL ZONING 1: CONVENTIONAL HOUSING (SR1)</b>	>2 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	6,0 m	6,0 m	N/a	Window and door placement Garages, carports and outbuildings Parking and access Additional use rights – home occupation, bed and breakfast establishment and home child care
	>1 000 up to 2 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	4,5 m	3,0 m		
<b>PRIMARY USES</b> Dwelling house, private road and additional use rights	>650 up to 1 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	3,5 m	3,0 m		
<b>ADDITIONAL USE RIGHTS</b> Home occupation or bed and breakfast establishment or home child care	>350 up to 650	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
<b>CONSENT USES</b> Second dwelling, utility services, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture and halfway house	>200 up to 350	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	≤200	1,0	N/a	8,0 m	10,0 m	1,0 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		

	Refer to item 22(a)	Refer to item 22(b)	Refer to item 22(c)	Refer to item 22(c)	Refer to item 22(d) & 22(e)	Refer to item 22(d) & 22(e)		
<b>SINGLE RESIDENTIAL ZONING 2: INCREMENTAL HOUSING (SR2)</b>  <b>PRIMARY USES</b> Dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights  <b>ADDITIONAL USE RIGHTS</b> Shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading and any educational, religious, occupational or business purpose subject to conditions  <b>CONSENT USES</b> Group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, rooftop base telecommunication station, wind turbine infrastructure, halfway house	1,0	N/a	6,0 m dwelling units;	8,0 m dwelling units;	Formal township: 1,0 m	Formal township: 0,0 m for 60% and 1,0 m for remainder; 2,5 m between shelters and other buildings	N/a	Parking and access House shop Shelter Informal trading Land constructed as or identified for roads Land used as or identified for firebreaks Approval of building plans
	Refer to item 27(a)		8,0 m other buildings	10,0 m other buildings	No formal township: 1,0 m	No formal township: 3,0 m on perimeter; 2,5 m between shelters and other buildings		
			Refer to item 27(b)	Refer to item 27(b)	Refer to Item 27(c) & 27(d)	Refer to Item 27(c) & 27(d)		

GENERAL RESIDENTIAL ZONING	SUB-ZONING	DENSITY	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
<b>GENERAL RESIDENTIAL SUBZONING 1: GROUP HOUSING (GR1)</b>  <b>PRIMARY USES</b> Dwelling house, group housing, private road, open space and additional use rights  <b>ADDITIONAL USE RIGHTS</b> Flats and home occupation, subject to restriction  <b>CONSENT USES</b> Utility services, home child care and rooftop base telecommunication station	GR1	35 du/ha	N/a	8,0 m	10,0 m	5,0 m external public street  0,0 m internal road  Garages 5,0 m from kerb	3,0 m external boundaries  0,0 m internal boundaries	N/a	Design principles  Open space  Parking and access  Site development plan  Flats and home occupation as additional use right  Dwelling house outside group scheme
		Refer to item 35(b)		Refer to item 35(c)	Refer to item 35(c)	Refer to item 35(e) & 35(f)	Refer to item 35(e) & 35(f)		
<b>GENERAL RESIDENTIAL SUBZONINGS (GR2–GR6)</b>  <b>PRIMARY USES</b> Dwelling house, second dwelling, group housing, boarding house, guest house, flats, private road and open space  <b>CONSENT USES</b> Utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shop, hotel, conference facility and rooftop base telecommunication station	GR2	1,0	60%	15,0 m		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Parking and access  Screening Wind mitigation
	GR3	1,0	60%	20,0 m		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Dwelling house and second dwelling
	GR4	1,5	60%	24,0 m		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Group housing
	GR5	2,5	60%	35,0 m		4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	8,0 m	Institution, place of instruction and place of assembly  Shop
	GR6	5,0	60%	50,0 m		4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	8,0 m	
		Refer to item 41(b)	Refer to item 41(a)	Refer to item 41(c)		Refer to item 41(e)	Refer to item 41(e)	Refer to item 41(d)	

COMMUNITY ZONINGS	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To top of roof	Street boundary	Common boundaries		
<b>COMMUNITY ZONING 1: LOCAL (CO1)</b>  <b>PRIMARY USES</b> Place of instruction, place of worship, clinic, rooftop base telecommunication station and open space  <b>CONSENT USES</b> Institution, hospital, place of assembly, cemetery, freestanding base telecommunication station and urban agriculture	0,8  Refer to item 47(a)	60%  Refer to item 47(b)	12,0 m  Refer to item 47(c)	5,0 m  Refer to item 47(d)	5,0 m  Refer to item 47(e)	N/a	Parking and access  Loading  Screening  Noise mitigation
<b>COMMUNITY ZONING 2: REGIONAL (CO2)</b>  <b>PRIMARY USES</b> Institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station and open space  <b>CONSENT USES</b> Boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure and urban agriculture	2,0  Refer to item 49(a)	60%  Refer to item 49(b)	18,0 m  Refer to item 49(c)	5,0 m  Refer to item 49(d)	5,0 m  Refer to item 49(e)	N/a	Parking and access  Loading  Screening  Noise mitigation

LOCAL BUSINESS ZONING	LAND UNIT AREA (m <sup>2</sup> )	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
<b>LOCAL BUSINESS ZONING 1: INTERMEDIATE BUSINESS (LB1)</b>  <b>PRIMARY USES</b> Office, dwelling house, boarding house, utility services, flats and additional use rights  <b>ADDITIONAL USE RIGHTS</b> Second dwelling and home occupation or house shop or bed and breakfast establishment or home child care  <b>CONSENT USES</b> Place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure and halfway house	>1 000	1,0	N/a	9,0 m	11,0 m	3,5 m	3,0 m	N/a	Garages and carports
	>650 up to 1 000	1,0		9,0 m	11,0 m	3,5 m	3,0 m		Parking and access
	>350 up to 650	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		Loading
	>200 up to 350	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		Screening
	≤200	1,0		8,0 m	10,0 m	1,0 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		Home occupation, bed & breakfast establishment and home child care
		Refer to item 51(a)		Refer to item 51(b)	Refer to item 51(b)	Refer to item 51(c)	Refer to item 51(c)		Second dwelling
									House shop
				To top of roof					
<b>LOCAL BUSINESS ZONING 2: LOCAL BUSINESS (LB2)</b>  <b>PRIMARY USES</b> Shop, office, dwelling house, second dwelling, bed and breakfast establishment, boarding house, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road and open space  <b>CONSENT USES</b> Place of assembly, informal trading, restaurant, sale of alcoholic beverages, funeral parlour, place of entertainment, adult shop, business premises, supermarket, plant nursery, hotel, conference facility, motor repair garage, service station, authority use, freestanding base telecommunication station, wind turbine infrastructure, transport use and multiple parking garage				12,0 m		0,0 m		8,0 m	Canopy projection
				Refer to item 56(c)		Refer to item 56(e) & 56(f)		Refer to item 56(d)	Street corners
									Parking and access
									Loading
									Screening
									Service station and motor repair garage
									Informal trading

GENERAL BUSINESS AND MIXED USE ZONINGS	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
<b>GENERAL BUSINESS SUBZONINGS (GB1–GB7)</b>  <b>PRIMARY USES</b> Business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road and open space  <b>CONSENT USES</b> Adult shop, adult entertainment business, adult services, informal trading, expo-centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad and service station	GB1	1,5	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Residential incentive in respect of GB7
	GB2	2,0	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Hotel floor space concession
	GB3	2,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Canopy or balcony projection
	GB4	3,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Public pedestrian footway along street boundary
	GB5	4,0	100%	25,0 m	0,0 m	0,0 m	8,0 m	Street corners
	GB6	6,0	100%	38,0 m	0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m	0,0 m	8,0 m	Parking and access
	GB7	12,0	100%	60,0 m	0,0 m up to 38,0 m height; ½ (H-38 m) above 38,0 m	0,0 m	8,0 m	Loading Screening Wind mitigation
		Refer to item 60(c)	Refer to item 60(a)	Refer to item 60(d)	Refer to item 60(e)	Refer to item 60(e)	Refer to item 60(b)	Service station and motor repair garage Informal trading
<b>MIXED-USE SUBZONINGS (MU1–MU3)</b>  <b>PRIMARY USES</b> Business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility service, rooftop base telecommunication station, transport use, multiple parking garage, private road and open space  <b>CONSENT USES</b> Adult shop, adult entertainment business, adult services, informal trading, expo centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station and motor repair garage	MU1	1,5	75%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Canopy or balcony projection
	MU2	4,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Parking and access Loading
	MU3	6,0	100%	38,0 m	0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m		8,0 m	Screening Service station and motor repair garage Informal trading
		Refer to item 64(a)	Refer to item 64(a)	Refer to item 64(a)	Refer to item 64(c)		Refer to item 64(b)	



INDUSTRIAL ZONINGS	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
<b>GENERAL INDUSTRY SUBZONINGS (GI1–GI2)</b>  <b>PRIMARY USES</b> Industry, restaurant, service station, motor repair garage, funeral parlour, scrap yard, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space and additional use rights  <b>ADDITIONAL USE RIGHTS</b> Factory shop and adult shop  <b>CONSENT USES</b> Abattoir, place of worship, institution, clinic, place of assembly, adult entertainment business, adult services, aquaculture, informal trading, shop, office, sale of alcoholic beverages, place of entertainment, helicopter landing pad, wind turbine infrastructure and container site	GI 1	1,5	75%	18,0 m	5,0 m	3,0 m	N/a	Boundary walls
	GI 2	4,0	75%	18,0 m, but no restriction in respect of manufacturing buildings	5,0 m	3,0 m		Parking and access
		Refer to item 68(a)	Refer to item 68(a)	Refer to item 68(b)	Refer to item 68(c)	Refer to item 68(d)		Loading
								Screening
<b>RISK INDUSTRY ZONING (RI)</b>  <b>PRIMARY USE</b> Noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space and additional use rights  <b>ADDITIONAL USE RIGHTS</b> Factory shop  <b>CONSENT USE</b> Shop, restaurant, informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, helicopter landing pad, wind turbine infrastructure, container site, transport use and multiple parking garage		2,0	75%	18,0 m, but no restriction in respect of noxious trade, risk activity or manufacturing buildings	5,0 m	5,0 m	N/a	Hazardous substances
		Refer to item 75(a)	Refer to item 75(b)	Refer to item 75(c)	Refer to item 75(d)	Refer to item 75(d)		Service station and motor repair garage
								Factory shop
								Informal trading

UTILITY, TRANSPORT AND NATIONAL PORT ZONINGS	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
<b>UTILITY ZONING (UT)</b>  <b>PRIMARY USES</b> Utility service, authority use, rooftop base telecommunication station and freestanding base telecommunication station  <b>CONSENT USES</b> Cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure and helicopter landing pad	As determined by a site development plan (Refer to item 81)						
<b>TRANSPORT ZONING 1: TRANSPORT USE (TR1)</b>  <b>PRIMARY USES</b> Transport use, multiple parking garage, utility service, warehouse, rooftop base telecommunication station and container site  <b>CONSENT USES</b> Business premises, flats, place of assembly, place of entertainment, hotel, conference facility, service station, motor repair garage, service trade, freestanding base telecommunication station, wind turbine infrastructure, airport, helicopter landing pad, informal trading, industry and air and underground rights	2,0   						

OPEN SPACE ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
<b>OPEN SPACE ZONING 1: ENVIRONMENTAL CONSERVATION (OS1)</b>  <b>PRIMARY USES</b> Environmental conservation use  <b>CONSENT USES</b> Harvesting of natural resources, environmental facilities, tourist accommodation, tourist facilities, utility service, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure and cultural and social ceremonies				As determined by a site development plan (Refer to item 98)			
<b>OPEN SPACE ZONING 2: PUBLIC OPEN SPACE (OS2)</b>  <b>PRIMARY USES</b> Public open space and environmental conservation use  <b>CONSENT USES</b> Environmental facilities, tourist facilities, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading, harvesting of natural resources and air and underground rights				As determined by a site development plan (Refer to item 100)			Deemed zoning  Construction and deposit of material  Air and underground rights  Informal trading
<b>OPEN SPACE ZONING 3: SPECIAL OPEN SPACE (OS3)</b>  <b>PRIMARY USES</b> Open space, private road and environmental conservation use  <b>CONSENT USES</b> Environmental facilities, tourist facilities, place of instruction, place of assembly, place of entertainment, plant nursery, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading and harvesting of natural resources				As determined by a site development plan (Refer to item 105)			Approval of consent uses  Informal trading

AGRICULTURAL, RURAL AND LIMITED USE ZONINGS	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To wallplate	To top of roof	Street boundary	Common boundaries		
<b>AGRICULTURAL ZONING (AG)</b>  <b>PRIMARY USES</b> Agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station and additional use rights  <b>ADDITIONAL USE RIGHTS</b> Second dwelling and home occupation or bed and breakfast establishment or home child care  <b>CONSENT USES</b> Additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop and agriculture industry	1 500 m <sup>2</sup> for all dwelling units  100 m <sup>2</sup> for farm shop   Refer to item 109(a)	N/a	9,0 m for dwelling house   Refer to item 109(d)	11,0 m for dwelling house  12,0 m for agricultural buildings other than dwelling house  Refer to item 109(d)	> 20 ha : 30,0 m  ≤ 20 ha : 15,0 m  Refer to item 109(b)	> 20 ha : 30,0 m  ≤ 20 ha : 15,0 m  Refer to item 109(b)	N/a	Parking  Minimum subdivision size  Agricultural industry  Second dwelling and additional dwelling units
<b>RURAL ZONING (RU)</b>  <b>PRIMARY USES</b> Dwelling house, agriculture and additional use rights  <b>ADDITIONAL USE RIGHTS</b> Second dwelling and home occupation or bed and breakfast establishment or home child care  <b>CONSENT USES</b> Guest house, tourist accommodation, tourist facilities, harvesting of natural resources, mine, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, intensive animal farming, intensive horticulture, riding stables, animal care centre, farm shop and agricultural industry	1 500 m <sup>2</sup> for all buildings  100 m <sup>2</sup> for farm shop   Refer to item 113(a)	40%   Refer to item 113(b)	9,0 m   Refer to item 113(e)	11,0 m   Refer to item 113(e)	10,0 m   Refer to item 113(c)	5,0 m   Refer to item 113(c)	N/a	Parking  Minimum subdivision size  Agricultural industry  Second dwelling
<b>LIMITED USE ZONING (LU)</b>  <b>PRIMARY USES</b> Only existing lawful uses  <b>CONSENT USES</b> None	Refer to item 118							No rezoning  Reconstruction of destroyed property

## CHAPTER 5.: SINGLE RESIDENTIAL ZONINGS

(items 21 - 33)

*The single residential zonings are designed to provide locations for predominantly single-family dwelling houses in low- to medium-density neighbourhoods, with a safe and pleasant living environment. There are controlled opportunities for home employment, additional dwellings and low intensity mixed-use development on a single residential property. In recognition of the different socio-economic circumstances of the city there are two single residential zonings, one for conventional housing and one for incremental housing (where upgrading of informal settlements is encouraged).*

### **Part 1: Single Residential Zoning 1: Conventional Housing (SR1)**

(items 21 - 25)

*The SR1 zoning provides for predominantly single-family dwelling houses and additional use rights in low- to medium-density residential neighbourhoods, whether these incorporate small or large erven. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the impacts of such uses do not adversely affect the surrounding residential environment.*

#### **21 Use of the property**

The following use restrictions apply to properties in this zoning:

- (a) Primary uses are dwelling house, private road and additional use rights as specified in paragraph (b).
- (b) Additional use rights which may be exercised by the occupant of a property are home occupation, bed and breakfast establishment and home child care, subject to the following conditions:
  - (i) Only one of the activities listed as additional use rights shall be conducted on any land unit as a primary use. Where more than one such activity is required, the City's approval shall be obtained;
  - (ii) The dominant use of the property shall be a dwelling house for accommodation of a single family;
  - (iii) The proprietor of the activity concerned shall live on the property;
  - (iv) The conditions stipulated in items 23, 24, or 25 (whichever is applicable) shall be adhered to;
  - (v) Any new structure or alteration to the property to accommodate an additional use right shall be compatible with the residential character of the area, particularly with regard to the streetscape, and shall be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned; and
  - (vi) No more than three employees shall be engaged by the occupant in the activity concerned.
- (c) Consent uses are utility service, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, second dwelling and halfway house.

#### **22 Development rules**

The following development rules apply:

- (a) Floor factor  
The maximum floor factor is determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, floor space, height and building lines in 'Single Residential Zoning 1'.
- (b) Floor space  
The maximum floor space, if applicable, to all buildings on a land unit is determined in accordance with the following 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1'.

## (c) Height

- (i) The maximum height of a building, measured from the base level to the wallplate and top of the roof, shall be determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1';
- (ii) Where a building is permitted in this zoning within 3 m of a common boundary, the height will be limited to 4 m measured from base level to top of roof.
- (iii) Notwithstanding the provisions in sub-paragraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1';
- (iv) Earth banks and retaining structures are subject to item 126.

## (d) Building lines

The street and common boundary building lines are determined in accordance with the area of the land unit as shown in the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1, subject to:

- (i) the general building line encroachments in item 121;
- (ii) where more than four dwelling units are attached to each other, the City may require a common boundary building line of 1 m between a batch of four attached dwelling units and any adjacent dwelling unit; and
- (iii) further restrictions stipulated in paragraphs (e) and (f) as applicable.

**Table of floor factor, floor space, height and building lines  
in Single Residential Zoning 1**

Land unit area (m <sup>2</sup> )	Floor factor	Maximum floor space	Maximum height above base level		Street boundary building line	Common boundary building line
			To wall-plate	To top of roof		
>2 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	6,0 m	6,0 m
>1 000 up to 2 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	4,5 m	3,0 m
>650 up to 1 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	3,5 m	3,0 m
>350 up to 650	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder, subject to paragraph d(iii).
>200 up to 350	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to paragraphs (ii) and (iii).
≤200	1,0	N/a	8,0 m	10,0 m	1,0 m	



- (e) Window and door placement  
Any portion of a building which contains an external window or door facing onto a common boundary shall:
  - (i) be set back a distance of at least 1,5 m away from such boundary; and
  - (ii) the portion of building to be set back from the boundary shall include the door or window, together with such additional length of wall as is required to make up a total minimum length of 3 m.
- (f) Garages, carports and outbuildings
  - (i) A garage, carport and outbuildings are permitted within the common boundary building line provided that the garage, and carport and outbuilding do not:
    - (aa) extend higher than 3,5 m from base level to top of roof;
    - (bb) contain more than a double garage façade; and
    - (cc) exceed a width of 6,5 m.
  - (ii) For land units of 650 m<sup>2</sup> and less, a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:
    - (aa) is not higher than 3,5 m from base level to top of roof;
    - (bb) does not contain more than a double garage façade; and
    - (cc) does not exceed a width of 6,5 m.
  - (iii) For land units exceeding 650 m<sup>2</sup>, a garage or carport shall not be closer than 5 m from the street boundary, notwithstanding the street building line.
  - (iv) Notwithstanding paragraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the City, compliance with the street boundary building line will not be practical due to steep slopes of the ground between the road and the property concerned. The City will determine the street boundary building line in such a case.
- (g) Parking and access
  - (i) Parking and access shall be provided on the land unit in accordance with Chapter 15.

### 23 Home occupation

In addition to item 21(b), the following conditions shall apply where a portion of property is used for purposes of home occupation:

- (a) No home occupation shall include a noxious trade, risk activity, adult entertainment business, adult services, adult shop, sale of alcoholic beverages, motor repair garage, funeral parlour or activities that are likely to generate a public nuisance, including but not limited to panel beating and spray painting, auto electrician, builders yard, welding works, joinery;
- (b) Only goods which have been produced or assembled in the home occupation may be sold from the property;
- (c) No goods for sale shall be publicly displayed and no external evidence of the home occupation shall be visible from a public street, except for an advertising sign in accordance with paragraph (d);
- (d) No advertising sign shall be displayed other than a single, un-illuminated sign or notice not projecting over a public street in accordance with the City's Outdoor Advertising and Signage By-Law, and such sign shall not exceed 0,2 m<sup>2</sup> in area;
- (e) No activities shall be carried out which constitute or are likely to constitute a source of public nuisance, or generate waste material which may be harmful to the area or which requires special waste removal processes;
- (f) Off-street parking shall be provided at a ratio of 1 parking bay per 25 m<sup>2</sup> area used for home occupation unless the City's approval is obtained to waive this requirement. The City may at any stage require additional on-site parking where parking is not sufficient;
- (g) The total area used for all home occupation activity on a land unit, including storage, shall not consist of more than 25% of the total floor space of the dwelling units on the land unit or 50 m<sup>2</sup>, whichever is the lesser area;

- (h) The storage of all goods and equipment connected with the home occupation shall be inside a building or screened from neighbours and the public street;
- (i) Not more than two vehicles may be used in connection with a home occupation, and no one vehicle shall exceed 3 500 kg gross weight;
- (j) The hours of operation shall not extend beyond 08:00 to 17:30 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays, and shall not include public holidays or Sundays; and
- (k) The City may, at any stage, call for a cessation of the home occupation activity or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public.

## **24 Bed and breakfast establishment**

In addition to item 21(b), the following conditions shall apply where a portion of property is used as a bed and breakfast establishment, or where rooms are let to lodgers:

- (a) No more than 3 rooms per land unit shall be used for bedroom accommodation for paying guests or lodgers, and no more than 6 paying guests or lodgers shall be supplied with lodging or meals at any time;
- (b) No alcoholic beverages shall be sold except to resident guests for consumption on the premises with meals;
- (c) Guest rooms shall not be converted to, or used as, separate self-catering dwelling units;
- (d) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling;
- (e) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the City's Outdoor Advertising and Signage By-Law, and such sign shall not exceed 0,5 m<sup>2</sup> in area;
- (f) Weddings, receptions, conferences, training or any similar activities are not permitted from a bed and breakfast establishment;
- (g) No activities shall be carried out which constitute, or are likely to constitute, a source of public nuisance; and
- (h) On-site parking shall be provided in accordance with the provisions of Chapter 15, provided that the City may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.

## **25 Home child care**

In addition to item 21(b), the following conditions shall apply where a portion of property is used for home child care:

- (a) No more than 6 children shall be enrolled at the home child care facility at any time;
- (b) Services shall be primarily day care or educational and not medical;
- (c) Services shall not operate outside the hours of 07:00 to 18:00 on Mondays to Fridays, and from 08:00 to 13:00 on Saturdays, and shall not include public holidays or Sundays;
- (d) Indoor and outdoor play space shall be provided in accordance with any health requirement or a policy plan as might be approved by the City from time to time, and outdoor play space shall be fenced off from any public street;
- (e) No advertising sign shall be displayed, other than a single un-illuminated sign or notice in accordance with the City's Outdoor Advertising and Signage By-Law, not projecting over a public street, and such sign shall not exceed 0,5 m<sup>2</sup> in area; and
- (f) At least one off-street parking bay shall be provided, plus one additional parking bay which is suitable for the use of parents to drop off or collect their children, unless the City's approval is obtained to waive this requirement. The City may at any stage require additional on-site parking where parking is not sufficient.

**Part 2: Single Residential Zoning 2: Incremental Housing (SR2)**  
(items 26 - 33)

*The SR2 zoning facilitates upgrading and incremental housing from an informal settlement to a formal settlement. SR2 may apply to individual land units or to blocks containing an informal settlement. In recognition of the realities of poor and marginalised communities, development rules are not very restrictive and local employment generation is encouraged within this zoning. Once upgrading of an area has reached an appropriate stage, as determined by the City, it is contemplated that the area may be rezoned to SR1 or another appropriate zoning. All properties zoned as Informal Residential Zone in former zoning schemes are converted to SR2 in this development management scheme.*

**26 Use of the property**

- (1) The following use restrictions apply to property in this zoning:
- (a) Primary uses are dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights as specified in paragraph (b).
  - (b) Additional use rights which may be exercised by the occupant of any unit of accommodation are shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading and any educational, religious, occupational or business purpose, provided that:
    - (i) The dominant use of the unit shall remain residential;
    - (ii) No noxious trade, risk activity, adult entertainment business, adult services or adult shop are permitted;
    - (iii) No activities shall be carried out which constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes;
    - (iv) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public; and
    - (v) The development rules stipulated in items 23, 24, 25, 28, 29 and 30, whichever is applicable, shall be adhered to.
  - (c) Consent uses are group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, rooftop base telecommunication station, wind turbine infrastructure and halfway house.
  - (d) Multiple uses and buildings where no formal township exists.
- (2) Notwithstanding that primary uses, additional use rights and consent uses in this zoning may be expressed in the singular, more than one such use is permitted where:
- (a) no formal township has been established legally; or
  - (b) it is not possible to identify individual land units.

**27 Development rules**

The following development rules apply:

- (a) Floor factor  
The maximum floor factor for all buildings on a property is 1,0.
- (b) Height
  - (i) The maximum height of a building, measured from base level to the wallplate, shall be 6 m for dwelling units and 8 m for all other buildings;
  - (ii) The maximum height of a building, measured from base level to the top of the roof, shall be 8 m for dwelling units and 10 m for all other buildings.
  - (iii) Earth banks and retaining structures are subject to item 126.
- (c) Building lines where a formal township exists

The following building lines apply to buildings, including shelters, on land units zoned SR2 that have been subdivided in a formal township and where the subdivision has been confirmed in terms of this By-Law or other relevant law:

- (i) Street boundary building line: 1 m;
- (ii) Common boundary building line: 0 m for 60% of the total linear distance along all common boundaries around the land unit and 1 m for the remainder, provided that:
  - (aa) where more than 4 dwelling units are attached to each other, the City may require a common boundary building line of 1 m between a batch of 4 attached dwelling units and any adjacent dwelling unit, and
  - (bb) no doors or windows shall be erected in a wall that is less than 1 m from a common boundary.
- (iii) No more than 2 shelters shall be attached to each other without a space of at least 2,5 m between such shelters and any other building or shelter on the land unit, or on any adjacent land unit; and
- (iv) The general building line encroachments in item 121 also apply.
- (d) Building lines where no formal township exists
 

The following building lines apply to buildings, including shelters, on a property that has not been subdivided as part of a formal township:

  - (i) Street boundary building line: Every building or shelter shall be set back at least 1 m from a street, road or the edge of a temporary road or thoroughfare, as determined by the City;
  - (ii) Common boundary building line: 3 m on the perimeter of the property as determined by the City;
  - (iii) Where more than 4 dwelling units or shelters are attached to each other the City may require a space of 2,5 m between such dwellings or shelters and any other building or shelter on the property concerned or any adjacent property; and
  - (iv) The general building line encroachments in item 121 also apply.
- (e) Parking and access
  - (i) Parking shall be provided on a property in accordance with the following 'Table of parking requirement in Single Residential Zoning 2':

**Table of parking requirement in Single Residential Zoning 2**

Use of property	Parking requirement
Shelter	None
Dwelling house	One bay, if required by the City (None on erven <100 m <sup>2</sup> )
Second dwelling, home occupation	None
Other primary or consent uses	As required by the City

- (ii) The provisions of Chapter 15 which relate to parking and access, do not apply in this zoning.

## **28 House shop**

The following conditions apply to a house shop:

- (a) The extent and position of the retail component shall be clearly defined on a plan, and excluding any toilet or change room, shall not exceed 40 m<sup>2</sup> or 40% of the total floor space of the dwelling, whichever is the lesser area;
- (b) In addition to the house shop, the property shall contain a dwelling which shall be occupied by the proprietor of the house shop;
- (c) Any new structure, or alteration to the existing dwelling house, second dwelling or outbuilding, shall conform to the residential character of the area;
- (d) No more than three persons in total shall be engaged in retail activities on the property, including the occupant or occupants and any assistants;

- (e) Only one un-illuminated sign is permitted in accordance with the City's Outdoor Advertising and Signage By-Law, which shall be affixed to the wall of the house shop or boundary wall, and shall not exceed 0,5 m<sup>2</sup> in area;
- (f) The following are not permitted in a house shop: sale of alcoholic beverages, storage or sale of fireworks, storage of gas for sale, sale of gas containers, vending machines, gaming machines, video games or pool tables;
- (g) The area used for a house shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the house shop may be stored in a bedroom or toilet;
- (h) No animals are permitted in the area used for a house shop;
- (i) The house shop shall be adequately ventilated and illuminated, and if perishable food is sold, the City may require refrigeration to be provided;
- (j) The house shop shall not operate outside the hours of 07:00 to 21:00 on Mondays to Saturdays and 08:00 to 13:00 on public holidays or Sundays; and
- (k) Not more than one vehicle may be used in connection with a house shop and shall not exceed 3 500 kg gross weight, including delivery vehicles.

## **29 Shelter**

The following conditions apply to a shelter:

- (a) It shall be the sole responsibility of the occupant or owner of the shelter to ensure the structural, habitability, fire resistance or other standards of a shelter; and
- (b) Any occupant or owner of a shelter who is instructed by the City to take action to remedy a public safety, health or fire risk, and who fails to do so, is guilty of an offence in terms of this By-Law.

## **30 Informal trading**

Informal trading is permitted on land which has been set aside as a road reserve or identified by the City as a future road reserve provided that:

- (a) no permanent structures are erected on the land;
- (b) there is no interference with pedestrian or vehicular movement, or with any municipal utility services; and
- (c) there is no threat to public health or safety.

## **31 Land constructed as or identified for roads**

No building or shelter shall be erected on land which has been constructed as a road or identified by the City as a future road.

## **32 Land used as or identified for firebreaks**

No building or shelter shall be erected on land which has been used, identified or demarcated by the City as a firebreak on a site development plan approved by the City.

## **33 Approval of building plans**

Notwithstanding the fact that individual land units may not have been created or transferred to individuals, the City may approve building plans in terms of the National Building Act for a building relating to a primary use or consent use, except a shelter, provided the City is satisfied that:

- (a) the proposed building is acceptable as a permanent structure in terms of location and use, taking into account any plans to upgrade the area; and
- (b) the applicant has permission from the owner of the land to erect the building.

## **CHAPTER 6.: GENERAL RESIDENTIAL ZONINGS**

*(items 34 - 45)*

*The general residential zonings are designed to provide a healthy, safe, and pleasant environment for urban living at higher densities, in order to promote efficient urban development, manage the*

*pressure of urban growth and reduce urban sprawl. Different zonings and subzonings permit different levels of development intensity, particularly relating to height and floor space. Within these zonings there are controlled opportunities for home employment and low-intensity mixed-use development.*

**Part 1: General Residential Subzoning 1: Group Housing (GR1)**  
(items 34 - 39)

*The GR1 zoning encourages group housing, which is a medium-density form of residential development, where attention is given to aesthetics, architectural form and the inter-relationship between different components of the development. Opportunities are included for low-rise flats within a group housing project. GR1 also accommodates dwelling houses that are not part of a group housing scheme.*

**34 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are dwelling house, group housing, private road, open space and additional use rights as specified in paragraph (b).
- (b) Additional use rights are flats subject to the development rules in item 37 and home occupation subject to the restrictions in item 38.
- (c) Consent uses are utility service, home child care and rooftop base telecommunication station.

**35 Development rules for group housing**

The following development rules apply to group housing:

- (a) Design principles  
All buildings and structures shall be planned, designed and built as a harmonious architectural entity and special attention shall be given to aesthetics, architectural co-ordination, urban design and landscaping.
- (b) Density  
The maximum gross density on a group housing site shall be 35 dwelling units per hectare.
- (c) Height
  - (i) The maximum height of a building, measured from base level to the top of the wallplate, shall be 8 m, and to the top of the roof shall be 10 m.
  - (ii) Earth banks and retaining structures are subject to item 126.
- (d) Open space  
Within a group housing site, outdoor space of at least 50 m<sup>2</sup> per dwelling unit shall be provided, which may include private or communal open space or any functional outdoor space which is inaccessible for motor vehicles, but excludes roads, service yards and parking areas.
- (e) Building lines along the perimeter of a group housing site  
The following building lines apply along the perimeter of a group housing site:
  - (i) A street boundary building line of 5 m applies where the group housing site abuts an external public street.
  - (ii) Common boundary building lines of 3 m applies along the perimeter of the group housing site.
  - (iii) The general building line encroachments in item 121 apply.
- (f) Building lines within a group housing site  
The following building lines apply within a group housing site:
  - (i) Street boundary building lines on internal roads are 0 m; provided that any garage door facing the road shall be set back at least 5 m from the kerb of such internal road.



- (ii) Common boundary building lines within the group housing site are 0 m unless the City requires a building line for fire-fighting purposes, in which case the common boundary building lines shall be 3 m.
  - (iii) The general building line encroachments in item 121 apply.
- (g) Parking and access
  - (i) Parking and access shall be provided in accordance with Chapter 15.
  - (ii) Parking may be provided at the group houses concerned, or part of the required parking 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.

### **36 Site development plan**

A site development plan of the proposed group housing scheme shall be submitted to the City for approval as provided for in item 123, whereafter the development of the group housing site shall be substantially in accordance with the approved site development plan.

### **37 Flats as an Additional use right in a group housing scheme**

The following conditions apply to flats as an additional use right in this zoning:

- (a) The flats shall form an integrated part of the group housing site and shall comply with the development rules for group housing;
- (b) The total floor space of flats shall not exceed 40% of the total floor space of all buildings on the group housing site; and
- (c) The open space requirement for dwelling units in a group housing site shall apply.

### **38 Home occupation as an Additional use right in a group housing scheme**

The following conditions apply to home occupation as an additional use right in this zoning:

- (a) The owner shall obtain the written consent of the relevant Owners' Association or all the owners within such group housing scheme if the Owners' Association is not functioning; and
- (b) The provisions of item 23 shall apply.

### **39 Development rules for a dwelling house outside a group housing scheme**

(1) A dwelling house that does not form part of a group housing scheme is exempt from the development rules for group housing.

(2) The following conditions apply to a dwelling house that does not form part of a group housing scheme:

- (a) A second dwelling is permitted subject to the provisions for a second dwelling in Local Business Zoning 1;
- (b) Additional use rights and consent uses applicable to a dwelling house in Single Residential Zoning 1 shall also apply to a dwelling house in this zoning;
- (c) The development rules for erven greater than 350 m<sup>2</sup> and not exceeding 500 m<sup>2</sup> as stipulated in the 'Table of coverage, height, floor space and building lines in Single Residential Zoning 1' in item 22 shall apply;
- (d) Parking and access shall be provided on the land unit in accordance with Chapter 15; and
- (e) The requirements for garages and carports in Single Residential Zoning 1 shall apply.

### **Part 2: General Residential Subzonings (GR2, GR3, GR4, GR5 & GR6)** (items 40 - 45)

*The GR zonings promote higher-density residential development, including blocks of flats. Different development rules apply to different subzonings, particularly with regard to height and floor space, in order to accommodate variations of built form. GR2 accommodates flats of relatively low height and floor space, GR3 and GR4 cater for flats of medium height and floor space, while GR5 and*

*GR6 accommodate high-rise flats. The dominant use is intended to be residential, but limited mixed-use development is possible.*

#### **40 Use of the property**

The following use restrictions apply to property in these subzonings:

- (a) Primary uses subject to paragraph (c) are dwelling house, second dwelling, group housing, boarding house, guest house, flats, private road and open space.
- (b) Consent uses subject to paragraph (c) are utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shops, hotel, conference facility and rooftop base telecommunication station.
- (c) Notwithstanding the primary and consent uses specified in paragraphs (a) and (b), if the only vehicle access to the property is from an adjacent road reserve that is less than 9 m wide, no building is permitted other than a dwelling house or second dwelling.

#### **41 Development rules for flats, boarding houses and hotels**

The following development rules apply to flats, boarding houses and hotels:

- (a) Coverage  
The maximum coverage for all buildings on the land unit in each subzoning is determined in accordance with the following 'Table of coverage, height and floor factor in General Residential Subzonings GR2-GR6'.
- (b) Floor factor  
The maximum floor factor for all buildings on the land unit in each subzoning shall be determined in accordance with the following 'Table of coverage, height and floor factor in General Residential Subzonings GR2-GR6'.
- (c) Height
  - (i) The maximum height of a building, measured from the base level to the top of the roof, shall be determined in accordance with the following 'Table of coverage, height and floor factor in General Residential Subzonings GR2-GR6'.
  - (ii) Earth banks and retaining structures are subject to item 126.

**Table of coverage, height and floor factor in General Residential Subzonings GR2-GR6**

Subzoning	Coverage	Floor factor	Maximum height above base level to top of roof
GR2	60%	1,0	15,0 m
GR3	60%	1,0	20,0 m
GR4	60%	1,5	24,0 m
GR5	60%	2,5	35,0 m
GR6	60%	5,0	50,0 m

- (d) Street centreline setback  
The City may require a street centreline setback, in which case:
  - (i) any flats, boarding houses or hotels shall be set back 8 m from the centre line of the abutting public street or streets; and
  - (ii) the provisions of item 122 shall apply.
- (e) Building lines
  - (i) No building shall be erected so that any point on the building is nearer to a street boundary or a common boundary than the distance specified in the following 'Table of building lines in General Residential Subzonings GR2-GR6', provided that:
    - (aa) the symbol 'H' means the height in metres of the point concerned above the base level, and

- (bb) where two alternative building lines are prescribed, the greater of the two building lines shall apply.
- (ii) An outbuilding is permitted within the common boundary building line provided the outbuilding is not higher than 3,5 m from the base level of the outbuilding to the top of the roof.
- (iii) The general building line encroachments in item 121 apply.

**Table of building lines in General Residential Subzonings GR2-GR6**

Subzoning	Street boundary building line		Common boundary building line	
	Points up to 25,0 m above base level	Points over 25,0 m above base level	Points up to 25,0 m above base level	Points over 25,0 m above base level
GR2	4,5 m	N/a	4,5 m or 0,6 H (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)	N/a
GR3				
GR4				
GR5	4,5 m	9,0 m	4,5 m or 0,6 H (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)	15,0 m (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)
GR6				

- (f) Parking and access  
Parking and access shall be provided on the land unit in accordance with Chapter 15.
- (g) Screening  
The City may require screening in accordance with item 125.
- (h) Wind mitigation  
The City may:
  - (i) require an assessment of how wind will affect the proposed building and its surroundings; and
  - (ii) impose conditions to mitigate adverse wind effects.

#### **42 Dwelling house and second dwelling**

The additional use rights, consent uses and development rules for dwelling house in Single Residential Zoning 1 and second dwelling in Local Business Zoning 1 respectively shall apply to a dwelling house and second dwelling in this zoning.

#### **43 Group housing**

The additional use rights and development rules for group housing in General Residential Zoning 1 shall apply to group housing in this zoning.

#### **44 Institution, place of instruction and place of assembly**

The development rules which apply to an institution, place of instruction and place of assembly in item 47 shall apply to these uses in this zoning; provided that 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.

#### **45 Shops**

The City may grant its approval for a shop or shops to be provided within the ground floor of a block of flats; provided that:

- (a) a policy plan for the area in which such property is situated makes provision for mixed or commercial uses; and
- (b) the gross leasable area of the shops does not exceed 1 000 m<sup>2</sup>, or 25% of the floor space of the ground floor, whichever is the lesser.

### **CHAPTER 7.: COMMUNITY ZONINGS**

*(items 46 - 49)*

*Community zonings are intended for social uses directed at community needs, such as educational, religious, welfare or health services. Community buildings are important social and urban design focal points, and prominent architectural forms should be encouraged. There are two community zonings, with CO1 serving predominantly local community needs, and CO2, which caters for a wider community and potentially a greater intensity of development.*

#### **Part 1: Community Zoning 1: Local (CO1)**

*(items 46 - 47)*

*The CO1 zoning provides for local educational, worship and health needs as primary uses, but allowance is also made for the City to approve other community needs which may have a greater impact.*

#### **46 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are place of instruction, place of worship, clinic, rooftop base telecommunication station and open space.
- (b) Consent uses are institution, hospital, place of assembly, cemetery, freestanding base telecommunication station and urban agriculture.

#### **47 Development rules**

The following development rules apply:

- (a) Floor factor  
The floor factor on a land unit shall not exceed 0,8.
- (b) Coverage  
The coverage for all buildings on a land unit shall not exceed 60%.
- (c) Height
  - (i) The maximum height of a building, measured from base level to the top of the roof, is 12 m, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.
  - (ii) Earth banks and retaining structures are subject to item 126.
- (d) Street boundary building line  
The street boundary building line is 5 m, subject to the general building line encroachments in item 121.
- (e) Common boundary building line  
Common boundary building lines are 5 m, subject to the general building line encroachments in item 121.
- (f) Parking and access  
Parking and access shall be provided on the land unit in accordance with Chapter 15.
- (g) Loading

- Loading bays shall be provided on the land unit in accordance with item 144.
- (h) Screening  
The City may require screening in accordance with item 125.
- (i) Noise mitigation  
The City may require the owner to implement noise mitigation measures if excessive noise is created or likely to be created.

**Part 2: Community Zoning 2: Regional (CO2)**  
(items 48 - 49)

*The CO2 zoning provides for a full range of institutional and community needs, which can be of a local or regional scale, and includes health and welfare as well as religious and educational services.*

**48 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station and open space.
- (b) Consent uses are boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure and urban agriculture.

**49 Development rules**

The following development rules apply:

- (a) Floor factor  
The floor factor on a land unit shall not exceed 2,0.
- (b) Coverage  
The coverage for all buildings on a land unit shall not exceed 60%.
- (c) Height
  - (i) The maximum height of a building, measured from base level to the top of the roof, shall be 18 m, provided that there is no height limit for a bell tower, steeple, minaret or similar architectural feature designed to accentuate the significance of a building.
  - (ii) Earth banks and retaining structures are subject to item 126.
- (d) Street boundary building line  
The street boundary building line is 5 m, subject to the general building line encroachments in item 121.
- (e) Common boundary building line  
Common boundary building lines are 5 m, subject to the general building line encroachments in item 121.
- (f) Parking and access  
Parking on and access to a property shall be provided in accordance with the provisions of Chapter 15.
- (g) Loading  
Loading bays shall be provided on a land unit in accordance with item 144.
- (h) Screening  
The City may require screening in accordance with item 125.
- (i) Noise mitigation  
The City may require the owner to implement noise mitigation measures if excessive noise is created or likely to be created.

**CHAPTER 8.: LOCAL BUSINESS ZONINGS**  
(items 50 - 58)

*Intermediate Business Zoning creates a suitable interface between business districts and adjacent residential areas, where low-impact offices and associated uses are permitted, but where higher-*  
City of Cape Town Municipal Planning By-Law, 2015

*impact retail uses are controlled. Local Business Zoning 2 is appropriate for local neighbourhood shops, and allows for a range of compatible land uses.*

**Part 1: Local Business Zoning 1: Intermediate Business (LB1)**  
(items 50 - 54)

*The LB1 zoning provides an intermediate zoning, which can act as a buffer or interface between general business zonings or other high-intensity non-residential uses, and residential areas. The dominant uses should be for residential, office and associated purposes, but limited retail activities are possible with the City's approval.*

**50 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are office, dwelling house, boarding house, utility service, flats and additional use rights as specified in paragraph (b).
- (b) Additional use rights which may be exercised by the occupant of a dwelling house are second dwelling, home occupation or house shop or bed and breakfast establishment or home child care subject to the development rules in items 52, 53 and 54 whichever is applicable.
- (c) Consent uses are place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure and halfway house.

**51 Development rules**

The following development rules apply:

- (a) Floor factor  
The maximum floor factor is determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, height and building lines in Local Business Zoning 1'.
- (b) Height
  - (i) The maximum height of a building, measured from base level to the top of the wallplate and to the top of the roof, shall be determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, height and building lines in Local Business Zoning 1'.
  - (ii) Where a building is permitted in this zoning within 3 m of a common boundary, the height will be limited to 4 m measured from base level to the top of the roof.
  - (iii) Notwithstanding the provisions in sub-paragraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height, and building lines in Single Residential Zoning 1'.
  - (iv) Earth banks and retaining structures are subject to item 126.
- (c) Building lines

The street and common boundary building lines are determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, height and building lines in Local Business Zoning 1', subject to:

- (i) the general building line encroachments in item 121; and
- (ii) provisions relating to garages and carports as stipulated in paragraph (d).



**Table of floor factor, height and building lines in Local Business Zoning 1**

Land unit area (m <sup>2</sup> )	Floor factor	Maximum height above base level		Street boundary building line	Common boundary building line
		To wallplate	To top of roof		
>1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>650 up to 1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>350 up to 650	1,0	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder, subject to paragraph (d)(iii).
>200 up to 350	1,0	8,0 m	10,0 m	3,5 m	0,0 m for first 12,0 m measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder; subject to paragraphs (d)(ii) and (d)(iii).
≤200	1,0	8,0 m	10,0 m	1,0 m	

**(d) Garages and carports**

(i) A garage or carport is permitted within the common boundary building line provided the garage or carport:

(aa) does not extend higher than 3,5 m from base level to the top of the roof; and  
 (bb) does not contain more than a double garage façade with a maximum width of 6,5 m.

(ii) For land units of 650 m<sup>2</sup> and less, a garage or carport is permitted up to 1,5 m from the street boundary provided the garage or carport:

(aa) is not higher than 3,5 m from base level to the top of the roof; and  
 (bb) does not contain more than a double garage facade with a maximum width of 6,5 m.

(iii) For land units exceeding 650 m<sup>2</sup>, a garage or carport shall not be closer than 5 m from the street boundary, notwithstanding the street building line.

**(e) Parking and access**

Parking and access shall be provided on a land unit in accordance with Chapter 15.

**(f) Loading**

Loading bays shall be provided on a land unit in accordance with item 144.

**(g) Screening**

The City may require screening in accordance with item 125.

**52 Home occupation, bed and breakfast establishment and home child care**

The conditions for a home occupation, bed and breakfast establishment or home child care in this zoning shall be the same as those of Single Residential Zoning 1.

**53 Second dwelling**

The following conditions shall apply to a second dwelling:

- (a) Total floor space of a second dwelling may not exceed the total floor space of the main dwelling unit without the approval of the City. The floor space of ancillary buildings is excluded from this provision;
- (b) A second dwelling shall be constructed in a style that is similar to the architecture of the main dwelling house;

- (c) A second dwelling that is a separate structure to a main dwelling house shall not exceed a height of 6 m measured from base level to the wall plate and 8 m to the top of the roof;
- (d) A second dwelling that is contained within the same building as a main dwelling house shall be designed so that the building appears as a single dwelling house; both units may have a ground floor, or one unit may be on the ground floor and the other unit above;
- (e) The existence of a second dwelling shall not in itself be sufficient reason for the City to grant an application in terms of this By-Law to subdivide the land unit containing the dwelling units;
- (f) The construction of a second dwelling shall be subject to the City's municipal services departments certifying that capacity is available on the services network in the specific area; and
- (g) Prior to the submission and approval of a building plan for a second dwelling, all property owners that abut or share a common boundary or erf peg with the subject property must be notified of the intention to construct the second dwelling and give their written consent. In the event that such written consent is not obtained the owner will have to apply for the City's approval to erect a second dwelling.

#### **54 House shop**

The following conditions apply to a house shop:

- (a) The extent and position of the retail component shall be clearly defined on a building plan, and excluding any toilet or change room, shall not exceed 40 m<sup>2</sup> or 40% of the total floor space of the dwelling, whichever is the lesser area;
- (b) In addition to the house shop, the property shall contain a dwelling which shall be occupied by the proprietor of the house shop;
- (c) Any new structure, or alteration to the existing dwelling house, second dwelling or outbuilding, shall conform to the residential character of the area;
- (d) No more than three persons in total shall be engaged in retail activities on the property, including the occupant or occupants and any assistants;
- (e) Only one un-illuminated sign is permitted in accordance with the City's Outdoor Advertising and Signage By-Law, which shall be affixed to the wall of the house shop or boundary wall, and shall not exceed 0,5 m<sup>2</sup> in area;
- (f) The following are not permitted in a house shop unless the approval of the City is obtained: sale of alcoholic beverages, storage or sale of fireworks, storage or sale of gas and gas containers, vending machines, gaming machines, video games or pool tables;
- (g) The area used for a house shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the house shop may be stored in a bedroom or toilet;
- (h) No animals are permitted in the area used for a house shop;
- (i) The house shop shall be adequately ventilated and illuminated, and if perishable food is sold, the City may require refrigeration to be provided;
- (j) The house shop shall not operate outside the hours of 07:00 to 21:00 on Mondays to Saturdays and 08:00 to 13:00 on public holidays or Sundays; and
- (k) No more than one vehicle may be used in connection with a house shop and such vehicle shall not exceed 3 500 kg gross weight, including delivery vehicles.

#### **Part 2: Local Business Zoning 2: Local Business (LB2)** (items 55 - 58)

*The LB2 zoning provides for low-intensity commercial and mixed-use development which serves local needs for convenience goods and personal services. Limitations are placed on the scale of such development so that it is capable of integration into the adjacent residential neighbourhood without adversely affecting the amenity of the neighbourhood.*

## 55 Use of the property

The following use restrictions apply to property in this zoning:

- (a) Primary uses are shop, office, dwelling house, second dwelling, boarding house, bed and breakfast establishment, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road and open space.
- (b) Consent uses are place of assembly, informal trading, restaurant, sale of alcoholic beverages, place of entertainment, adult shop, business premises, supermarket, plant nursery, hotel, conference facility, motor repair garage, service station, authority use, freestanding base telecommunication station, wind turbine infrastructure transport use and multiple parking garage.

## 56 Development rules

The following development rules apply:

- (a) Floor factor  
The floor factor on a land unit shall not exceed 1,0.
- (b) Coverage  
The coverage for all buildings on a land unit shall not exceed 75%.
- (c) Height
  - (i) The maximum height of a building, measured from base level to the top of the roof, shall be 12 m.
  - (ii) Earth banks and retaining structures are subject to item 126.
- (d) Street centreline setback  
The City may require a street centreline setback, in which case:
  - (i) all buildings or structures on the land unit shall be set back 8,0 m from the centre line of the abutting public street or streets; and
  - (ii) the provisions of item 122 shall apply.
- (e) Street boundary building line  
The street boundary building line is 0 m, subject to:
  - (i) the street centreline setback restriction;
  - (ii) minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 mm beyond the street boundary; and
  - (iii) for service stations the street boundary building line is 5 m subject to the general building line encroachments in item 121.
- (f) Common boundary building line  
The common boundary building lines are 0 m.
- (g) Canopy projection  
The City may approve a canopy 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 City may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy; and
  - (iv) The owner shall enter into an encroachment agreement with the City.
- (h) Street corners  
The City may require that the owner of a building which is to be situated at a public street corner, and which the City 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; and such features may include building cut-offs, walk-through covered arcades, plazas or other elements.
- (i) Parking and access  
Parking and access shall be provided on the land unit in accordance with Chapter 15.

- (j) Loading  
Loading bays shall be provided on the land unit in accordance with item 144.
- (k) Screening  
The City may require screening in accordance with item 125.

## **57 Service station and motor repair garage**

The following additional development rules apply to a service station and motor repair garage:

- (a) Any part of the property of a service station or motor repair garage 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, shall be enclosed with a solid screen wall at least 2 m high, or contained in a building;
- (b) Any service station or motor repair garage that supplies fuel shall comply with the following access requirements:
  - (i) The width of motor vehicle carriageway crossings over the street boundary, whether one-way or two-way, shall not exceed 8 m;
  - (ii) A wall, at least 100 mm thick and 350 mm high, shall be erected on the street boundary between different motor vehicle carriageway crossings, and the wall shall continue along such boundary unless the property is otherwise enclosed;
  - (iii) The motor 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 motor vehicle carriageway crossing may be permitted;
  - (iv) At the point where it crosses the street boundary, a motor vehicle carriageway crossing shall not be closer than:
    - (aa) 30 m to the intersection of a metropolitan road and with any other road of a like status;
    - (bb) 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;
    - (cc) 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 street boundary if such intersection is splayed;
    - (dd) 1,5 m from a side boundary;
  - (v) No fuel pump shall be erected so that the base or island on which the pump stands is less than 3,5 m from the nearest street boundary.

## **58 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's by-law on informal trading.

## **CHAPTER 9.: GENERAL BUSINESS AND MIXED USE ZONINGS** (items 59 - 66)

*The general business zonings are designed to promote economic development in business districts and development corridors, and include a wide range of land uses such as business, residential and community uses, although industrial development is restricted. By contrast, the mixed use zonings are suitable for completely mixed areas in terms of land use, including industrial, business and residential development. Such mixed use zonings need to be applied with care to ensure that conflict between residential and industrial development is minimised.*

### **Part 1: General Business Subzonings (GB1, GB2, GB3, GB4, GB5, GB6 & GB7)** (items 59 - 62)

*The GB zonings provide for general business activity and mixed-use development of a medium to high intensity. Different development rules apply to the different subzonings of GB1-GB7, particularly with regard to permitted height and floor space, in order to accommodate variations of*

*built form within the city. Very few restrictions relate to use because the aim is to encourage a range of uses, but industry is not permitted.*

## 59 Use of the property

The following use restrictions apply to property in this zoning:

- (a) Primary uses are business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road and open space.
- (b) Consent uses are adult shop, adult entertainment business, adult services, informal trading, expo centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad and service station.

## 60 Development rules

The following development rules apply:

- (a) Coverage  
The maximum coverage for all buildings on a land unit is 100%.
- (b) Street centreline setback  
The City may require a street centreline setback, in which case:
  - (i) all buildings or structures on a land unit shall be set back 8 m from the centre line of the abutting public street or streets; and
  - (ii) the provisions of item 122 shall apply.
- (c) Floor factor  
The maximum floor factor on a land unit shall be determined in accordance with the following 'Table of height and floor factor in General Business Zonings' subject to paragraphs (f), (g) and (h) which provide concessions in line with specific development initiatives that the City encourages.
- (d) Height
  - (i) The maximum height of a building, measured from the base level to the top of the roof, shall be determined in accordance with the following 'Table of height and floor factor in General Business Zonings'.
  - (ii) Earth banks and retaining structures are subject to item 126.

**Table of height and floor factor in General Business Zonings**

Subzoning	Maximum height above base level to top of roof	Floor factor
GB1	15,0 m	1,5
GB2	15,0 m	2,0
GB3	25,0 m	2,0
GB4	25,0 m	3,0
GB5	25,0 m	4,0
GB6	38,0 m	6,0
GB7	60,0 m	12,0

- (e) Building lines
  - (i) No building shall be erected so that any point thereon is nearer to a street or common boundary than the distance specified in the following 'Table of building lines in General Business Zonings', where the symbol 'H' means the height in metres of the point concerned above base level.
  - (ii) Minor architectural and sunscreen features may project beyond the street boundary building line, provided that such features do not project more than 250 mm beyond the street boundary.
  - (iii) The general building line encroachments in item 121 shall apply.

**Table of building lines in General Business Zonings**

Sub-zoning	Street building line and common building line			
	Points on a building above base level			
	up to 10,0 m	over 10,0 m and up to 25,0 m	over 25,0 m and up to 38,0 m	over 38,0 m
GB1	0,0 m	4,5 m (0,0 m for common boundary)	N/a	N/a
GB2				
GB3				
GB4				
GB5	0,0 m	0,0 m	N/a	N/a
GB6	0,0 m	0,0 m	(H minus 25,0 m) divided by 2 (0,0 m for common boundary)	N/a
GB7	0,0 m	0,0 m	0,0 m	(H minus 38,0 m) divided by 2 (0,0 m for common boundary)

- (f) Residential incentive in respect of GB7  
The floor space of buildings on land that is zoned GB7 may be increased by 30% provided that at least 30% of such floor space is developed and remains in use as flats.
- (g) Hotel floor space concession  
Where it is proposed to erect a hotel of at least 30 bedrooms within these subzonings, the following portions of such hotel shall be disregarded when calculating the total floor space of the building:
- (i) Rooms which are used by residents and visitors as dining rooms, banqueting rooms, bars, restaurants, ballrooms, rooms for games and sports, lounges, sitting rooms, reading rooms, writing rooms and conference rooms;
  - (ii) Public foyers and areas comprising public or communal stoeps, verandahs, balconies, terraces or sun decks used by hotel residents or visitors;
  - (iii) Barber shops, hairdressing salons, florists and similar enterprises within the hotel for the exclusive use of hotel residents;
  - (iv) Offices forming part of the hotel premises, used solely for the administration and management of the hotel;
  - (v) Kitchens, sculleries, laundries and similar service facilities forming part of the hotel premises;
  - (vi) Storerooms appurtenant to the hotel; and
  - (vii) Staff quarters appurtenant to the hotel, including corridors, stairs and other means of access within such staff quarters, including all kitchens, dining rooms, recreation rooms, laundries and other such rooms for the exclusive use of staff.
- If, in the opinion of the City, a room is primarily for the use of persons other than hotel residents, staff or visitors, such room shall be included in the floor space calculation of the building notwithstanding that it may be referred to in sub-paragraphs (i) to (vii) above, and any rooms which are not specifically referred to in sub-paragraphs (i) to (vii) above shall also be included in the floor space calculation of the building.
- (h) Canopy or balcony projection  
The City may require, and may approve, a canopy or balcony projection over the street boundary in accordance with the following conditions:
- (i) The canopy or balcony 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 or balcony projection shall be less than 2,8 m above the pavement;
  - (iii) The City may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and



- (iv) The owner shall enter into an encroachment agreement with the City and register a servitude area in the case of a balcony projection.
- (i) **Public pedestrian footway along street boundary**  
If the owner provides a public pedestrian footway of at least 3 m wide on the land unit, next to a building situated alongside the street boundary, with a canopy and pavement that ties in with the street pavement, and which is accessible to the public at all times, then in recognition of the urban design contribution to the street environment, the maximum floor space of the building may be increased by twice the area of the public pedestrian footway.
- (j) **Street corners**  
The City may require that the owner of a building which is to be situated at a public street corner, and which the City 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 on and access to a land unit shall be provided in accordance with Chapter 15.
  - (ii) Except with the approval of the City, no parking bays at ground floor level on a land unit, either outside or within a building, shall be located closer than 10 m to a street boundary, in order to enhance amenity at street level.
- (l) **Loading**  
Loading bays shall be provided on a land unit in accordance with item 144.
- (m) **Screening**  
The City may require screening in accordance with item 125.
- (n) **Wind mitigation**  
The City may:
  - (i) require an assessment of how wind will affect the proposed building and its local surroundings; and
  - (ii) impose conditions to mitigate adverse wind effects.

## **61 Service station and motor repair garage**

The development rules applicable to a service station and motor repair garage in Local Business Zoning 2 shall also apply to a service station and motor repair garage in this zoning.

## **62 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's by-law on informal trading.

## **Part 2: Mixed Use Subzonings (MU1, MU2 & MU3)** (items 63 - 66)

*The MU zonings accommodate a mixture of business, appropriate industrial and residential development. These zonings are particularly suitable at the interface between general business and industrial zonings. Certain uses that could have a negative impact on the surrounding area require the approval of the City. Different development rules apply to the different subzonings of MU1, MU2 and MU3, particularly with regard to permitted height and floor space.*

## **63 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility

service, rooftop base telecommunication station, transport use, multiple parking garage, private road and open space.

- (b) Consent uses are adult shop, adult entertainment business, adult services, informal trading, expo centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station and motor repair garage.

#### 64 Development rules

The following development rules apply:

- (a) Floor factor, coverage and height
- The maximum floor factor and coverage for all buildings on a land unit shall be determined in accordance with the following 'Table of floor factor, coverage and height in Mixed Use Zonings'.
  - The maximum height of a building, measured from base level to the top of the roof, shall be determined in accordance with the following 'Table of floor factor, coverage and height in Mixed Use Zonings'.
  - Earth banks and retaining structures are subject to item 126.

**Table of floor factor, coverage and height in Mixed Use Zonings**

Subzoning	Floor factor	Coverage	Maximum height above base level to top of roof
MU1	1,5	75%	15,0 m
MU2	4,0	100%	25,0 m
MU3	6,0	100%	38,0 m

- (b) Street centreline setback
- The City may require a street centreline setback, in which case:
- all buildings or structures on the land unit shall be set back 8 m from the centre line of the abutting public street or streets; and
  - the provisions of item 122 shall apply.
- (c) Building lines
- No building shall be erected so that any point on the building is nearer to a street or common boundary than the distance specified in the following 'Table of building lines in Mixed Use Zonings', where the symbol 'H' means the height in metres of a point above base level.
  - Minor architectural and sunscreen features may project beyond the street boundary building line provided that such features do not project more than 250 mm beyond the street boundary;

**Table of building lines in Mixed Use Zonings**

Subzoning	Street building line and common building line		
	Points on a building above base level		
	up to 10,0m	over 10,0 m and up to 25,0 m	over 25,0 m and up to 38,0 m
MU1	0,0 m	4,5 m	N/a
MU2	0,0 m	4,5 m	N/a
MU3	0,0 m	0,0 m	(H minus 25,0 m) divided by 2

- (d) Canopy or balcony projection
- The City may require, and may approve, a canopy or balcony projection over the street boundary in accordance with, but not limited to, the following conditions:
- The canopy or balcony shall not project nearer than 500 mm to a vertical plane through the kerb line or proposed kerb line;
  - No portion of a canopy or balcony projection shall be less than 2,8 m above the pavement;

- (iii) The City may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and
- (iv) The owner shall enter into an encroachment agreement with the City and register a servitude area in the case of a balcony projection.
- (e) Parking and access
  - (i) Parking on and access to a land unit shall be provided in accordance with Chapter 15.
  - (ii) In order to enhance the amenity of the street level, no parking bays shall be located closer than 10 m to the street boundary at ground floor level on the land unit either outside or within a building, without the approval of the City.
- (f) Loading  
Loading bays shall be provided on the land unit in accordance with item 144.
- (g) Screening  
The City may require screening in accordance with item 125.

## **65 Service station and motor repair garage**

The development rules applicable to a service station and motor repair garage in Local Business Zoning 2 shall also apply to a service station and motor repair garage in this zoning.

## **66 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by-law.

# **CHAPTER 10.: INDUSTRIAL ZONINGS**

*(items 67 - 79)*

*The industrial zonings are designed to accommodate manufacturing and related processes, ranging from general industrial uses which may have some impact on surrounding areas, to hazardous or noxious uses which have a potentially high impact and must be carefully managed. Industrial development has particular requirements for road and waste infrastructure, and industrial-zoned land should generally be reserved for industrial purposes to optimise this infrastructure and mitigate potential impacts. In the General Industrial Zoning two different subzonings accommodate variations of built form, and opportunities are provided for consent uses associated with industrial areas, such as factory shops. A specific zoning is provided for noxious and risk industries.*

## **Part 1: General Industry Subzonings (GI1 & GI2)**

*(items 67 - 73)*

*The GI zoning accommodates 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.*

## **67 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are industry, restaurant, service station, motor repair garage, funeral parlour, scrap yard, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space and additional use rights as listed in paragraph (b).
- (b) Additional use rights are factory shop and adult shop, subject to the provisions of items 71 and 72, whichever is applicable.

- (c) Consent uses are abattoir, place of worship, institution, clinic, place of assembly, adult entertainment business, adult services, aqua-culture, informal trading, shop, office, sale of alcoholic beverages, place of entertainment, helicopter landing pad, wind turbine infrastructure and container site.

## 68 Development rules

The following development rules apply:

- (a) Floor factor and coverage

Floor factor and coverage shall be determined in accordance with the following 'Table of floor factor and coverage in General Industrial Zonings'.

**Table of floor factor and coverage in General Industrial Zonings**

Subzoning	Floor factor	Coverage
GI1	1,5	75%
GI2	4,0	75%

- (b) Height

- (i) The maximum height of a building in General Industry Subzoning GI1 shall be 18 m measured from base level to the top of the roof;
- (ii) No height restriction applies to buildings used for manufacturing purposes in General Industry Subzoning GI2;
- (iii) Any building in General Industry Subzoning GI2 that is not used for manufacturing purposes shall not exceed a height of 18 m measured from the base level to the top of the roof;
- (iv) Earth banks and retaining structures are subject to item 126; and
- (v) Shipping or transport containers, when stored or stacked outside a building, may not extend higher than 15 m above average ground level.

- (c) Street boundary building line

The street boundary building line is 5 m, subject to the general building line encroachments in item 121.

- (d) Common boundary building line

The common boundary building line is 3 m, subject to the general building line encroachments in item 121.

- (e) Boundary walls

Where a land unit has a common boundary with another land unit that is not zoned General Industry or Risk Industry, the City may require a 1,8 m high wall to be erected, to its satisfaction, along the common boundary.

- (f) Parking and access

Parking and access shall be provided on the land unit in accordance with Chapter 15.

- (g) Loading

Loading bays shall be provided on the land unit in accordance with item 144.

- (h) Screening

The City may require screening in accordance with item 125.

## 69 Hazardous substances

Notwithstanding the fact that an activity constitutes a primary use right in terms of this zoning, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and the City has given approval thereto.

## 70 Service station and motor repair garage

The development rules applicable to a service station and motor repair garage in Local Business Zoning 2 shall also apply to a service station and motor repair garage in this zoning.

### **71 Factory shop**

The occupant of an industry may operate a factory shop provided that:

- (a) the total floor space devoted to the sale of goods shall not exceed 10% of the total floor space of all the buildings on the land unit; and
- (b) any goods that are offered for sale but have not been manufactured on the property, must be directly connected with the goods that are manufactured on the property.

### **72 Adult shop**

The following development rules shall apply to an adult shop:

- (a) An adult shop shall not be located within 100 m of an existing adult shop, adult entertainment or adult services premises;
- (b) The street front and entrance shall be discreet and unobtrusive, and no pornographic, sexually explicit or erotic material shall be visible from outside the premises;
- (c) Outdoor signage must comply with the City's Outdoor Advertising and Signage By-Law; and
- (d) No form of public address or sound amplification shall be audible from outside the premises.

### **73 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by-law.

## **Part 2: Risk Industry Zoning (RI)** (items 74 - 79)

*The RI zoning provides 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 approval, the City should not compromise the capacity of the RI zoning to accommodate noxious trade and risk activities.*

### **74 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space and additional use rights as listed in paragraph (b).
- (b) Additional use rights are factory shop, subject to the provisions of item 78.
- (c) Consent uses are shop, restaurant, informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, wind turbine infrastructure, helicopter landing pad, container site, transport use and multiple parking garage.

### **75 Development rules**

The following development rules apply:

- (a) Floor factor  
The floor factor on a land unit shall not exceed 2,0.
- (b) Coverage  
The coverage for all buildings on a land unit shall not exceed 75%.
- (c) Height
  - (i) No height restriction applies to buildings used for a noxious trade, risk activity or manufacturing in this zoning;
  - (ii) Buildings not used for noxious trade, risk activity or manufacturing purposes shall not exceed a height of 18 m measured from the base level to the top of the roof;
  - (iii) Earth banks and retaining structures are subject to item 126; and

- (iv) Shipping or transport containers, when stored or stacked outside a building, may not be higher than 15 m above average ground level.
- (d) Building lines
  - (i) The street boundary building line is 5 m;
  - (ii) The common boundary building lines are 5 m; and
  - (iii) The general building line encroachments in item 126 shall apply.
- (e) Parking and access
 

Parking on and access to a land unit shall be provided in accordance with Chapter 15.
- (f) Loading
 

Loading bays shall be provided on the land unit in accordance with item 144.
- (g) Screening
 

The City may require screening in accordance with item 125.
- (h) Boundary walls
 

Where a land unit has a common boundary with another land unit that is not zoned General Industry or Risk Industry, the City may require a 1,8 m high wall to be erected, to its satisfaction, along the common boundary.

## **76 Hazardous substances**

Notwithstanding the fact that an activity constitutes a primary use right in terms of this zoning, no activity or use which includes the on-site storage of hazardous substances shall be permitted unless a risk management and prevention plan has been submitted and the City has given approval thereto.

## **77 Service station and motor repair garage**

The development rules applicable to a service station and motor repair garage in Local Business Zoning 2 shall also apply to a service station and motor repair garage in this zoning.

## **78 Factory shop**

The occupant of an industry may operate a factory shop, provided that:

- (a) the total floor space devoted to the sale of goods shall not exceed 10% of the total floor space of all the buildings on the land unit; and
- (b) any goods that are offered for sale but have not been manufactured on the property, must be directly connected with the goods that are manufactured on the property.

## **79 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by-law.

## **CHAPTER 11.: UTILITY, TRANSPORT AND NATIONAL PORT ZONINGS**

*(items 80 - 96)*

*Government facilities, whether national, provincial or municipal, should be zoned according to their use, not ownership. For example, municipal offices should be zoned an appropriate business zoning. However, certain government activities cannot be classified into other zonings, and can be included in the Utility zoning. This zoning also accommodates uses and infrastructure required for utility services that are not necessarily owned by an organ of state.*

*Transport zonings 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. At times transport systems run along defined corridors but at different height 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 thereof.*

*The National Port Zoning has been included to provide for the provisions contained in the National Ports Act, 2005 (Act 12 of 1005).*

### **Part 1: Utility Zoning (UT)** (items 80 - 81)

*The UT zoning provides for utility services such as electrical substations and water reservoirs, which may be supplied by a municipal, government or private agency; and makes provision for government or authority uses, such as prisons and military bases, that are not covered by another use or zoning category.*

#### **80 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are utility service, authority use, rooftop base telecommunication station and freestanding base telecommunication station.
- (b) Consent uses are cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure and helicopter landing pad.

#### **81 Development rules**

The following development rules apply:

- (a) The City may require a site development plan for a primary use, and shall require a site development plan for a consent use application.
- (b) The site development plan as approved by the City shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in item 123 shall apply.

### **Part 2: Transport Zoning 1: Transport Use (TR1)** (items 82 - 86)

*The TR1 zoning provides for transportation systems, excluding public roads and public streets, but including all other transport undertakings which serve the public such as airports, harbours, railway lines, bus, railway and other depots associated with public transport uses, public transport terminuses, ranks or holding areas, and cable car stations. Provision is made to approve other uses that can help to support the transport undertaking.*

#### **82 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are transport use, multiple parking garage, utility service, shop, restaurant, service trade, office, warehouse, rooftop base telecommunication station and container site.
- (b) Consent uses are business premises, flats, place of assembly, place of entertainment, hotel, conference facility, service station, motor repair garage, freestanding base telecommunication station, wind turbine infrastructure, airport, helicopter landing pad, informal trading, industry and air and underground rights, provided that:
  - (i) such consent uses do not detract from transport use as the dominant use; and
  - (ii) if, in the opinion of the City, a consent use application constitutes a significant and permanent change to the property from the intended primary use, the City may require a rezoning application instead.

#### **83 Development rules**

The following development rules apply:

- (a) Floor factor  
The floor factor on a land unit shall not exceed 2,0.
- (b) Coverage  
The coverage of all buildings on a land unit shall not exceed 75%.
- (c) Height
  - (i) The maximum height of a building shall be 18 m measured from base level to the top of the roof;
  - (ii) Earth banks and retaining structures are subject to item 126; and
  - (iii) Shipping or transport containers when stored or stacked outside a building, may not extend higher than 15 m above average ground level.
- (d) Building lines
  - (i) The street boundary building line is 0 m.
  - (ii) The common boundary building lines are 3,0 m.
  - (iii) The general building line encroachments in item 121 shall apply.
- (e) Parking and access

Parking on and access to a land unit shall be provided in accordance with Chapter 15.

#### **84 Service station and motor repair garage**

The development rules applicable to a service station and motor repair garage in Local Business Zoning 2 shall also apply to a service station and motor repair garage in this zoning.

#### **85 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by-law.

#### **86 Air and underground rights**

The City may approve a consent use for air or underground rights provided that:

- (a) A site development plan is submitted to the City's satisfaction in terms of item 123;
- (b) The City is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of streets, roads or parking;
- (c) Such consent use does not compromise the intended primary use of the land;
- (d) An agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by the City; and
- (e) A servitude in respect of the air or underground rights is registered over the concerned land.

### ***Part 3: Transport Zoning 2: Public road and public parking (TR2)*** ***(items 87 - 92)***

*The TR2 zoning provides for public streets and roads, whether constructed or still to be constructed, as well as premises for the public parking of operable motor vehicles. Such parking may be provided in buildings or open parking areas, with or without the payment of a fee, in order to address the need for off-site parking. On-site parking for a permitted activity in any zoning is considered to be an associated use and do not represent a separate use category that requires separate zoning or approval.*

#### **87 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are public street, public road and utility service.
- (b) Consent uses are informal trading, multiple parking garage, wind turbine infrastructure and air and underground rights.

## **88 Development rules**

The following development rules apply:

- (a) The City may require a site development plan for a primary use, and shall require a site development plan for a consent use application.
- (b) The site development plan as approved by the City shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in item 123 shall apply.

## **89 Construction and deposit of materials**

No person shall:

- (a) construct a private crossing, bridge or culvert onto, under or across a public street;
- (b) construct or lay a sidewalk on a public street;
- (c) construct a verandah, stoep, wall, steps or other projection in or over a public street;
- (d) deposit or leave any goods, articles, building materials or waste in a public street or road reserve other than for a reasonable period during the course of loading, off-loading or removal thereof,

except in accordance with and after the City has given its approval.

## **90 Air and underground rights**

The City may approve a consent use for air or underground rights provided that:

- (a) a site development plan is submitted to the City's satisfaction in terms of item 123;
- (b) the City is satisfied that structural components, clearance and operational characteristics are sufficient to ensure safe and efficient operation of streets, roads or parking;
- (c) such consent use does not compromise the intended primary use of the land;
- (d) an agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by the City; and
- (e) a servitude in respect of the air or underground rights is registered over the concerned land.

## **91 Proposed public street, street widening and street closure**

- (1) The City may indicate on the zoning map:
  - (a) new public streets and public roads which it proposes to establish;
  - (b) public streets and public roads which it proposes to widen; and
  - (c) public streets and public roads which it proposes to close.
- (2) Any indications referred to in sub-item (1) are intended for the information of the public, and to assist the City in achieving its planning and development objectives. The base zoning of the property 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.

## **92 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by-law.

### ***Part 4: National Port Zoning (NP)*** *(items 93 - 96)*

*The NP zoning is provided as a zoning in which land use within a national port is controlled by an approved port development framework plan.*

**93 Use of the property**

The purposes for which land may be used in this zoning and any possible land use restrictions thereon are as set out in the Port development framework plan, drafted in accordance with the provisions of the National Ports Act, 2005 (Act 12 of 2005).

**94 Development rules**

Development rules as contained in an approved Port development framework plan.

**95 Port development framework plan**

This zoning will only apply where an approved Port development framework plan exists which reflects the National Ports Authority's policy for port development and control of land use within such a port.

**96 Deemed zoning of land transferred to National Ports Authority**

All land that is zoned Transport Zoning 1: Transport Use (TR1) and transferred to the National Ports Authority is deemed to be zoned National Ports Zoning (NP) and therefore subject to the provisions of this zoning.

**CHAPTER 12.: OPEN SPACE ZONINGS**

*(items 97 - 107)*

*Different types of open space fulfil different functions. Certain open spaces have particular importance as nature, cultural heritage or environmental areas and a separate zoning facilitates the management of these areas. Within this zoning provision is made for the development of amenities to meet the needs of tourists and visitors. Other open spaces have a more active role in addressing the sporting and recreation needs of the community. Public open space has an important status because of its contribution to the recreation needs of the general public, and the difficulty of replacing public open space once lost. The development management scheme also recognises special areas of open space that are not designated as public open space, but may be privately owned.*

**Part 1: Open Space Zoning 1: Environmental conservation (OS1)**

*(items 97 - 98)*

*The OS1 zoning provides for the conservation of environmental resources, although cultural heritage resources may also be included. Provision is made for limited, low-impact uses associated with conservation, such as environmental education, associated infrastructure and facilities for tourists and visitors with the approval of the City.*

**97 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are environmental conservation use.
- (b) Consent uses are harvesting of natural resources, environmental facilities, tourist accommodation, tourist facilities, utility service, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure and cultural and social ceremonies.

**98 Development rules**

The following development rules apply:

- (a) The City may require a site development plan for a primary use, and shall require a site development plan for a consent use application, as well as for any dwelling house which may be erected as a consequence of rights granted in terms of this By-Law.
- (b) The site development plan as approved by the City shall constitute the development rules for a primary use if applicable, and a consent use.

- (c) The provisions for a site development plan in item 123 shall apply.

**Part 2: Open Space Zoning 2: Public open space (OS2)**  
(items 99 - 103)

*The OS2 zoning provides for active and passive recreational areas on public land, as well as protection of landscape and heritage areas including woodlands, ridges, watercourses, wetlands and the coastline. It is important to recognise the interests of the general public for access to and preservation of public open space.*

**99 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are public open space and environmental conservation use.
- (b) Consent uses are environmental facilities, tourist facilities, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading, harvesting of natural resources and air and underground rights.

**100 Development rules**

The following development rules apply:

- (a) The City may require a site development plan for a primary use, and shall require a site development plan for a consent use application.
- (b) The site development plan as approved by the City shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in item 123 shall apply.

**101 Construction and deposit of materials**

No person shall:

- (a) construct a private crossing, bridge or culvert onto, under or across a public open space;
- (b) construct or lay a sidewalk on a public open space;
- (c) construct a verandah, stoep, wall, steps or other projection in or over a public open space; or
- (d) deposit or leave any goods, articles, building materials or waste in a public open space;

except in accordance with and after the City has given its approval.

**102 Air and underground rights**

The City may approve a consent use for air or underground rights if:

- (a) Such consent use does not compromise the intended primary use of the land;
- (b) An agreement defining the extent of rights, time period, compensation, ownership and maintenance obligations relating to the property is concluded between the parties concerned and is approved by the City;
- (c) A servitude in respect of the air or underground rights is registered over the land concerned; and
- (d) A site development plan is submitted to the City's satisfaction in terms of item 123.

**103 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by-law.

### **Part 3: Open Space Zoning 3: Special open space (OS3)** (items 104 - 107)

*The OS3 zoning provides for active or passive recreation and open spaces on land that is not designated as public open space. This land may be owned by private or public bodies, but does not have the status of public open space which requires particular protection. The OS3 zoning is appropriate for relatively large areas where open space has special characteristics that require a separate zoning to ensure that the purpose and function of the open space is maintained. Many other zonings allow for open spaces as primary, consent or ancillary uses and such open spaces do not need to be zoned as OS3. However some land uses such as golf courses, parklands and landscape areas can benefit from this zoning which provides limitations on development, but also allows a range of consent uses to cater for leisure needs and uses compatible with open spaces.*

#### **104 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are open space, private road and environmental conservation use.
- (b) Consent uses are environmental facilities, tourist facilities, place of instruction, place of assembly, place of entertainment, plant nursery, utility service, cemetery, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, cultural and social ceremonies, urban agriculture, informal trading and harvesting of natural resources.

#### **105 Development rules**

The following development rules apply:

- (a) The City may require a site development plan for a primary use, and shall require a site development plan for a consent use application.
- (b) The site development plan as approved by the City shall constitute the development rules for a primary use if applicable, and a consent use.
- (c) The provisions for a site development plan in item 123 shall apply.

#### **106 Approval of consent uses**

The City may only approve a consent use if such use does not compromise the use of land for its primary purpose as open space.

#### **107 Informal trading**

Informal trading shall only be permitted on sites demarcated for informal trading in terms of the City's informal trading by-law.

### **CHAPTER 13.: AGRICULTURAL, RURAL AND LIMITED USE ZONINGS** (items 108 - 120)

*Agricultural land should generally be protected from developments that render the land less suitable for agriculture, or detract from its aesthetic and cultural value. Aside from sustaining a valuable economic sector, agricultural land can help to promote stability of the urban edge, conserve naturally sensitive areas and maintain rural characteristics which are valued by the community. Unnecessary subdivision of farms should be avoided and economically viable units must be maintained. Agricultural activities should not be subject to unreasonable limitations because the economic viability of the agricultural sector is important.*

*Complementary activities to conventional agriculture can assist with the viability of the sector, and to this end, compatible uses are permitted as consent uses, provided the latter do not detract from agriculture as the main farming activity. Where non-agricultural uses are permitted, such uses should form an integral part of the agricultural undertaking. A distinction is made between large farms which are zoned AG and smallholdings zoned as RU zoning, which can accommodate a range of peri-urban activities.*



*A transitional mechanism, the LU zoning, deals with land that was zoned as undetermined in previous zoning schemes, and limits development to existing lawful uses only.*

**Part 1: Agricultural Zoning (AG)**  
(items 108 - 111)

*The AG zoning promotes and protects agriculture on farms as an important economic, environmental and cultural resource. Limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource.*

### **108 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station and additional use rights as listed in paragraph (b).
- (b) Additional use rights, which may be exercised by the occupant of a property as a primary use are second dwelling and home occupation, or bed and breakfast establishment, or home child care, subject to:
  - (i) only one of the activities listed as additional use rights shall be conducted from any land unit, provided this does not apply to a second dwelling, and if more than one such activity is required, the City's approval shall be obtained;
  - (ii) the proprietor of the activity concerned shall live on the property; and
  - (iii) the development rules stipulated in items 23, 24 and 25 whichever is applicable, shall be adhered to.
- (c) Consent uses are additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop and agricultural industry.

### **109 Development rules**

The following development rules apply:

- (a) Floor space
  - (i) The total floor space of all dwelling units on the land unit, including accommodation for bona fide agricultural workers employed on the property, shall not exceed 1 500 m<sup>2</sup>; provided that with the approval of the City this requirement may be relaxed if such accommodation is required for persons who are genuinely engaged for their livelihood in agricultural activities on the land unit;
  - (ii) Any farm shop shall not exceed a floor space of 100 m<sup>2</sup>.
- (b) Building lines
  - (i) The street and common boundary building lines are determined in accordance with the area of the land unit, as shown in the following 'Table of building lines in Agricultural Zoning'.
  - (ii) The general building line encroachments in item 121 shall apply.

**Table of building lines in Agricultural Zoning**

Land unit area	Street boundary building line	Common boundary building line
>20 ha	30,0 m	30,0 m
≤20 ha	15,0 m	15,0 m

- (c) Parking

Parking and access shall be provided on the land unit in accordance with Chapter 15.

- (d) Height
  - (i) The maximum height of a dwelling house, measured from the base level to the top of the wallplate, shall be 9 m and to the top of the roof shall be 11 m.
  - (ii) Agricultural buildings other than the dwelling houses shall not exceed a height of 12 m measured from the base level to the top of the roof.
  - (iii) Earth banks and retaining structures which in the opinion of the City are associated with bona fide agricultural activities are exempt from the requirements of item 126.
- (e) Minimum subdivision size

No new subdivision or any remainder that is zoned and intended to remain zoned Agriculture shall be less than:

  - (i) the minimum subdivision size specified in terms of an approved local area overlay zone; or
  - (ii) 20 ha if no such overlay zone exists, unless the new subdivision or remainder concerned is consolidated with a property zoned Agriculture, so as to make up a consolidated land unit of at least the minimum required subdivision size and provided that compliance with this requirement does not limit the City's powers to refuse a subdivision application that it considers to be undesirable.

#### **110 Agricultural industry**

The City may approve a consent use application for an agricultural industry provided:

- (a) it is satisfied as to the desirability of the agricultural industry on the land unit in question;
- (b) the agricultural industry is subservient and related to the dominant agricultural use of the property;
- (c) the agricultural industry does not adversely affect the agricultural potential of the property; and
- (d) the area allocated for purposes of an agricultural industry shall be clearly identified on a land survey diagram.

#### **111 Second dwelling and additional dwelling units**

One second dwelling shall be permitted as an additional use right, and additional dwelling units may be erected with the approval of the City, provided that:

- (a) the density of additional dwelling units plus any second dwelling unit does not exceed 1 unit per 10 ha;
- (b) no more than 5 units comprising additional dwelling units plus any second dwelling shall be permitted on a land unit;
- (c) a dwelling for a person engaged in bona fide agricultural activities on the land unit and permanently occupied by such person shall not be regarded as a second dwelling or additional dwelling unit; and
- (d) the development rules in item 53 shall apply to second dwellings and additional dwelling units in this zoning.

### **Part 2: Rural Zoning (RU)** (items 112 - 116)

*The RU zoning accommodates smaller rural properties that may be used for agriculture, but which may also be occupied as places of residence by people who seek a country lifestyle, and who view agriculture as a secondary reason for occupying their property. Such properties may occur inside or outside a recognised urban edge.*

#### **112 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are dwelling house, agriculture and additional use rights as listed in paragraph (b).
- (b) Additional use rights, which may be exercised by the occupant of a property as a primary use are second dwelling and home occupation, or bed and breakfast establishment, or home child care, subject to:
  - (i) only one of the activities listed as additional use rights shall be conducted from any land unit as a primary use, provided this does not apply to a second dwelling, and if more than one such activity is required, the City's approval shall be obtained;
  - (ii) the proprietor of the activity concerned shall live on the property; and
  - (iii) the conditions stipulated in items 23, 24 and 25, whichever is applicable, shall be adhered to.
- (c) Consent uses are guest house, tourist accommodation, tourist facilities, harvesting of natural resources, mine, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, intensive animal farming, intensive horticulture, riding stables, animal care centre, farm shop and agricultural industry.

### 113 Development rules

The following development rules apply:

- (a) Floor space
  - (i) The total floor space of all buildings on a land unit shall not exceed 1 500 m<sup>2</sup>.
  - (ii) Any farm shop shall not exceed a floor space of 100 m<sup>2</sup>.
- (b) Coverage

The coverage for all buildings on a land unit shall not exceed 40%.
- (c) Building lines
  - (i) The street boundary building line is 10 m.
  - (ii) The common boundary building line is 5 m.
  - (iii) The general building line encroachments in item 121 shall apply.
- (d) Parking

Parking and access shall be provided on the land unit in accordance with Chapter 15.
- (e) Height
  - (i) The maximum height of a building, measured from base level to the wallplate, shall be 9 m, and to the top of the roof shall be 11 m.
  - (ii) Earth banks and retaining structures are subject to item 126.

### 114 Minimum subdivision size

No new subdivision or any remainder that is zoned and intended to remain zoned Rural shall be less than:

- (a) the minimum subdivision size specified in terms of an approved overlay zone; or
- (b) 2 ha if no such overlay zone exists,

unless the new subdivision or remainder concerned is consolidated with a property zoned Rural, so as to make up a consolidated land unit of at least the minimum required subdivision size, provided that compliance with this requirement does not limit the City's powers to refuse a subdivision application that it considers to be undesirable.

### 115 Agricultural industry

The City may approve a consent use application for an agricultural industry provided:

- (a) it is satisfied as to the desirability of the agricultural industry on the land unit in question; and
- (b) the area allocated for purposes of an agricultural industry shall be clearly identified on a land survey diagram.

**116 Second dwelling**

The development rules in item 53 apply, provided that a dwelling unit for persons engaged in bone fide agricultural activities on the land unit shall not be regarded as a second dwelling.

**Part 3: Limited Use Zoning (LU)**  
(items 117 - 120)

*The LU zoning is a transitional mechanism to deal with land that was zoned as undetermined in previous zoning schemes. Existing lawful uses may continue, but no other uses are permitted. The aim is to progressively phase this zoning out and so no property should be rezoned to this zoning. Any development that requires additional use rights beyond the existing limited use shall require rezoning from LU to another more appropriate zoning.*

**117 Use of the property**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are limited to lawful uses existing at the commencement date.
- (b) Consent uses: None.

**118 Development rules**

No new building or structure and no change of an existing use or alteration of the external structure of an existing building or structure is permitted.

**119 No rezoning to this zoning permitted**

No rezoning of any property to this zoning is permitted after 1 March 2013, and if additional uses or development rights are required, a rezoning application to another more appropriate zoning in terms of this development management scheme must be processed.

**120 Reconstruction of destroyed property**

Property that has been partially or completely damaged or destroyed by accidental causes may be reconstructed in accordance with the development rights that existed prior to the commencement date, provided that building plans for such reconstruction are approved within 12 months from the date of such accidental damage or destruction.

**DIVISION III: GENERAL PROVISIONS**  
**CHAPTER 14.: GENERAL PROVISIONS**  
(items 121 - 136)

**121 Encroachment of building lines**

(1) The following additional development rules apply with regard to encroachment of building lines:

- (a) Notwithstanding the building line requirements set out in Division II, the following structures or portions thereof may be erected within the prescribed building lines, provided they do not extend beyond the boundaries of a land unit:
  - (i) boundary walls, fences and gates;
  - (ii) open and uncovered stoeps;
  - (iii) entrance steps, landings and entrance porches;
  - (iv) a covered entrance or gatehouse that has a roofed area not exceeding 5 m<sup>2</sup> and a roof height not exceeding 3 m from floor to highest point;
  - (v) eaves and awnings projecting no more than 1 m from the wall of a building;
  - (vi) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of a building;
  - (vii) screen-walls not exceeding 2,1 m in height above the existing ground level abutting such wall;
  - (viii) swimming pools not closer than 1 m from any erf boundary;

- (ix) a basement, provided that no part thereof projects above existing ground level;
  - (x) a refuse room required by the City in terms of item 145.
- (2) A building line of 5 m shall apply to any boundary adjacent to a designated metropolitan road, unless otherwise agreed by the City.

## **122 Street centreline setback**

The portion of a land unit falling within a street centreline setback area shall be excluded for the purpose of determining coverage and maximum floor space, unless the owner transfers the portion concerned to the City free of charge. In such case, the portion shall be included for the purpose of determining coverage or maximum floor space on a land unit.

## **123 Site development plans**

- (1) In addition to the zonings that specifically require a site development plan, the City may require a site development plan in respect of the following development types:
  - (a) shopping centres and shopping complexes;
  - (b) business and office park developments;
  - (c) industrial park developments;
  - (d) developments in conservation areas;
  - (e) developments that will be sectionalised;
  - (f) incremental residential developments; and
  - (g) major developments where there are concerns relating to urban form, heritage, traffic or spatial planning in general.
- (2) The City may require some or all of the following information for a site development plan:
  - (a) existing bio-physical characteristics of the property;
  - (b) existing and proposed cadastral boundaries;
  - (c) the layout of the property, indicating the use of different portions thereof;
  - (d) the massing, position, use and extent of buildings;
  - (e) sketch plans and elevations of proposed structures, including information about external finishes;
  - (f) cross-sections of the site and buildings on site;
  - (g) the alignment and general specification of vehicle access, roads, parking areas, loading areas, pedestrian flow and footpaths;
  - (h) the position and extent of private, public and communal space;
  - (i) typical details of fencing or walls around the perimeter of the land unit and within the property;
  - (j) electricity supply and external lighting proposals;
  - (k) provisions for the supply of water, management of stormwater, and disposal of sewage and refuse;
  - (l) external signage details;
  - (m) general landscaping proposals, including vegetation to be preserved, removed or to be planted, external paving, and measures for stabilising outdoor areas where applicable;
  - (n) the phasing of a development;
  - (o) the proposed development in relation to existing and finished ground levels, including excavation, cut and fill;
  - (p) statistical information about the extent of the proposed development, floor space allocations and parking supply;
  - (q) relationship of the proposed development to the quality, safety and amenity of the surrounding public environment;
  - (r) relationship of the proposed development to adjacent sites, especially with respect to access, overshadowing and scale;
  - (s) illustrations in a three-dimensional form depicting visual impacts of the proposed development on the site and in relation to surrounding buildings; and
  - (t) any other details as may reasonably be required by the City.

- (3) The City may require that the area covered by a site development plan shall extend beyond the site under consideration if, in its opinion, the proposed development will have a wide impact. The City may determine the extent of such area.
- (4) When required in terms of this development management scheme, a site development plan shall be submitted to the City for its approval before any development on a land unit may commence.
- (5) A site development plan shall not be refused if it is consistent with the development rules of a base zoning, overlay zoning, or condition of approval.
- (6) The City may require amendments of detail to the site development plan to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.
- (7) The following provisions shall apply with regard to site development plans:
- (a) Developed of the property shall be generally in accordance with an approved site development plan;
  - (b) If the City considers it necessary, a transport or traffic impact statement or assessment may be required in conjunction with a site development plan, the extent of which shall be determined by the City depending on the magnitude of the development;
  - (c) If the City considers it necessary, a stormwater impact assessment and/or stormwater management plan may be required in conjunction with a site development plan, the extent of which shall be determined by the City depending on the magnitude of the development;
  - (d) In circumstances where a site development plan is required in terms of this development management scheme, no application for building plan approval in terms of the National Building Act shall be granted by the City, unless a site development plan has first been approved; and
  - (e) An approved site development plan shall be considered as setting additional development rules applicable to the base zoning, and any application for amendment shall comply with the City's requirements for such amendments.

#### **124 Hazardous substance**

- (1) Any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and the City has given approval thereto.
- (2) The City's approval in terms of sub-item (1) above does not exempt the owner from applying for permission in terms of other relevant legislation.

#### **125 Screening**

The City may require screening in accordance with the following provisions:

- (a) Any part of a land unit which is used for the storage or loading of goods shall be enclosed with a suitable wall and/or landscape screening;
- (b) Any external utility service or equipment which is required for a building shall be appropriately screened from view from a public street, and such screening shall be integrated with the building in terms of materials, colour, shape and size.

#### **126 Earth banks, retaining structures, support structures and similar devices**

Without the approval of the City:

- (a) no earth bank, retaining structure, column, suspended floor, other device or series of such devices shall be constructed that enables a ground floor of a building to be raised more than 1,5 m above existing ground level, provided that where such raising takes place, the height thereof shall still be measured from existing ground level;
- (b) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, shall be constructed to a height of more than 2 m above existing ground level; and



- (c) no series of earth banks or retaining structures shall be constructed to a cumulative height of more than 2,5 m above existing ground level, unless an approximately level area of at least 2 m wide is incorporated between successive embankments or retaining structures for every 2 m of cumulative height.

### **127 Maintenance of property**

Property shall be properly maintained by the owner or occupier and shall not:

- (a) be left in a neglected or offensive state, as may be determined by the City;
- (b) contain an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material, as may be determined by the City;
- (c) contain an accumulation of motor wrecks or un-roadworthy vehicles or used motor parts, unless these are part of a primary or consent use in terms of this development management scheme;
- (d) contain outdoor storage of building material, appliances or similar items unless these are:
  - (i) forming part of a primary or consent use in terms of this development management scheme;
  - (ii) being temporarily stored for the purpose of construction in accordance with a valid building plan approval for the property; or
  - (iii) stored in conjunction with the holding of a yard or garage sale with a duration of not more than two consecutive days.

### **128 Parking of vehicles in residential zones**

The following development rules apply to the parking of vehicles in the Single Residential zonings and General Residential zonings:

- (a) A motor vehicle owned by an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit, may be parked on the property where the occupant resides, provided that:
  - (i) there is adequate space on the property concerned;
  - (ii) no more than one commercial vehicle per dwelling unit shall be parked on the property; and
  - (iii) the gross weight of any such commercial vehicle shall not exceed 3 500 kg.

### **129 Mobile homes and caravans**

(1) A recreation vehicle, such as a mobile home or caravan, may not be used for permanent habitation without the approval of the City, except if the applicable zoning lawfully allows such activity.

(2) The following additional development rules shall apply with regard to mobile homes approved to be placed on a land unit zoned for residential purposes:

- (a) The mobile home or caravan shall be sited on a foundation slab and properly anchored;
- (b) Solid perimeter skirting, of material and colour complementary to the mobile home or caravan, shall be provided from the bottom of the mobile home to the ground surface;
- (c) The roof and exterior siding of the mobile home or caravan shall be of a non-reflective material; and
- (d) Any structural additions shall be of materials which, in the opinion of the City, are compatible with the mobile home or caravan.

### **130 Base telecommunication station as a primary or consent use**

(1) A rooftop or freestanding base telecommunication station which may be erected as a primary or consent use in terms of this development management scheme, shall be subject to any relevant requirements of the National Environmental Management Act.

(2) A rooftop base telecommunication station may not extend more than 3 m in height above the part of the building that it is attached to without the prior approval of the City.

- (3) A freestanding base telecommunication station is not subject to the development rules pertaining to height in the applicable base zoning insofar as it does not exceed a maximum height of 25 m.

### **131 Decommissioned antennas or base telecommunication stations**

The following provisions shall apply with regard to decommissioned antennas or base telecommunication stations:

- (a) The owner or operator shall remove all decommissioned infrastructure;
- (b) Where the site has been disturbed, the owner or operator shall rehabilitate the site to its original state or to a state acceptable to the City;
- (c) Where the owner or operator fails to comply with paragraph (a) or (b) above within a period of 90 days from the decommissioning, the City may remove such infrastructure, and rehabilitate the site at the cost of the owner or operator.

### **132 Satellite dish antenna systems**

- (1) Any satellite dish antenna with a diameter in excess of 1,5 m shall be placed in a position that minimises the visual impact on the surrounding area to the satisfaction of the City.
- (2) Any satellite dish antenna of 1,5 m in diameter and smaller, and used solely for the purposes of television reception or telecommunication, will not require the City's approval and is excluded for the purposes of height measurement.

### **133 Geysers and solar panels or similar infrastructure affixed to the roof of a building**

Any external geysers and associated equipment or solar panels or similar infrastructure affixed to the roof of a building may not at any point be more than 1,5 m above the roof surface, measured perpendicularly from such surface.

### **134 Flood-prone areas**

Development in flood-prone areas shall have regard to the City's policy on flood-prone areas.

### **135 Electronic or mechanical playing devices**

- (1) A maximum of 5 electronic or mechanical playing devices are permitted within a building in a zoning with primary uses for a business premises, hotel or place of assembly, but excluding house shops.
- (2) Where the floor space of a building on a property zoned for the purpose as set out in sub-item (1) exceeds 5 000 m<sup>2</sup>, more than 5 electronic or mechanical playing devices are permitted, provided that:
  - (a) Not more than 5 such devices shall be permitted on a particular premises within such a building; and
  - (b) The City may limit the number of such premises in a building where such devices are permitted in order to mitigate their impact on the surrounding uses, be they internal or external to the building or property.

### **136 Package of plans**

- (1) The general purpose of a package of plans is to provide for a mechanism to plan and manage the development of large or strategic urban development areas. It is a phased process of negotiation, planning and approvals, whereby increasing levels of planning detail are approved together with conditions for such approvals. Areas where the package of plans approach is used are referred to as Special Planning Areas (SPA), and recorded as Special Planning Areas in Annexure B.
- (2) The City may require a package of plans to be submitted for approval in respect of the following base zonings and overlay zoning:
  - (a) General Residential Subzonings GR2-GR6;
  - (b) Community Zoning 2: Regional;
  - (c) General Business Subzonings;

- (d) Mixed Use Subzonings;
  - (e) General Industry Subzonings;
  - (f) Risk Industry Zoning; and
  - (g) Subdivisional Area Overlay Zoning.
- (3) A package of plans consists of the following components that are listed in a hierarchy from higher-order to lower-order plans, and the lower-order plans must be in compliance with the higher-order plans.
- (4) The City may require all or any of the following components of the package of plans:
- (a) Contextual framework:  
A Contextual framework lays down broad land use policy for the development and the surrounding area. It may include principles or heads of agreement summarising the general obligations of the City and the developer in relation to the development. The contextual framework may be prepared by the City, or by a land owner or development agency under supervision of the City, and may not be in conflict with a spatial development framework or structure plan approved by the City.
  - (b) Development framework:  
A development framework identifies overall policy, broad goals, and principles for development within the development. The development framework identifies the range of uses, general spatial distribution of uses, major transport and pedestrian linkages, infrastructure and any limits within the development, including but not limited to density and floor space.
  - (c) Precinct plans:  
Precinct plans apply to specific areas within the development framework that have common features, functional relationships or phasing requirements. There may be several precinct plans that make up a development. A precinct plan describes in more detail the development objectives and intentions for a specific area in the development, as well as principles for urban form, land use, pedestrian links, traffic movement, floor space and environmental management.
  - (d) Subdivision plans:  
Subdivision plans, if required, are processed in terms of this By-Law to establish new cadastral boundaries and to facilitate the transfer of land units. Subdivision plans may be approved at any stage after the development framework has been approved, and the provisions of sub-item (6) shall apply.
  - (e) Site development plans:  
Site development plans depict more detailed design and development provisions for one or more land units within a development. These provisions may include, but are not limited to, details relating to land use, floor space, building lines, height, parking requirements, municipal services and landscaping, as well as details relating to the position and appearance of buildings, open space, pedestrian links and traffic movement. A site development plan may be required before or after a subdivision plan, and should provide for the information as required in item 123(2).
  - (f) Building plans:  
Building plans contain detailed specifications as required by the National Building Act, and once approved by the City, authorise building work to be performed.
- (5) The City may require that the area covered by a contextual framework shall extend beyond the land under consideration if, in its opinion, the proposed development will have a wider impact, and the City may determine the extent of such area.
- (6) In approving any component of a package of plans, the City shall determine the total floor space or density permitted within the development which must be imposed as a condition of approval.
- (7) The allocation of floor space shall take into account the carrying capacity of internal and external infrastructure including but not limited to roads and utility services, and any urban design principles approved by the City as part of a rezoning or contextual framework.
- (8) The approved floor space may remain as 'floating floor space' assigned to the overall development for later allocation, or may be assigned to particular precincts or properties when a

precinct plan is approved; and in either case shall be allocated in individual subdivisions or site development plans.

(9) When a package of plans is required in terms of this development management scheme, the relevant components shall be submitted to the City for its approval before any development on a land unit can commence, provided that:

- (a) approval shall not be refused if it is consistent with the development rules of a base zoning, overlay zoning, or condition of approval; but
- (b) the City may require amendments of detail to the relevant component to address reasonable concerns relating to access, parking, architectural form, urban form, landscaping, environmental management, engineering services or similar concerns.

(10) The provisions as contained in item 123 shall apply with regard to site development plans.

## **CHAPTER 15.: PARKING, LOADING AND INFRASTRUCTURE**

*(items 137 - 145)*

### ***Part 1: Conventional parking requirements***

*(items 137 - 139)*

#### **137 Off-street parking requirements**

The following parking requirements shall apply unless otherwise stated elsewhere in this development management scheme:

- (a) In cases where parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the City, parking shall be provided at a minimum ratio in accordance with the table titled 'Minimum off-street parking requirements'. Where the requirements in this table contradict each other, the most restrictive parking requirement shall apply. The City shall determine off-street parking requirements for land uses not stipulated in the table 'Minimum off-street parking requirements'.
- (b) The second column in the table headed 'Standard areas' refers to requirements that apply to areas with standard parking needs, or where public transport is not specifically promoted or available. The column headed 'PT1 areas' refers to areas where the use of public transport is promoted, but where the City considers the provision of public transport inadequate or where the use of motor vehicles is limited. The column headed 'PT2 areas' refers to areas where the use of public transport is promoted and the City considers the provision of public transport good, or where the use of motor vehicles is very limited.
- (c) The City may approve and shall maintain a plan or plans which indicate the areas it deems to be PT1 and PT2 areas. Such plans shall be recorded in Annexure C and may be amended from time to time upon approval by the City as required.
- (d) If an area has not been specifically identified by the City as a PT1 or PT2 area, then the parking requirements for standard areas shall apply.
- (e) Through the provisions of Chapter 17, the City may develop overlay zonings to set maximum parking requirements for specific areas and/or determine different parking requirements for specific areas, depending on motor vehicle usage or ownership.
- (f) Off-street parking space shall be provided:
  - (i) on the property for which parking is required;
  - (ii) subject to the City's approval, in public parking facilities available in the vicinity;
  - or
  - (iii) in accordance with item 138 below.

#### **138 Alternative parking supply**

As an alternative to compliance with the off-street parking requirements in terms of this development management scheme, with the approval of the City, an owner may:

- (a) acquire an area of land sufficient for the relevant parking requirements elsewhere, in a location approved by the City; or

(b) acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by the City;  
and shall register a notarial tie or servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking concerned to be constructed and maintained in accordance with the City's approval. The cost of registration of the notarial tie or servitude shall be borne by the owner.

#### Minimum off-street parking requirements

Land use	Standard areas	PT1 areas	PT2 areas
Main dwelling house (SR1 Zoning)	2 bays per dwelling unit (1 bay per dwelling for erven < 350 m <sup>2</sup> )	1 bay per dwelling unit	Nil
Main dwelling house (SR2 Zoning)	1 bay per dwelling unit (Nil per dwelling for erven < 100 m <sup>2</sup> )	Nil	Nil
Second dwelling	1 bay per 2 <sup>nd</sup> dwelling unit	1 bay per 2 <sup>nd</sup> dwelling unit	1 bay per 2 <sup>nd</sup> dwelling unit
Group dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	0,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Flats	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	0,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors
Bed & breakfast establishment	1 additional bay per guest room	1 additional bay per guest room	Nil
Boarding house, guest house	1,25 bays per bedroom	0,75 bays per bedroom	0,5 bays per bedroom
Backpackers lodge	1 bay per 6 beds	1 bay per 8 beds	1 bay per 10 beds
Hotel	0,75 bays per bedroom, plus 20 bays if licensed	0,75 bays per bedroom, plus 20 bays if licensed	0,5 bays per bedroom, plus 10 bays if licensed
Retirement home, orphanage	0,5 bays per bedroom	0,3 bays per bedroom	0,2 bays per bedroom
Crèche	1 bay per 10 children, plus stop & drop facility	1 bay per 10 children	1 bay per 30 children
School	1 bay per classroom and office, plus stop & drop facility	1 bay per classroom and office, plus stop & drop facility	1 bay per classroom, plus stop & drop facility
Place of instruction (post-school level)	0,4 bays per student, plus 1 bay per classroom and office	0,4 bays per student, plus 1 bay per classroom and office	1 bay per classroom and office
Library, museum	2 bays per 100 m <sup>2</sup> GLA	1,5 bays per 100 m <sup>2</sup> GLA	1 bay per 100 m <sup>2</sup> GLA
Place of assembly, place of worship, place of entertainment, funeral parlour	1 bay per 6 seats or persons, calculated at 1,4 m <sup>2</sup> floor space = 1 person	1 bay per 8 seats or persons, calculated at 1,4 m <sup>2</sup> floor space = 1 person	1 bay per 10 seats or persons, calculated at 1,4 m <sup>2</sup> floor space = 1 person
Sport stadium	1 bay per 4 seats or persons (or as per transport management plan)	3 bays per 20 seats or persons (or as per transport management plan)	3 bays per 40 seats or persons (or as per transport management plan)
Recreation or sports complex	1 bay per 8 seats or persons	1 bay per 10 seats or persons	1 bay per 15 seats or persons
Gymnasium, health club	10 bays per 100 m <sup>2</sup> GLA	8 bays per 100 m <sup>2</sup> GLA	6 bays per 100 m <sup>2</sup> GLA
Hospital (general and private)	1 bay per bed, plus 3 bays per consulting room	1 bay per bed, plus 2 bays per consulting room	1 bay per bed
Clinic, medical consulting rooms	4 bays per consulting room	3 bays per consulting room	2 bays per consulting room

Land use	Standard areas	PT1 areas	PT2 areas
Shops (excluding supermarket)	4 bays per 100 m <sup>2</sup> GLA	2 bays per 100 m <sup>2</sup> GLA	1 bay per 100 m <sup>2</sup> GLA
Supermarket, shopping centre	6 bays per 100 m <sup>2</sup> GLA	4 bays per 100 m <sup>2</sup> GLA	2 bays per 100 m <sup>2</sup> GLA
Restaurant	2 bays per 25 m <sup>2</sup> GLA	1 bay per 25 m <sup>2</sup> GLA	1 bay per 25 m <sup>2</sup> GLA
Offices	4 bays per 100 m <sup>2</sup> GLA	2,5 bays per 100 m <sup>2</sup> GLA	1 bay per 100 m <sup>2</sup> GLA
Conference centre	6 bays per 10 seats	4 bays per 10 seats	2 bays per 10 seats
Motor showroom	3 bays per 100 m <sup>2</sup> GLA	3 bays per 100 m <sup>2</sup> GLA	3 bays per 100 m <sup>2</sup> GLA
Motor repair garage, service station	4 bays per service bay, plus 4 bays per 100 m <sup>2</sup> GLA, minimum 8 bays	4 bays per service bay, plus 4 bays per 100 m <sup>2</sup> GLA, minimum 8 bays	4 bays per service bay
Motor fitment centre	2 bays per service bay	2 bays per service bay	1 bay per service bay
Industry	2 bays per 100 m <sup>2</sup> GLA	1,5 bays per 100 m <sup>2</sup> GLA	1 bay per 100 m <sup>2</sup> GLA
Warehouse, storage building	1 bay per 100 m <sup>2</sup> GLA	1 bay per 100 m <sup>2</sup> GLA	1 bay per 100 m <sup>2</sup> GLA

### 139 Combined parking requirements

Where two or more uses combine to share a common parking area, the City may approve parking requirements that are less than the sum of the parking required for individual uses provided that:

- The City is satisfied that the utilisation of the same parking area by the different use types or activities in the zonings will not result in a concurrent use of the parking area; and
- bays intended for combined uses may not subsequently be reallocated to other uses without the approval of the City.

### **Part 2: Site access and parking layout requirements** (items 140 - 141)

#### 140 Site access and exits

- The following site access requirements shall apply:
  - The City may require compliance with standard municipal or provincial access spacing guidelines;
  - No vehicular ingress or egress shall be closer than 10 m from an intersection as defined by the prolongation of street boundaries; except for industrial-zoned properties, where the distance shall be 15 m; and
  - The City may restrict or prohibit access if a pedestrian or traffic hazard is created or is likely to be created.
- Vehicle entrances and exit ways to and from property shall conform to the following requirements:
  - Motor vehicle carriageway crossings shall be limited to one per site per public street or road abutting the site;
  - Notwithstanding paragraph (a) above, where the total length of any street boundary of a site exceeds 30 m in length, one additional carriageway crossing may be permitted, provided that no two carriageway crossings are closer than 12 m to each other;
  - The minimum and maximum widths of motor vehicle carriageway crossings shall be in accordance with the following table, titled 'Width of motor vehicle carriageway crossings'.

**Width of motor vehicle carriageway crossings**

Type of carriageway crossing	Minimum width	Maximum width
Single entrance or exit way	2,7 m	4,0 m
Combined entrance and exit way	5,0 m	8,0 m



### 141 Parking layout requirements

- (1) The following parking layout requirements shall apply unless otherwise stated elsewhere in this development management scheme:
- (a) Parking layout configuration, minimum dimensions and ramps to a parking area shall be in accordance with the provisions of this development management scheme or an approved site development plan;
  - (b) The layout of any parking area, except for parking in SR1 and SR2 zonings, shall ensure that vehicles can readily leave the site without reversing across the sidewalk, unless approved by the City;
  - (c) A tandem bay accommodating two motor vehicles shall be regarded as one bay for the purposes of this development management scheme; except for single residential zonings, where a tandem bay shall be regarded as two bays;
  - (d) Visitor parking bays shall be clearly demarcated, readily visible and accessible to visitors, and preferably grouped together;
  - (e) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them, and any activity which causes an obstruction for vehicular traffic or pedestrian use of the sidewalk is prohibited;
  - (f) Parking areas shall be constructed and maintained in a state suitable for the parking and movement of vehicles;
  - (g) Notwithstanding paragraphs (a) to (f), the City may lay down more restrictive requirements in connection with parking, site access or motor vehicle carriageway crossing, if considered necessary from a pedestrian or traffic safety point of view.
- (2) The City may require a parking layout plan to be submitted, indicating the way in which it is intended that motor vehicles shall park, the means of entrance and exit, landscaping proposals, and construction details.
- (3) The City may approve or refuse the parking layout plan and impose conditions of approval.

### **Part 3: Unconventional parking requirements** (items 142 - 145)

### 142 Parking for the physically disabled

- (1) The City may require parking that is capable of use by persons with physical disabilities to be provided on any land unit, in order to ensure easy and convenient access for such persons to services and facilities generally open to the public and to residential uses.
- (2) In any parking facility serving the public, parking for persons with physical disabilities shall be provided in accordance with the following table, titled 'Physically disabled accessible parking'.

**Physically disabled accessible parking**

Total no of parking bays	Required number of bays accessible to the physically disabled
1-50	1
51-100	2
101-150	3
151-200	4
For every additional 100 bays or part thereof	1 additional parking bay

- (3) Parking for the physically disabled shall comply with the following requirements:
- (a) Parking bays shall be a minimum of 3,7 m in width and 5 m in length;
  - (b) Parking and access aisles shall be level;
  - (c) Parking bays shall be located as near as possible to accessible building or site entrances, and shall be located to provide convenient access to kerb ramps;
  - (d) Each parking bay reserved for physically disabled persons shall be marked on the parking surface with the international symbol of disabled accessibility;
  - (e) Additional signage indicating the parking bay as reserved for exclusive use by persons with physical disabilities may be required by the City;

- (f) Where five or fewer parking bays are provided, at least one bay shall be 4 m wide and marked to provide a parking bay of 2,5 m with an access aisle of 1,5 m, but the bay need not be reserved exclusively for persons with physical disabilities.
- (4) Parking for persons with physical disabilities shall count towards fulfilling off-street parking requirements.

#### 143 Motorcycle and bicycle parking spaces

- (1) The City may require that parking be provided for motorcycles and bicycles.
- (2) 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:
- the total credit shall not exceed 2,5% of the parking bays required;
  - the minimum dimension for a motorcycle space shall be 2,2 m in length and 1 m in width; and
  - the minimum dimension for a bicycle space shall be 2 m in length and 0,6 m in width.
- (3) Signage, bollards and racks or other devices for storing bicycles and motorcycles in such bays shall be installed.

#### 144 Loading

- (1) Unless the City grants approval to waive this requirement, loading bays shall be provided in accordance with the table, titled 'Minimum off-street loading bay requirements'. The City may determine off-street loading requirements for uses not stipulated in the table.

**Minimum off-street loading bay requirements**

Land use	Floor space (m <sup>2</sup> )	Number of loading bays
Offices	0 – 5 000	0
	5 001 – 15 000	1
	15 001 – 30 000	2
	Every additional 30 000 or part thereof	1 additional bay
Business premises (other than offices, supermarket), Industry	0 – 1 000	0
	1 001 – 2 500	1
	2 501 – 5 000	2
	5 001 – 10 000	3
	Every additional 10 000 or part thereof	1 additional bay
Supermarket	0 – 500	1
	501 – 1 000	2
	1 001 and greater	3 x requirement in row 2

- (2) The following minimum requirements shall apply to loading bays:
- A loading bay shall measure not less than 4,5 m by 10 m for perpendicular loading, and 2,5 m by 12 m for parallel loading.
  - No carriageway crossing to be accessed by loading vehicles shall be less than 3 m in width, and no combined entrance and exit way shall be less than 6 m in width.
  - Covered loading areas shall have a minimum headroom of 3,7 m.

#### 145 Refuse rooms

The City may, for the purposes of collecting refuse, require the owner to install a refuse receptacle on a property which shall:

- be of sufficient size to accommodate the refuse generated from the property for one week;
- be located adjacent to a public street, or in a position which will provide acceptable access to a refuse collection vehicle;
- be designed in a manner that is architecturally compatible with the other structures on the property and will screen refuse bins from public view; and
- comply with any other condition or standard requirements that the City may impose relating to access, health, pollution control, safety or aesthetics.

## **CHAPTER 16.: SUBDIVISION OF LAND** (items 146 - 147)

### **146 Deemed approval for building line and coverage departures**

When the City grants approval for the subdivision of property containing one or more existing approved structures, so as to locate different structures on separate land units, the City's approval is deemed to have been granted for any building line or coverage departure that arises from the approved subdivision, provided that future structures shall comply with the requirements of this development management scheme.

### **147 Subdivision of a property with consent use rights or a temporary land use departure**

If a property that has been granted a consent use right or temporary land use departure is subsequently subdivided, the consent use right or temporary land use departure shall apply to only one of the subdivided portions, unless the City states otherwise by means of a condition of the subdivision.

## **DIVISION IV: OVERLAY ZONING** (items 148-191)

*This Chapter deals with procedures to prepare, adopt, replace, amend or recommend overlay zonings and sets out the legal status of an overlay zoning.*

## **CHAPTER 17.: GENERAL PROVISIONS IN RESPECT OF OVERLAY ZONINGS** (items 148 - 152)

*The general provisions apply to all overlay zonings in this division.*

### **148 Requirements for preparing an overlay zoning**

(1) Preparation of an overlay zoning shall take into consideration the following requirements where applicable:

- (a) the development principles contained in SPLUMA, the Ordinance and this By-Law;
- (b) the City's planning vision and principles as set out in its Integrated Development Plan;
- (c) desired spatial form, including but not limited to the development of public and private land, infrastructure investment, utilisation of space, spatial reconstruction, location and nature of development, urban edge, scenic routes, areas of strategic intervention, mitigation of development impacts;
- (d) the principles as set out in an approved spatial development framework or a policy plan;
- (e) environmental and heritage protection and conservation; and
- (f) the principles of co-operative governance and the duties and objectives of local government as set out in the Municipal Systems Act and the Constitution of the Republic of South Africa, 1996.

(2) An overlay zoning must not detract from the City's ability to serve the needs of the municipal area as a whole.

### **149 Identification and numbering**

The City shall approve a distinctive name and number for each overlay zoning when adopting such overlay zoning.

### **150 Status of overlay zoning**

(1) An overlay zoning applies to land which the City has designated by notice in *the Provincial Gazette* as having that overlay zoning.

(2) Land which has an overlay zoning is regulated by the provisions for that overlay zoning in this development management scheme in respect of –

- (a) general provisions;
- (b) specific provisions;

- (c) use of property; and
- (d) development rules.
- (3) An overlay zoning may vary the development rules or use rights relating to an area or land unit, or may set new development rules or use rights.
- (4) The provisions of an overlay zoning may be more restrictive or more permissive than the provisions applicable to the base zoning of the property concerned, or may set specific development rules for an area or land unit.
- (5) If the provisions of an overlay zoning are different to, or in conflict with, the provisions of a base zoning, the more restrictive provisions shall apply, unless stated otherwise in the overlay zoning concerned.
- (6) Any development rules in the overlay zoning that exceed or are more restrictive than the limitations of the base zoning are deemed to be approved permanent departures from the provisions in the base zoning.
- (7) The City may grant departures from the development rules or restrictions or provisions of any overlay zoning by following the departure procedures set out in this By-Law.
- (8) The overlay zoning may contain general provisions or specific provisions and the designation must indicate which provisions apply to a land unit, area or to the City.
- (9) The provisions of more than one overlay zoning may apply to a land unit or area.

### **151 Development rules**

- (1) The development rules may apply generally to all land units designated to have the specified overlay zoning or specific rules may apply to specified land units.
- (2) The City may on its own initiative amend, replace or delete the development rules for an overlay zoning by amendment of this development management scheme.
- (3) The detailed provisions of an overlay zoning must be consistent with a policy plan and the Integrated Development Plan as approved by the City.

### **152 Process to designate a land unit, area or the city to have an overlay zoning**

- (1) The City may, after following a notice procedure contemplated in section 81 of this By-Law and after considering the objections, comments or representations received, designate a land unit, area or the City to have a specified overlay zoning.
- (2) Prior to designating a land unit, area or the city, the City must have regard to any approved policy plan dealing with the specified overlay zoning.

## **CHAPTER 18.: OVERLAY ZONINGS PROVIDING SPECIFIC DEVELOPMENT DIRECTIVES** (items 153 - 154)

*The SAO zoning designates land for future subdivision with development rights by providing development directives through specific conditions as approved in terms of this By-Law. The SAO zoning confirms the principle of development and acceptance of future subdivision of land; but not the detailed layout, which will be determined when an actual application for subdivision is approved. The SAO zoning does not detract from the rezoning to Subdivisional Area as stipulated in this By-Law, but gives effect to such stipulations through the provisions of this development management scheme. The SAO zoning may or may not be used in conjunction with the Special Planning Area mechanism.*

### **153 Use of the property: Subdivisional Area Overlay Zoning**

The following use restrictions apply to property in this zoning:

- (a) Primary uses are as stipulated in the conditions of approval imposed in terms of this By-Law.
- (b) Additional use rights are as stipulated in the conditions of approval imposed in terms of this By-Law and item 154(4).
- (c) Consent uses are as stipulated in the conditions of approval imposed in terms of this By-Law.

#### **154 Development rules: Subdivisional Area Overlay Zoning**

- (1) Land zoned as a Subdivisional Area may be subdivided as contemplated in this By-Law.
- (2) Conditions of approval for rezoning to Subdivisional Area should take into account, but are not limited to, the following:
  - (a) the requirements of an applicable structure plan or spatial development framework as contemplated in section 3 of this By-Law;
  - (b) impact assessments for environment, heritage resources, transport or hazardous installations;
  - (c) main transport routes
  - (d) main land uses and the extent thereof
  - (e) physical development constraints or opportunities;
  - (f) provision of services;
  - (g) bulk infrastructure
  - (h) development density;
  - (i) floor space limitations;
  - (j) open space requirements, and
  - (k) requirements of organs of state.
- (3) The conditions of approval imposed in terms of this By-Law when the property is rezoned to Subdivisional Area shall apply.
- (4) Any existing use or development on a property which is lawful at the time that the property is rezoned to Subdivisional Area may continue as long as the Subdivisional Area zoning remains in place, provided that:
  - (a) The City may approve additional uses and extensions to existing lawful development if these are ancillary to the existing, lawful uses; and
  - (b) Once a subdivision is confirmed, all future development on the subdivision concerned shall comply with the development rules of the base zoning on the confirmed land units, any overlay zonings which may be applicable, and any conditions imposed in terms of this By-Law.

### **CHAPTER 19.: OVERLAY ZONINGS PROVIDING STRATEGIC DEVELOPMENT DIRECTIVES**

*(items 155 - 158)*

#### **Part 1: Incentive Overlay Zoning (ICO)**

*(items 155 - 156)*

*ICO provides a mechanism for designating development incentive measures to land in order to promote development priorities and strategies as may be identified in the integrated development plan or spatial plans approved by the City. The development incentive measures may include, but are not limited to, incentives or concessions relating to parking, height, floor space, coverage and density. Such incentives could involve an increase in the floor space or density otherwise permitted in terms of this development management scheme.*

#### **155 General provisions: Incentive Overlay Zoning**

This overlay zoning has no general provisions.

#### **156 Specific provisions: Incentive Overlay Zoning**

This overlay zoning has no specific provisions.

#### **Part 2: Density Overlay Zoning (DO)**

*(items 157 - 158)*

*The DO provides a mechanism for designating development density measures to land in order to establish development priorities and strategies as may be identified in the IDP or spatial plans approved by the City. The development density measures may include the setting of specific minimum or maximum development densities (e.g. erf sizes) given the availability of invested*

*infrastructure or lack of available infrastructure, and may also include incentive measures to encourage and support development priorities and strategies.*

### **157 General provisions: Density Overlay Zoning**

This overlay zoning has no general provisions.

### **158 Specific provisions: Koeberg Restriction Area Overlay Zoning**

- (1) In this item:
  - (a) **'Precautionary Action Zoning Zone (PAZ)'** means land within a 5 km radius from a point defined by the co-ordinates X= -52727,4000 and Y= -3727966,6500 in WGS84 transverse Mercator projection;
  - (b) **'Urgent Protective Action Zone (UPZ)'** means land within a 16 km radius from a point defined by the co-ordinates X= -52727,4000 and Y= -3727966,6500 in WGS84 transverse Mercator projection, but excluding the Precautionary Action Zone (PAZ); and
  - (c) **'development application'** means any construction or utilisation of land or any application made to a competent authority for additional or new rights in terms of planning legislation or the zoning scheme regulations, other than that which is already permitted in terms of the development management scheme, and which either increases the transitory or permanent population within the Precautionary Action Zone (PAZ) or the Urgent Protective Action Zone (UPZ) and/or which might compromise the effective implementation of the Koeberg Nuclear Emergency Plan.
- (2) In the Precautionary Action Zone (PAZ):
  - (a) no development application shall be approved, except development by the Koeberg nuclear operator ancillary to the siting, design, construction, operation and decommissioning of the Koeberg Nuclear power station in terms of its operating licence;
  - (b) provided land owners may, subject to obtaining the approval of the competent authority, exercise additional or new rights which will not result in any transitory or permanent population growth and where the competent authority is satisfied that the disaster management infrastructure necessary to ensure effective implementation of the approved traffic evacuation model and associated disaster risk management procedures, is adequate.
- (3) In the Urgent Protective Action Zone (UPZ):
  - (a) a development application shall only be approved by the competent authority where it is satisfied that the disaster management infrastructure necessary to ensure effective implementation of the approved traffic evacuation model and associated disaster risk management procedures, is adequate;
  - (b) provided land owners may, subject to obtaining the approval of the competent authority, exercise additional or new rights which will not result in any transitory or permanent population growth; and
  - (c) provided in considering development applications for approval in terms of paragraph (a) above, regard shall be had to the following:
    - (i) estimated existing population and envisaged population growth in the UPZ as a result of the proposed development;
    - (ii) impact of envisaged population growth on the effective implementation of the Koeberg Nuclear Emergency Plan and the approved traffic evacuation model;
    - (iii) capacity of disaster management infrastructure to meet the requirements of the Koeberg Nuclear Emergency Plan in relation to the envisaged population growth; and
    - (iv) any other consideration considered relevant which has the potential to detrimentally impact upon the effective implementation of the Koeberg Nuclear Emergency Plan.



## CHAPTER 20.: OVERLAY ZONINGS FOR SPECIFIC MANAGEMENT MECHANISMS (items 159 - 191)

*These overlay zonings provide mechanisms for designating either city-wide or localised development management rules to deal with specific concerns, over and above the provisions of a base zoning. These overlay zonings should be applied to promote the City's planning principles, goals, objectives and strategies as may be identified in the approved Integrated Development Plan, Integrated Metropolitan Environmental Policy strategies, or spatial plans.*

### **Part 1: Heritage Protection Overlay Zoning (HPO)** (items 159 -164)

*The HPO makes provision for the protection of heritage places entered on the heritage register maintained by the provincial heritage resources authority, and for the protection of heritage areas as provided for in terms of the National Heritage Resources Act. It also provides a mechanism for the protection of heritage places the City considers to be conservation-worthy in terms of its heritage strategies. The HPO enables the designation of such heritage places and heritage areas on the zoning map.*

#### **159 Deemed Heritage Protection Overlay Zones**

The following heritage places are deemed to have Heritage Protection Overlay zonings and shall be subject to the provisions of this overlay zoning:

- (a) any heritage place that has been entered into the register of heritage resources maintained by the provincial heritage resources authority in accordance with the National Heritage Resources Act;
- (b) any heritage place that has been designated a heritage area in accordance with the National Heritage Resources Act; and

#### **160 Use of the property: Heritage Protection Overlay Zoning**

The following land use restrictions apply to property in this zoning:

- (a) Primary uses are as stipulated in the base zoning.
- (b) Additional use rights are as stipulated in the base zoning.
- (c) Consent uses are as stipulated in the base zoning, or any use approved by the City as an incentive in terms of item 161(1).

#### **161 Development rules: Heritage Protection Overlay Zoning**

- (1) The City may approve any use as a consent use in this overlay zoning provided that:
  - (a) such use is consistent with the uses determined to be appropriate in terms of a City approved Heritage Management plan, in order to provide the owner with an incentive to preserve the heritage resource, and
  - (b) the City may require cessation of the consent use right if the heritage place protected in terms of the Heritage Protection Overlay zoning is not maintained and protected to the requirements stipulated in the City's approved Heritage Management plan for the property, or as agreed between the City and the owner, in which case section 127 of this By-Law applies.
- (2) Any development rules in terms of an approved Heritage Protection Overlay zoning that exceed, or are more restrictive than, the limitations of a base zoning, shall be deemed to be approved departures from the provisions of the base zoning.

#### **162 General provisions: Heritage Protection Overlay Zoning**

- (1) Unless exempted, the following activities affecting a place or an area protected as a Heritage Protection Overlay zone require the approval of the City:
  - (a) any alteration, including any action affecting the structure, appearance or physical properties of a heritage place, whether by way of structural or other works, by painting, plastering or other decoration or any other means;

- (b) any development, including any physical intervention, excavation, or action other than those caused by natural forces, which may in any way result in a change to the appearance or physical nature of a heritage place, or influence its stability and future well-being, including –
    - (i) construction, alteration, demolition, removal or change of use of a heritage place or a structure at a heritage place;
    - (ii) carrying out any works on or over or under a heritage place;
    - (iii) subdivision or consolidation of land comprising a heritage place, including the structures or airspace of a heritage place;
    - (iv) any change to the natural or existing condition or topography of land; and
    - (v) any permanent removal or destruction of trees, or removal of vegetation or topsoil;
  - (c) addition of any new structure;
  - (d) partial demolition of a structure;
  - (e) alteration to or removal of any historical landscape or any landscape feature, including boundary hedges and mature plantings; or addition or removal of or alteration to hard landscape surfaces, street furniture or signage;
  - (f) any below-ground excavation.
- (2) The City may exempt a specific activity or schedule of activities in a geographic area which has been protected as a heritage protection overlay zone from the requirements of sub-item (1).

### **163 Specific provisions: Heritage Protection Overlay Zoning**

- (1) The City may apply specific provisions to a heritage place or heritage area protected as a Heritage Protection Overlay zone, which may be in addition or alternative to the general provisions in item 162, provided it relates to land use and development rules and are recorded in a heritage management plan approved by the City in terms of this By-Law.
- (2) The City must consult the owner or owners of the heritage place or area before introducing specific provisions in respect of the place or area protected as a heritage protection overlay zone.

### **164 Consideration of applications**

- (1) In respect of an application for approval for an activity referred to in items 162 or 163, the City may require from an applicant whatever information it deems necessary to enable an informed decision to be made regarding the application, which may, inter alia, include:
- (a) details of the activities for which an application is made;
  - (b) a statement of significance or a heritage statement;
  - (c) a statement of conservation policy in respect of the work proposed to be carried out;
  - (d) an annotated recording of the heritage place or parts of the heritage place to be affected by the actions;
  - (e) heritage and historical research; and
  - (f) photographs.
- (2) In considering an application referred to in item 162(1), the City must take into account the effect such activity may have on the significance of the heritage place or heritage area concerned.
- (3) In approving an application referred to in item 162(1), the City may impose any conditions it believes appropriate for the protection and enhancement of the heritage place or area, including inter alia conditions regarding:
- (a) requirements for landscaping;
  - (b) use of materials and finishes;
  - (c) heritage management plans;
  - (d) recycling or reuse of materials;
  - (e) method statements; and
  - (f) timescales within which work approved must be in place or be completed.
- (4) Approval for an activity in a heritage protection overlay zone as referred to in item 162(1) does not exempt an applicant or owner from obtaining other required approvals.

**Part 2: Environmental Management Overlay Zoning (EMO)**  
(items 165 - 168)

*The EMO makes provision for the protection and management of the special natural and environmental characteristics of environmentally-sensitive places and areas, or those that are worthy of protection in accordance with the City's environmental management frameworks, in order to ensure that development responds sensitively to these characteristics, that impacts are mitigated, and to promote sustainable development for the benefit of the general public, including tourists. The EMO also enables the designation of such environmentally-sensitive places or areas on the zoning map.*

**165 Development rules: Environmental Management Overlay Zoning**

The City may approve any appropriate use as a consent use in terms of this overlay zoning provided that:

- (a) it considers such use to be desirable or justified in order to provide the owner with an incentive to preserve the environmental resource, and
- (b) the City may require cessation of the consent use right if the environmental resource is not properly maintained and protected to the City's satisfaction, in which case section 127 of this By-Law will apply.

**166 General provisions: Environmental Management Overlay Zoning**

(1) Unless exempted, the following activities affecting the area protected by an Environmental Management Overlay zoning require the approval of the City:

- (a) any change in land use resulting from an application in terms of this By-Law;
- (b) any subdivision;
- (c) addition of any new structure requiring building plan approval in terms of the National Building Act;
- (d) removal of indigenous vegetation or site clearing, or felling, lopping, topping or otherwise damaging any tree that is either more than 6 m in height or more than 500 mm in diameter, other than for the removal of dangerous branches or bona fide pruning; and
- (e) any below-ground excavation, or change to watercourses.

(2) Activities exempt from approval as referred to in sub-item (1) include the following:

- (a) clearing of invasive alien plant infestations;
- (b) routine building maintenance and repairs; and
- (c) any other activity specifically exempted by the City.

(3) In addition to sub-item (2), the City may exempt from the requirements of sub-item (1) any other activity or schedule of activities in a geographic area which has been protected as an Environmental Management Overlay zone.

**167 Specific provisions: Environmental Management Overlay Zoning**

(1) The City may apply specific provisions in an environmental management overlay zone, which may be in addition or alternative to the general provisions in item 166, provided it relates to land use and development rules and are recorded in an environmental site- or activity-management plan approved by the City in terms of this development management scheme.

(2) The City must consult the owner or owners of the land or area affected by the environmental management overlay zone before introducing specific provisions of an Environmental Management Overlay zoning.

**168 Consideration of applications**

(1) In respect of an application for approval of an activity referred to in item 166(1), the City may require from an applicant whatever information it deems necessary to enable an informed decision to be made regarding the application, which may, inter alia, include:

- (a) statements of significance;
- (b) environmental, botanical or other audit or research information; and

- (c) photographs.
- (2) In approving an application referred to in item 166(1), the City may impose any condition it believes appropriate for the protection and enhancement of the area protected by the Environmental Management Overlay zoning, including inter alia conditions regarding:
  - (a) requirements for landscaping;
  - (b) use of materials and finishes;
  - (c) environmental site- and activity-management plans;
  - (d) recycling or reuse of materials; and
  - (e) method statements.
- (3) Approval for an activity in an environmental management overlay zone as referred to in item 166(1) does not exempt an applicant or owner from obtaining other required approvals.

### **Part 3: Urban Edge Overlay Zoning (UEO)**

(items 169 - 170)

*The UEO zoning guides development at the urban edge area in order to achieve a sensitive transition between urban and rural or conservation areas, to contain urban sprawl and to protect valuable natural and agricultural resources adjacent to urban development.*

#### **169 Development rules: Urban Edge Overlay Zoning**

This overlay zoning has no general provisions.

#### **170 Specific provisions: Urban Edge Overlay Zoning**

This overlay zoning has no specific provisions.

### **Part 4: Scenic Drive Overlay Zoning (SDO)**

(items 171 - 172)

*The SDO zoning protects the natural and cultural landscape along important tourist and transport routes, to enhance the scenic experience of travellers and promote the tourism potential of the city.*

#### **171 General provisions: Scenic Drive Overlay Zoning**

- (1) Save as provided for in sub-item (3), nothing shall be built, constructed, erected, fixed or placed, whether permanently or temporarily, on land which:
  - (a) abuts the lower side of a scenic drive; or
  - (b) abuts any land (including any street) owned by or vesting in the City which abuts the lower side of a scenic drive
- so as to project above the level of the nearest point on the abutting pedestrian footway of such scenic drive; or, where no such footway exists, the highest point of the abutting road surface.
- (2) Any vehicle parking area on land referred to in sub-items (1)(a) or (1)(b) shall have a floor or ground level that is 2 m or more below the level of the nearest point on the pedestrian footway of the scenic drive; or, where no such footway exists, the highest point of the abutting road surface.
- (3) Fencing, railings, gates and similar structures which:
  - (a) do not exceed a maximum height at any point of 1,2 m above the nearest point on the pedestrian footway of such scenic drive, or where no such footway exists, the highest point of the abutting road surface; or
  - (b) have a visually permeable design to the satisfaction of the City

may, in accordance with plans approved by the City, be erected above the level of the nearest point on the pedestrian footway of such scenic drive; or, where no such footway exists, the highest point of the abutting road surface.

#### **172 Specific provision: Victoria Road, Clifton**

No building shall be erected on any site abutting Victoria Road, Clifton, on the upper side of the street, if such building would be more than 13 m above the street level of Victoria Road at points opposite such building.

**Part 5: Local Area Overlay Zoning (LAO)**  
(items 173 - 191)

*The LAO zoning provides opportunities for the City to apply specific local development rules that reflect local circumstances. The LAO zoning can provide the City with mechanisms to determine local provisions for encouraging development in support of the local economy, or special management provisions to encourage appropriate development in response to local, cultural, urban design or landscape circumstances. It is important to recognise that the LAO zoning is a tool to be applied by the City in the interests of the city, and local interests needs to be balanced against the interests of the general community.*

**173 General provisions: Local Area Overlay Zoning**

This overlay zoning has no general provisions.

**174 Specific provisions: Strand Beachfront Local Area (LAO/1)**

- (1) The area depicted on Plan LAO/1 is subject to the provisions in this item.
- (2) Prior to the consideration of any application in terms of this By-Law or the National Building Act:
  - (a) the applicant shall furnish the City with a land surveyor's certificate identifying where any predicted rise in sea level will affect the property; and
  - (b) in response to a predicted rise in sea level, the City may require that:
    - (i) a particular street or common boundary building line shall be complied with; or that
    - (ii) the finished floor level of a building shall be raised.
- (3) On request by the applicant, the City shall make available any relevant information it has in order to enable compliance with sub-item (2).

**175 Specific provisions: Gordon's Bay Local Area (LAO/10)**

- (1) The area depicted on Plan LAO/10 is subject to the provisions in this item.
- (2) No building on a property zoned SR1 situated below a road shall exceed 4 m above the highest point of the abutting road surface to the top of the roof of such building.
- (3) No building on a property zoned SR1 situated above a road shall exceed a height of 4 m above the highest point of the land along its common boundary.
- (4) Where a property is bordered by a road on more than one side or where both sides of the road are on the same contour level, the City will determine if sub-items (2) or (3) or only the restrictions in the base zoning shall apply.
- (5) The above restrictions apply only where they are more restrictive than the development rules set out in the base zoning.

**176 Specific provisions: Harfield Village Local Area (LAO/2)**

- (1) The area depicted on Plan LAO/2 is subject to the provisions in this item.
- (2) In this item:
  - (a) '**dormer**' means an upright window under a gable, built out from a sloping roof;
  - (b) '**facade**' means a main containing wall of a building, other than a wall of an internal courtyard; and
  - (c) '**street boundary wall**' or '**fence**' means any structure erected on or near a street boundary for the purposes of defining such boundary; but shall exclude planting such as a hedge along the boundary or on the structure concerned, or an outbuilding.
- (3) The maximum height of a building, measured from base level to the wallplate, shall be 6 m, and to the top of the roof shall be 8 m.
- (4) All roofs in new developments shall be double-pitched, with slopes of between 35° and 42°.
- (5) No point on any building shall be erected nearer than 1 m to any street boundary.
- (6) The common boundary setbacks specified in this development management scheme shall apply to all dwelling houses, second dwellings, group housing, blocks of flats, residential buildings, or outbuildings to any of the foregoing.



- (7) The coverage provisions of this development management scheme shall apply to all dwelling houses, second dwellings, group housing and blocks of flats or outbuildings on any site smaller than 350 m<sup>2</sup>. Permitted coverage on sites greater than 350 m<sup>2</sup> in extent for all of the above buildings shall be 65%.
- (8) Any proposed parking or garaging areas and the access thereto shall be shown on building plans submitted to the City, which shall have the right to approve or refuse such plans. These parking and garaging areas shall:
- (a) not be located forward of the front facade of the main dwelling on a land unit;
  - (b) be subsidiary to the main dwelling, with frontages not exceeding 3 m in width;
  - (c) have a height not exceeding 3,3 m or the eaves line of the main building, whichever is the lowest; and
  - (d) no double garage doors shall be permitted.
- (9) No person shall erect any street boundary wall or fence without the prior approval of the City, and such street boundary wall or fence shall be in accordance with the following provisions:
- (a) the height of a visually impermeable street boundary wall or fence, including a solid masonry wall, shall not exceed 1,5 m;
  - (b) masonry piers, or visually permeable wooden slats, railings or similar structures, shall not exceed 2,1 m in height, provided that the City shall have the right to demand a height of less than 2,1 m where, in the opinion of the City, such lesser height is required for reasons of aesthetics, safety or the public good;
  - (c) for the purposes of paragraphs (a) and (b), the height of such street boundary wall or fence shall be measured from the level of the footway immediately adjacent to such wall or fence.
- (10) No person shall fell, uproot or cause to destroy a mature tree or hedge without the prior approval of the City.

**177 Specific provisions: Constantia – Tokai Local Area (LAO/3)**

- (1) The area depicted on Plan LAO/3 is subject to the provisions in this item.
- (2) No subdivision of land zoned Single Residential (SR1) shall be permitted with an erf size of less than the minimum erf size specified in Plan LAO/3.

**178 Specific provisions: St James – Clovelly Local Area (LAO/6)**

- (1) The area depicted on Plan LAO/6 is subject to the provisions in this item.
- (2) No building erected on any land unit within the area shall have more than two storeys in height.
- (3) The permissible floor factor within any local or general business zone in the area is 0,8.
- (4) With the exception of the properties known as 'Chartfield Private Hotel', 'Strathmore Private Hotel' and 'Sea Breezes', it shall be permissible to erect a hotel on the site of any existing hotel within the portion of the area so described and specified on Plan LAO/6, notwithstanding that such site falls within Single Residential (SR1) zoning.
- (5) Where a hotel is erected in accordance with the provisions of sub-item (4), the following provisions shall apply:
- (a) the land unit of such hotel shall, subject to the provisions of sub-items (2) and (3), be deemed to be subject to the same development rules that apply to General Residential Zoning: Subzoning 4 (GR4).
  - (b) Land not forming part of such land unit, but which adjoins it, may be added to such land unit, and any land so added shall be deemed to be part of such land unit;
- (6) The following provisos apply to sub-item (5)(b):
- (a) no land shall be added if
    - (i) the actual floor space of the existing hotel on the existing land unit is less than the permissible floor space for such land unit; and
    - (ii) the existing land unit is large enough to enable the provision of sufficient uncovered parking area as prescribed in Chapter 15 that applies to a hotel;
  - (b) no more land shall be so added than the minimum amount required to enable



- (i) the permissible floor space on such land unit to equal the actual floor space of the existing hotel; and
- (ii) sufficient parking area as aforesaid to be provided;
- (c) for the purposes of paragraphs (a) and (b), 'hotel' includes all outbuildings to an hotel.

**179 Specific provisions: Land Above Boyes Drive, Kalk Bay (LAO/7)**

- (1) The area depicted on Plan LAO/7 is subject to the provisions in this item.
- (2) Within the area depicted on Plan LAO/7, no building shall be erected on any land unit and no land unit shall be subdivided unless:
  - (a) the owner of such land unit has satisfied the City that such erection or subdivision is desirable, that a satisfactory road system in accordance with the City's standards for the provision of services is possible, and that the cost of providing and maintaining essential services will not be excessive; or
  - (b) it is proposed to erect a building on a land unit abutting Boyes Drive, in which event such land unit shall be deemed to be subject to the provisions of Single Residential Zoning 1: Conventional Housing (SR1) zoning.

**180 Specific provisions: Marina Da Gama Extensions 1,2 & 4 (LAO/8)**

- (1) The area depicted on Plan LAO/8 is subject to the provisions in this item.
- (2) In this item, '**Marina da Gama Home Owners' association**' (formerly known as the Eastlake Association) means an association composed of the owners of properties in Marina da Gama Extensions 1, 2 and 4 in terms of the conditions of title applicable to such properties.
- (3) The following special provisions shall apply to Marina Da Gama Extensions 1, 2 and 4:
  - (a) Before any building may be erected, the person intending to erect such building shall submit to the City building plans drawn in accordance with the National Building Act showing the immediate intended development and the total ultimate intended development of the land unit on which such building is to be erected.
  - (b) Such building plans shall show the nature and colours of all roof coverings, the nature, colours and finishes of all external walls of buildings, free-standing walls and fences, and the positions of all proposed fences, drainage channels, drains and other structures (not being buildings) in relation to the boundaries of the land unit on which the building is to be erected.
  - (c) Such building plans shall, prior to their submission to the City, be submitted to the Marina da Gama Home Owners' association for comment, which association shall furnish its comments to the City in writing within 30 days, failing which the City shall accept the plans for consideration.
  - (d) Before deciding the application, the City shall consider any comments of the Marina da Gama Home Owners' association relating to such building plan, which comments must be made in writing and be submitted to the City with such building plan application.
  - (e) Except with the written approval of the City, no alteration, addition, rebuilding, renovation, renewal, erection of fences, or other work (other than work within a building), and no deviation from or change in the colours of the exterior fabric of any building or of any free-standing wall or fence shown on the approved building plans shall be undertaken or made.
  - (f) In addition to paragraphs (a) to (e), the following provisions shall apply to the area:
    - (i) A building which is a group house or a group of dwelling houses may exceed two storeys in height but shall not exceed three storeys in height; and
    - (ii) Parking and garaging areas for business-zoned properties shall be provided on the land unit of every building in accordance with the provisions of Chapter 15 of this development management scheme; provided that, notwithstanding the provisions of said Chapter, there shall be provided on every such land unit a parking area comprising not less than

- (aa) one bay for every 20 m<sup>2</sup> of actual floor space of all shops erected thereon; and
- (bb) one bay for every 30 m<sup>2</sup> of actual floor space of all business buildings erected thereon.

**181 Specific provisions: Hout Bay Local Area (LAO/11)**

- (1) The area depicted on Plan LAO/11 is subject to the provisions in this item.
- (2) No subdivision of land that is zoned Single Residential SR1 shall be permitted with an erf size of less than the minimum erf size specified in Plan LAO/11.

**182 Specific provisions: Noordhoek Local Area (LAO/12)**

- (1) The area depicted on Plan LAO/12 is subject to the provisions in this item.
- (2) No subdivision of land that is zoned Single Residential SR1 shall be permitted with an erf size of less than the minimum erf size specified in Plan LAO/12.

**183 Specific provisions: Muizenberg Local Area (LOA/13)**

- (1) The area depicted on Plan LAO/13(i) is subject to the provisions in this item.
- (2) All properties situated within this area and zoned Single Residential Zoning 1 (SR1) have the additional use right of a second dwelling, subject to the conditions listed in item 53 of the development management scheme.

**184 Specific provisions: Landudno Local Area (LAO/14)**

- (1) The area depicted on Plan LAO/14 is subject to the provisions in this item.
- (2) For the purposes of determining existing ground level for determining the height limitation in sub-item (3), the topographical maps issued by the former Divisional Council of the Cape in May 1981, being sheets 6064A, 6064B, 6164B and 6165A, will be used. In case of any dispute, the City shall determine the existing ground level for the purposes of administering the development management scheme.
- (3) No part of any building or structure on a property zoned Single Residential Zoning 1 (SR1) shall be built higher than 8 m above any point on the existing ground level, as determined in sub-item (2).
- (4) Notwithstanding sub-item (3), portions of double pitched roofs above a level halfway between the eaves and the top of the roof shall not be included in the determination of height, provided that the pitch of the roof exceeds 20°.

**185 Specific provisions: whole of the Cape Town CBD Area (LAO/4)**

- (1) The area depicted on Plan LAO/4 is referred to as the Cape Town CBD area and is subject to the provisions in this item.
- (2) The following provisions apply to the whole of the Cape Town CBD area, as depicted on Plan LAO/4:
  - (a) except in the case of service stations, the provisions of items 137, 138, 139, 142, 143 and 144 of the development management scheme (relating to parking and loading requirements) do not apply;
  - (b) notwithstanding the provisions of the development management scheme relating to floor factor, land that is zoned GB7 or MU3:
    - (i) shall be subject to the floor factor specified on Plan LAO/4 for the land unit concerned, unless there is no such specification, in which case the provisions of the development management scheme shall apply; and
    - (ii) the floor factor may be increased by 30%, provided at least 30% of the building floor space remains in use as flats.
  - (c) notwithstanding the provisions of the development management scheme relating to height and building lines, land zoned MU3 with a floor factor of 6,8 or more shall be subject to the same height and building line requirements as for GB7;
  - (d) where it is proposed to erect a hotel that contains at least 30 guest bedrooms:

- (i) the following portions of such hotel shall be disregarded when calculating the total floor space of the building:
  - (aa) rooms used by residents and guests as dining rooms, banqueting rooms, bars, restaurants, ballrooms, games and sports rooms, lounges, sitting rooms, reading rooms, writing rooms and conference rooms;
  - (bb) public foyers and areas comprising public or communal stoeps, verandahs, balconies, terraces or sun decks used by hotel residents or guests;
  - (cc) barber shops, hairdressing salons, florists and similar shops within the hotel for the exclusive use of hotel residents;
  - (dd) offices forming part of the hotel premises, used solely for the administration or management of the hotel;
  - (ee) kitchens, sculleries, laundries and similar service facilities forming part of the hotel premises;
  - (ff) storerooms ancillary to the hotel;
  - (gg) staff quarters ancillary to the hotel, including corridors, stairs and other means of access within such staff quarters, appurtenant kitchens, dining rooms, recreation rooms, laundries and other such rooms for the exclusive use of staff;
- (ii) Any rooms which are not specifically referred to in sub-paragraph (i) shall be included in the floor space calculation of the building; and
- (iii) If, in the opinion of the City, a room is primarily for the use of persons other than hotel residents, staff or visitors, such room shall also be included in the floor space calculation of the building, notwithstanding that it may be referred to in sub-paragraph (i).
- (e) The street centreline setback shall not apply to land zoned General Business, General Residential or Mixed Use.
- (f) Except with the approval of the City, no parking bays at ground floor (first storey) or second storey level on the land unit, either outside or within a building, shall be located closer than 10 m to the street boundary, in order to enhance amenity at street level.

#### **186 Specific provisions: St Georges Street subarea**

- (1) The provisions in this item apply to the subarea of St Georges Street as depicted on Plan LAO/4(i)-(iii).
- (2) Where it is proposed to erect a building or portion of a building, the owner shall submit to the City, for its approval, a context plan with drawings depicting:
  - (a) detailed elevations of all street facades, including all fenestration, balconies, colonnades, canopies, signage and embellishments, the materials to be used, and the colour, finish and texture of such materials; and
  - (b) the relationship between the building concerned and adjacent buildings or portions thereof in regard to facade decoration, the articulation of vertical and horizontal elements, street wall height and massing.
- (3) Except with the approval of the City, glass commonly known as 'reflecting glass' shall not be used in the facade of any building.
- (4) The use of the ground storey portion of a building which is located within 10 m of any street boundary shall not be altered, irrespective of whether such alteration involves the erection of a building, unless:
  - (a) a site development plan has been submitted indicating the purpose for which it is proposed to use such portion, the layout of the pedestrian areas therein and points of access thereto; and
  - (b) the City has approved such site development plan.
- (5) Except with the approval of the City, any new building fronting onto a street shall include a projection over the street, comprising a colonnade, canopy, balcony, awning or similar overhead weather protection structure, to the satisfaction of the City.

(6) Except with the approval of the City, at least 75% of the width of any new building fronting onto a street shall be erected directly on such street boundary up to a height of 25 m above the mean street level at such boundary.

(7) Notwithstanding the provisions of the development management scheme relating to building lines, no point on any building shall project beyond an imaginary plane extending back at an angle of 50° from an imaginary horizontal line above the St Georges Street boundary, which line shall be 25 m above the mean level of the street edge at that boundary.

#### 187 Specific provisions: Roggebaai subarea

(1) The provisions in this item apply to the subarea of Roggebaai as depicted on Plan LAO/4.

(2) For the purpose of this item, the following definitions apply:

- (a) **'facade'** of a building or portion of a building means a main containing wall of such building or portion, other than a wall to an internal courtyard, exclusive of any projections over the street;
- (b) **'fixed height'** of a facade of a building means a precise height, which must be reached and not exceeded, of all points at the top of such facade;
- (c) **'height'** in relation to a building means the height above a datum line of 4,57 m above the low water mark at ordinary spring tide in Table Bay, or the equivalent 3,89 m above mean sea level based on the height beacon established in Roggebaai by the City, and 'fixed height' has a corresponding meaning;
- (d) **'top'** of a facade means the top edge of a fascia, or the top of the parapet, or such other position as the City prescribe having regard to the intent of this item;
- (e) **'roof storey'** means an additional storey which may be permitted above the fixed height of a facade, subject to the conditions as set out hereunder;
- (f) **'building restriction line'** means a line on Plan LAO/4 indicating an internal boundary between two or more portions of an erf to which different height provisions apply; and
- (g) **'height zone'** means that portion of an erf bounded by building restriction lines or site boundaries, or both, to which a particular fixed height is applicable.

(3) Where a building is to be erected on a property which is shown on Plan LAO/4 and which bears the reference 'FH' on such plan, the fixed height of every facade of each portion of such building shall be the relevant height shown on such plan and specified in the following table, titled 'Fixed height of facades':

**Fixed height of facades**

Erf number	Fixed height of façade (FH)
85, 86, 110, 112, 113, 114, 115, 116, 117, 128, 129, 130, 131, 132, 134, 171 & 252	36,58 m

(4) Notwithstanding sub-item (3), the City may permit the erection of water-tanks, air-conditioning plant, transformer rooms, storerooms, caretaker's quarters or other structures above the level determined by the fixed height of the facade, provided that:

- (a) a roof storey is erected above such level, and
- (b) the roof storey comply with the following conditions:
  - (i) the height of every point of the roof of the roof storey above the level determined by the fixed height of the facade shall not be less than 2,24 m or more than 3,96 m, and no building, structure or any portion of such building or structure shall project above the level of the roof storey, except machinery rooms required for the lift system of the building;
  - (ii) where a roof storey has been erected on any adjoining property, the height of any proposed roof storey shall coincide with that on the adjoining property;
  - (iii) the roof of the roof storey shall cover the whole of the area of the building below such storey, except over any internal light well areas in such building;
  - (iv) the floor of such roof storey shall not be above the level determined by the fixed height of the facade of the building;

- (v) the exterior walls of the roof storey shall be set back a distance of 2,44 m from all boundaries of the property, except that no setback shall be required in the case of a common boundary where the roof storey adjoins a building which has a fixed height of facade that is equal to or greater than the building on which such roof storey is erected;
  - (vi) the space within the exterior walls and roof of the roof storey, and only such space, may be used for water-tanks, air-conditioning plant, transformer rooms, storerooms, caretaker's quarters, window cleaning and similar plant and equipment; and
  - (vii) the roof storey may not be served by the main lift system of the building.
- (5) Notwithstanding the provisions of sub-items (3) and (4), the City may permit features such as flagpoles and radio or television aerials to project above the level determined by the fixed height of the facade, subject to such conditions as the City may impose.
- (6) Where a building is to be erected on a property which is identified on Plan LAO/4 and which bears the reference H on such plan, the maximum height of every facade of each portion of such building shall be the relevant height shown on such plan as specified in the following table, titled 'Maximum height of facades':

**Maximum height of facades**

<b>Erf number</b>	<b>Maximum height of façade (H)</b>
144	44 m
147	89 m
156	37 m
161 & 162	38 m
166	76 m and 14 m
169	46 m
205	38 m
206 & 207	42 m and 17 m

- (7) Where a property does not have a fixed height requirement or maximum height limit as shown in the table above, the height limitation of the applicable base zoning in the development management scheme regulations shall apply.
- (8) Notwithstanding the provisions of the development management scheme, the floor factor of any building that is zoned General Business or Mixed Use is unlimited, and maximum floor space will be determined by the fixed or maximum height permitted for the building.
- (9) Notwithstanding the provisions of the development management scheme, the building lines prescribed for General Business or Mixed Use zonings shall not apply.
- (10) A building on an erf listed in the following table, titled 'Servitude provisions', shall comply with, and be subject to, the provisions and servitudes listed in such table for that erf:

**Servitudes provisions**

<b>Category</b>	<b>Erf number</b>	<b>Nature of servitude</b>
A	85, 86, 108, 109, 110, 112, 113, 114, 115, 116, 128, 129, 149 & 150	These properties are entitled to a servitude of extension and projection against the remaining extent of Roggebaai.
B	169	This property is entitled to a servitude of extension and projection against the remaining extent of Roggebaai.
C	7, 42, 46, 48, 148 & 171	These properties are entitled to a servitude of extension and projection against the remaining extent of Roggebaai.

Category	Erf number	Nature of servitude
D	170	<p>This property is subject to a servitude in favour of the City and the public for pedestrian arcades and underground services over areas indicated as 'servitude areas' on the relevant diagrams, on condition that:</p> <ul style="list-style-type: none"> <li>Any building to be erected shall in no way interfere with the free use of such pedestrian arcades and underground service areas and no part of the said building may project onto these areas without written approval by the City, provided that supporting columns may be erected to the City's satisfaction.</li> <li>Subject to the above provision and compliance with building regulations, the ends of pedestrian arcades may be enclosed with glazed screens and doors for climatic and security control, subject to the City's approval.</li> </ul>
E	163 & 164	<p>These erven are subject to a servitude of pedestrian arcades and underground services over the areas indicated as 'servitude area' on the relevant diagrams. A pedestrian arcade shall be provided of which the floor is level with the adjoining sidewalk where it adjoins the sidewalk, and the roof thereof shall at no point be at a height of less than 3,66 m above such floor level, to the City's satisfaction.</p>
F	157	<p>This erf is subject to a servitude of a pedestrian arcade over the area indicated as 'servitude area' on the relevant plan. The building to be erected on this erf shall extend over said servitude area, from a height of 4 m above the datum line (which is 3,89 m above mean sea level) to the full permitted height of the building.</p>
G	166 & 167	<p>Any buildings erected on these erven are required to be set back at ground storey level to comply with the building restriction line shown on the relevant diagram, and that portion of the site which is situated between the site boundaries and the building restriction lines shall be subject to a servitude under the following conditions:</p> <ul style="list-style-type: none"> <li>The servitude shall remain a right of way in favour of the general public and the City, and shall provide the right of access at all times;</li> <li>The floor of such pedestrian arcade shall be at the level of the adjoining sidewalk where it adjoins said pedestrian arcade, or at such other level as the City may approve, and the roof shall at no point be less than 3,66 m above such floor level;</li> <li>The servitude area shall remain the property of the owner or successors in title, and shall at no time be deemed to vest in the City;</li> <li>A building erected on Erf 166 shall be supported by columns situated against the outside edge of the servitude area on all four sides to form a colonnade, to the satisfaction of the City;</li> <li>A similar colonnade may be erected on the Roggebaai Square side of Erf 167.</li> </ul>
H	146	<p>No building or structure other than a pedestrian arcade and a canopy over such arcade, basement parking, basement shopping, basement storage, and basement loading facilities shall, without the written approval of the City, be erected in the area marked as a pedestrian arcade and shown as such on the relevant diagram.</p>
I	144, 146 & 147	<p>Vehicular access to each of these erven shall only be from Sauer Street and shall be via the servitude roadway shown on the relevant diagrams, and in the event of one or more of these properties being sold separately, the necessary servitudes as contained in the Deeds of Transfer shall apply.</p>

(11) Where a property is subject to the servitude provisions of category A in the table above, titled 'Servitude provisions', the first, second and third storeys of a building on such property shall project over the street and public place boundaries to form a pedestrian arcade in accordance with the following provisions:



- (a) The extent and height of the projection shall conform to the dimensions shown on the detailed drawings TPX 7773/1 to 7773/3, reductions of which are depicted on Plans LAO/4(i)-(iii);
  - (b) The projections shall be supported on cylindrical or polygonal columns, each with an overall diameter of 508 mm, spaced in accordance with the dimensions shown on said drawings;
  - (c) The design and detailing of the projections, and of all materials and finishing, shall conform in all respects to the specifications shown on said drawings;
  - (d) All features of the projections, including the jointing of materials, shall line up with the corresponding features of existing adjoining properties, to the satisfaction of the City; and
  - (e) The roofs of the projections shall be level over the whole area thereof, with the exception of any drainage falls which may be necessary.
- (12) Where a property is subject to the servitude conditions of category B in the above table, titled 'Servitude provisions', the whole building at and above the first storey shall project over the public place boundaries to form a pedestrian arcade in accordance with the provisions in sub-items (11)(a) to (11)(e), as specified in sub-item (10).
- (13) Where a property is subject to the servitude conditions of categories A, B or C in the above table, titled 'Servitude provisions', no basement shall be permitted to extend under the servitude area, except with the approval of the City and subject to such conditions as the City may impose.
- (14) Where a property is subject to the servitude conditions of categories D, E, F or G in the above table, titled 'Servitude provisions', the portion of the property to which the servitude applies shall be paved and maintained by the owner of the property to the satisfaction of the City with respect to materials, levels and any other conditions as the City may impose.
- (15) The minimum clear height of any pedestrian arcade shall be 3,66 m and for any vehicular arcade shall be 7 m, and such clear height shall be measured from the highest point of the finished footway or street level within the arcade.

### 188 Specific provisions: Bakoven, Clifton and Glen Beach Bungalow Area (LAO/5)

- (1) The provisions in this item shall apply to the Bakoven, Clifton and Glen Beach Bungalow area as depicted on Plan LAO/5(i) and (ii).
- (2) In this item:
- (a) **'Bakoven, Clifton and Glen Beach Bungalow area'** means the area depicted on Plans LAO/5(i) and (ii);
  - (b) **'boundary vegetation'** means any vegetation growing on or within 2 m of any site boundary;
  - (c) **'certificate'** for the purpose of sub-item (k) means a written statement signed by or on behalf of the head of the relevant service department wherein any boundary vegetation or tree damaged, tampered with or removed, and the cost of replacing same, is set out;
  - (d) **'corrugated'** means formed with alternating ridges and troughs so that:
    - (i) the vertical distance between the uppermost points on the ridges and the lowest points on the troughs does not exceed 40 mm; and
    - (ii) the horizontal distance measured between the central axes of the troughs and ridges does not exceed 95 mm;
  - (e) **'drying yards'** means any enclosed unroofed area not greater than 20 m<sup>2</sup>;
  - (f) **'lapped'** means composed of horizontally overlapping strips of a width not exceeding 150 mm;
  - (g) **'maximum development envelope'** means the parameters of the three-dimensional diagram depicted on plans numbered TPZ 11246/1 to TPZ 11246/103 inclusive, and TPZ 11731/1 to TPZ 11731/58 inclusive, and TPZ 11730/1 to TPZ 11730/14 inclusive, but shall exclude any encroachment as noted on such plan;
  - (h) **'pickets'** means composed of parallel vertical strips of a width not exceeding 100 mm, with a maximum spacing of 75 mm;
  - (i) **'signs'** means any sign depicting a name or any information whatsoever;

- (j) 'slatted' means composed of parallel vertical strips of a width not exceeding 150 mm; and
  - (k) 'vegetation', without limiting its ordinary meaning, includes any hedge or shrub.
- (3) The following provisions apply to the Bakoven, Clifton and Glen Beach Bungalow area as depicted on Plan LAO/45(i):
- (a) No point on any structure erected or to be erected on a land unit shall project or extend beyond the maximum development envelope;
  - (b) All exterior walls of any buildings to be erected on a land unit shall have the finished appearance of lapped or slatted timber, or be corrugated;
  - (c) All roof finishes shall be corrugated except where the City approves a slate finish, and the minimum pitch of such roof shall be 15° except where this is prevented by the limits of the maximum development envelope;
  - (d) Any freestanding fence shall:
    - (i) be slatted or of pickets; and
    - (ii) shall not exceed 1,25 m in height, other than in the case of the enclosure of a drying yard, for which it may be erected to a height not exceeding 2,1 m;
  - (e) Any freestanding wall shall:
    - (i) be plastered, colour-painted masonry; and
    - (ii) shall not exceed 1,25 m in height;
  - (f) No drying yard shall be closer than 3 m from any boundary separating a land unit from any public passage or public open space or street;
  - (g) No exterior earth-retaining wall shall exceed 1,25 m in height;
  - (h) No roof lights, non-masonry chimneys, solar water heaters, satellite dishes or any other features shall be located in, on or above the roof of any building or anywhere else on any site except with the approval of the City;
  - (i) No sign shall be displayed on a site without the prior written approval of the City;
  - (j) No person shall fell, uproot or cause to destroy a mature tree or hedge without the prior written approval of the City;
  - (k) In the event of any boundary vegetation or tree being damaged, tampered with or removed, the City may replace such vegetation or tree at the expense of the owner of the site concerned, in which case a certificate signed by the City Manager shall constitute final proof of such damage, tampering or removal, and the cost of such replacement; and
  - (l) No exterior glazing other than that of the clear or frosted type shall be installed in any building on a site.

#### 189 Specific provisions: Victoria Road, Clifton local area (LAO/5(ii))

- (1) The provisions in this item shall apply to the Clifton area on the lower side of Victoria Road, as depicted on Plan LAO/5(iii).
- (2) Every main building and outbuilding erected on a site falling in this area shall comply with the following provisions:
  - (a) Except as hereinafter provided, no main building or outbuilding shall be erected so that any point on such building or outbuilding is nearer to a boundary of a site than the distance specified in the following table, titled 'Building setback required in Victoria Road, Clifton area':

**Building setback required in Victoria Road, Clifton area**

Boundary	Setback required for points on a building
Street	4,5 m
Seaward	One-third the mean depth of site from street boundary to seaward boundary
Other boundaries	6 m or 0,5H, whichever is most restrictive

- (b) In application of the foregoing table, except as hereinafter provided, the following provisions shall apply:
  - (i) The symbol 'H' means the height in metre of the point concerned;

- (ii) The term 'setback', in relation to a particular boundary and to a building or a point on a building, means a distance in metre from such boundary, nearer than which such building or point (as the case may be) may not be located; and
- (iii) Where, in terms of the table, titled 'Building setback required in Victoria Road, Clifton area' above, two alternative setbacks are prescribed for a particular point or building, the greater of such setbacks shall apply.
- (c) Every storey below the ground storey, other than a storey wholly below the ground level, shall for the purposes of this item be deemed to be the ground storey.
- (d) The width of a main building, measured parallel to Victoria Road, shall not exceed half the total of the street frontages of such site.
- (e) From at least one of the two points where the lateral boundaries of a land unit meets the street boundary, it shall be possible to draw a straight line across such land unit at an angle of 25° to a lateral boundary, so that no building or structure is erected between such line and such lateral boundary.
- (f) No building on such land unit, other than a building which is not more than 18 m from the street boundary, shall exceed 13 m in height.

**190 Specific provisions: Camps Bay and Bakoven local area (LAO/9)**

- (1) The area depicted on Plan LAO/9(i) is subject to the provisions in this item.
- (2) No building within the Camps Bay and Bakoven area shall exceed three storeys in height.
- (3) No point on the facade of any building within the Camps Bay and Bakoven area shall be more than 10 m above the level of the ground abutting the facade immediately below such point.
- (4) For the purpose of sub-item (3), 'facade' means a main containing wall of a building, other than a wall of an internal courtyard.
- (5) Notwithstanding the provisions of sub-items (2) to (4), within the area shown on Plan LAO/9(ii):
  - (a) no building shall exceed two storeys in height; and
  - (b) no point on any structure shall be higher than 6 m above the existing ground level immediately below such point.

**191 Specific provisions: Gardens, Tamboerskloof, Green point, Bantry Bay and Camps Bay / Bakoven local area (LAO/13(ii))**

- (1) The area depicted on Plan LAO/13(ii) is subject to the provisions in this item.
- (2) All properties situated within this area and zoned SR1 have the additional use right of a second dwelling, subject to the conditions listed in item 53 of the development management scheme.

**DIVISION V: ANNEXURES**  
**CHAPTER 21.: ANNEXURES**  
**ANNEXURE A**

**LIST OF SPECIAL USES IN TERMS OF ITEM 15**

<b>Special use name</b>	<b>Special use definition</b>	<b>Reference number (if applicable)</b>
<b>Integrated rapid transport (IRT) Infrastructure</b>  Applicable to 'Transport Zoning 1: Transport Use (TR1)' and 'Transport Zoning 2: Public Road and Public Parking (TR2)'. The City require a site development plan to be submitted for IRT trunk stations and ancillary uses (not for IRT feeder stops) only in the TR2 zoning, to determine development rules. The provisions for a site development plan in item 123 shall apply.	Integrated rapid transport (IRT) infrastructure' means the use of land, buildings or structures for all infrastructure, services and development required for the efficient operation of an integrated rapid transport service for the transportation of passengers including the use of such land, building or structure for the purpose of a bus station, bus stop, interchange, holding area, staging area or depot, and includes ancillary uses	

**ANNEXURE B**  
**RECORD OF SPECIAL PLANNING AREAS IN TERMS OF ITEM 136(1)**

<b>Special planning area name</b>	<b>Special planning area number</b>	<b>Reference number (if applicable)</b>
Cape Town Film Studios (Dreamworld) Special planning area		

NOTE: Special Planning Areas may be indicated on the zoning map by the code SPA followed by the number of the Special planning area concerned.

**ANNEXURE C**  
**LIST OF PLANS IDENTIFYING PT1 AND PT2 AREAS IN TERMS OF ITEM 137**

<b>Area description</b>	<b>Plan number</b>	<b>Reference number (if applicable)</b>

**STAD KAAPSTAD  
VERORDENING OP MUNISIPALE BEPLANNING, 2015**

**VERORDENING**

**AANHEF**

**NADEMAAL** artikel 156(1) van die Grondwet van die Republiek van Suid-Afrika, 1996, aan munisipaliteite die uitvoerende gesag en reg verleen om die plaaslike regeringsaangeleenthede in deel B van bylae 4 en deel B van bylae 5 by die Grondwet te administreer;

**NADEMAAL** deel B van bylae 4 by die Grondwet munisipale beplanning as 'n plaaslike regeringsaangeleentheid lys;

**NADEMAAL** artikel 156(2) van die Grondwet munisipaliteite die mag gee om verordeninge uit te vaardig vir die doeltreffende administrasie van die aangeleenthede wat hulle die reg het om te administreer;

**NADEMAAL** die parlement die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) en die Wes-Kaapse provinsiale wetgewer die Wet op Grondgebruikbeplanning (Wet 3 van 2014) uitgevaardig het, welke wetgewing onder andere ontwikkelingsbeginsels neerlê wat van toepassing is op alle staatsorgane gemoeid met die inwerkingstelling van wetgewing wat die gebruik en ontwikkeling van grond reguleer;

**NADEMAAL** die Stad voornemens is om munisipale beplanningsaangeleenthede binne die geografiese gebied van die Stad te reguleer en te beheer.

**NOU DAAROM VERORDEN** die raad van die Stad Kaapstad soos volg:

**INDELING VAN VERORDENING**

**HOOFSTUK 1.  
WOORDOMSKRYWING**

- 1 Woordoms krywing

**HOOFSTUK 2.  
TOEPASSING VAN HIERDIE VERORDENING, EN STRYDIGE WETGEWING**

- 2 Toepassing van hierdie verordening, en strydige wetgewing

**HOOFSTUK 3.  
RUIMTELIKE BEPLANNING**

**Deel 1**

**Inleidende bepalings oor raamwerke vir ruimtelike ontwikkeling**

- 3 Raamwerke vir ruimtelike ontwikkeling

**Deel 2**

**Die munisipale raamwerk vir ruimtelike ontwikkeling**

- 4 Proses vir die opstel van die munisipale raamwerk vir ruimtelike ontwikkeling  
5 Proses vir die wysiging van die munisipale raamwerk vir ruimtelike ontwikkeling  
6 Besluit oor die aanvaarding of wysiging van die munisipale raamwerk vir ruimtelike ontwikkeling  
7 Indiening van munisipale raamwerk vir ruimtelike ontwikkeling by provinsiale minister  
8 Publikasie van die aanvaarde of gewysigde munisipale raamwerk vir ruimtelike ontwikkeling



- 9 Status van die munisipale raamwerk vir ruimtelike ontwikkeling
- 10 Hersiening van die munisipale raamwerk vir ruimtelike ontwikkeling

### **Deel 3**

#### **Distriksraamwerke vir ruimtelike ontwikkeling en plaaslike raamwerke vir ruimtelike ontwikkeling**

- 11 Distriksraamwerke vir ruimtelike ontwikkeling
- 12 Plaaslike raamwerke vir ruimtelike ontwikkeling
- 13 Proses vir die opstel of wysiging van 'n distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling
- 14 Besluit oor die aanvaarding of wysiging van 'n distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling
- 15 Publikasie van die aanvaarde of gewysigde distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling
- 16 Status van 'n distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling
- 17 Hersiening van 'n distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling
- 18 Herroeping van 'n distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling

### **Deel 4**

#### **Algemene bepalings oor ruimtelike beplanning**

- 19 Rekord van en toegang tot raamwerke vir ruimtelike ontwikkeling
- 20 Struktuurplanne
- 21 Beleide om besluitneming te rig
- 22 Rekord van verskille van raamwerke vir ruimtelike ontwikkeling
- 23 Raamwerke vir ruimtelike ontwikkeling van toepassing op grond wat by die geografiese gebied van die Stad ingesluit is

## **HOOFSTUK 4. ONTWIKKELINGSBESTUUR**

### **Deel 1**

#### **Soneringskema**

- 24 Sonering
- 25 Soneringskema
- 26 Ontwikkelingsbestuurskema
- 27 Hersiening van ontwikkelingsbestuurskema
- 28 Soneringskaart
- 29 Aanvaarding, wysiging en vervanging van soneringskaart
- 30 Fout op soneringskaart
- 31 Status van soneringskaart, en vrywaring van Stad van aanspreeklikheid vir enige fout
- 32 Soneringsregister
- 33 Toegang tot die soneringskaart en soneringsregister
- 34 Voortsetting van soneringskemas

### **Deel 2**

#### **Gebruikreg en afwykende gebruik**

- 35 Gebruikreg
- 36 Aanwysing van sonering
- 37 Afwykende gebruik

### **Deel 3**

#### **Algemene verstrykingsbepaling**

- 38 Algemene verstrykingsbepaling

## **HOOFSTUK 5.**

### **ALGEMENE VEREISTES VIR 'N AANSOEK**

- 39 Aansoeke
- 40 Persone wat ingevolge hierdie verordening kan aansoek doen
- 41 Voortsetting van aansoek deur nuwe eienaar
- 42 Soorte aansoeke
- 43 Bepalings wat op 'n aansoek betrekking het

## **HOOFSTUK 6.**

### **SPESIALE BEPALINGS VIR SEKERE AANSOEKE**

#### **Deel 1**

#### **Hersonering, afwyking en vergunningsgebruik**

- 44 Hersonering
- 45 Afwyking
- 46 Vergunningsgebruik
- 47 Verstryking van hersonering, vergunningsgebruik of afwyking

#### **Deel 2**

#### **Beperkende voorwaardes**

- 48 Opheffing, opskorting of wysiging van beperkende voorwaardes
- 49 Onderskrywings in verband met wysiging, opskorting of opheffing van beperkende voorwaardes of verpligtinge

#### **Deel 3**

#### **Konsolidasie**

- 50 Konsolidasie
- 51 Verstryking van konsolidasie

#### **Deel 4**

#### **Onderverdeling**

- 52 Goedkeuring van onderverdeling
- 53 Goedkeuring van algemene plan of diagram deur landmeter-generaal
- 54 Oordrag van grondeenheid wat uit goedgekeurde onderverdeling spruit
- 55 Bevestiging van onderverdeling
- 56 Verstryking van onderverdeling en verlenging van geldigheids tydperke
- 57 Grond vir openbare plekke en ander gebruike
- 58 Eienaarskap van openbare plekke en grond wat vir munisipale ingenieursdienste en gemeenskapsfasiliteite vereis word
- 59 Serwituut met betrekking tot dienste wat uit onderverdeling spruit
- 60 Wysiging of herroeping van onderverdelingsplan

#### **Deel 5**

#### **Eienaarsvereniging**

- 61 Totstandbrenging en funksionering van 'n eienaarsvereniging
- 62 Grondwet van 'n eienaarsvereniging
- 63 Eienaarsvereniging wat versuim om 'n verpligting na te kom of ophou funksioneer

#### **Deel 6**

#### **Ingenieursdienste**

- 64 Woordoms krywing vir hierdie afdeling
- 65 Verantwoordelikheid vir ingenieursdienste
- 66 Ontwikkelingsheffing

**Deel 7****Vrystelling van die goedkeuringsvereiste vir sekere onderverdelings en konsolidasies**

- 67 Vrystelling van die goedkeuringsvereiste vir sekere onderverdelings en konsolidasies

**Deel 8****Noodbehuising en dringende behuising**

- 68 Noodbehuising  
69 Dringende behuising

**HOOFSTUK 7.****ALGEMENE PROSEDURES VIR ALLE AANSOEKE****Deel 1****Die aansoekproses**

- 70 Vooraansoekkonsultasie  
71 Vereiste inligting  
72 Aansoekfooi  
73 Weiering om 'n aansoek te aanvaar  
74 Aanvaarding van aansoek, en versoek vir bykomende inligting  
75 Bykomende inligting  
76 Volledige aansoek  
77 Terugtrek van aansoek  
78 Pligte van 'n aansoeker

**Deel 2****Kennisgewing en kommentaar**

- 79 Kennisgewing van aansoek  
80 Inhoud van kennisgewing  
81 Kennisgewing in die media  
82 Kennisgewing aan 'n persoon  
83 Kennisgewing aan 'n verteenwoordiger  
84 Kennisgewing van geen beswaar  
85 Veronderstelde kennisgewing aan eienaars in 'n deeltitelontwikkeling  
86 Kennisgewing aan die provinsiale regering  
87 Kennisgewing aan 'n staatsorgaan buiten die provinsiale regering  
88 Interne verspreiding  
89 Toetredende party  
90 Beswaar teen 'n aansoek  
91 Petisie  
92 Reaksie van die aansoeker  
93 Wysiging van aansoek voor besluitneming  
94 Verdere kennisgewing  
95 Toegang tot inligting oor 'n aansoek

**Deel 3****Proses en kriteria vir beslissing van aansoek**

- 96 Bevoegdheid om inspeksie te onderneem  
97 Beoordeling van aansoek  
98 Beslissing van aansoek  
99 Kriteria vir beslissing van aansoek  
100 Goedkeuringsvoorwaardes  
101 Verdere voorwaardes en wysiging van voorwaardes  
102 Tydraamwerk vir beslissing  
103 Versuim om tydig te beslis

**Deel 4****Besluit**

- 104 Vereiste vir opskrifstelling en kennisgewing van besluit
- 105 Intreedatum van besluit
- 106 Foute en weglatings

**Deel 5****Verlenging van geldigheid van 'n goedkeuring**

- 107 Verlenging van geldigheid van 'n goedkeuring

**Deel 6****Appèl**

- 108 Appèl
- 109 Appèlprosedure

**Deel 7****Voorgeskrewe vereistes en kennisgewing**

- 110 Voorgeskrewe vereistes vir aansoeke
- 111 Metode en datum van kennisgewing
- 112 Koste van kennisgewing

**Deel 8****Geïntegreerde besluite**

- 113 Kennisgewing ingevolge geïntegreerde prosedure

**HOOFSTUK 8.****BESLUITNEMERS**

- 114 Besluitnemers
- 115 Totstandbrenging van munisipale beplanningstribunaal
- 116 Ampstermyn van lede van die munisipale beplanningstribunaal
- 117 Diensvoorwaardes en gedragskode van die munisipale beplanningstribunaal
- 118 Vrywaring en regsverteenvoordinging
- 119 Vakature of verwydering van 'n lid
- 120 Funksionering van munisipale beplanningstribunaal
- 121 Adviespaneel
- 122 Tegniese raadgewer

**HOOFSTUK 9.****TOEPASSING****Deel 1****Inleidende bepalings vir hierdie hoofstuk**

- 123 Woordomskrywing vir hierdie hoofstuk
- 124 Keuse van toepassingsmaatreël

**Deel 2****Klagte**

- 125 Klagte

**Deel 3****Burgerlike toepassing**

- 126 Voldoeningskennisgewing
- 127 Terugtrek van goedkeuring
- 128 Direktief
- 129 Administratiewe boete

- 130 Regstelling van oortreding
- 131 Toepassingslitigasie
- 132 Dringende aangeleentheid

#### **Deel 4**

#### **Strafregtelike toepassing**

- 133 Oortredings en strawwe
- 134 Vervolging van korporatiewe liggaam en vennootskap

#### **Deel 5**

#### **Ondersoekende en toepassingsbevoegdhede van gemagtigde amptenaar**

- 135 Magte en bevoegdhede van 'n gemagtigde amptenaar

#### **HOOFSTUK 10.**

#### **STRAATNAME EN -NOMMERS**

- 136 Straatname en -nommers

#### **HOOFSTUK 11.**

#### **OORDRAGSERTIFIKAAT**

- 137 Oordragsertifikaat

#### **HOOFSTUK 12.**

#### **ALGEMENE ADMINISTRATIEWE BEPALINGS**

- 138 Beleide, prosedures, voorskrifte, standaarde, vereistes en riglyne
- 139 Delegasies
- 140 Vrystelling
- 141 Aanspreeklikheid van die Stad
- 142 Voorbehoud- en oorgangsbepalings
- 143 Kort titel en inwerkingtreding

#### **BYLAE 1**

#### **STRUKTUURPLANNE WAT AS 'N DISTRIKSRAAMWERK VIR RUIMTELIKE ONTWIKKELING BESKOU WORD**

#### **BYLAE 2**

#### **STRUKTUURPLANNE WAT AS 'N PLAASLIKE RAAMWERK VIR RUIMTELIKE ONTWIKKELING BESKOU WORD**

#### **BYLAE 3**

#### **STAD KAAPSTAD ONTWIKKELINGSBESTUURSKEMA**

#### **AFDELING I: VERTOLKING EN PROSEDURES**

#### **HOOFSTUK 1.: WOORDOMSKRYWING EN VERTOLKING**

- 1 Woordoms krywing vir hierdie ontwikkelingsbestuurskema
- 2 Vertolking
- 3 Metodes om afstande, hoogtes en vlakke te meet
- 4 Vertolking van grense
- 5 Vertolking van gebruikskategorie en sonering
- 6 Ontduiking van bedoeling van die ontwikkelingsbestuurskema

#### **HOOFSTUK 2.: AANSOEK- EN GOEDKEURINGSPROSEDURES**

- 7 Voorwaardes van toepassing op 'n goedgekeurde vergunningsgebruik

#### **AFDELING II: SONERINGSKATEGORIEË, BASISSONERINGS EN ONTWIKKELINGSREËLS**

#### **HOOFSTUK 3.: EIENDOMSONERING EN -GEBRUIK**

#### **Deel 1: Sonerings**

- 8 Sonerings

9 Subsonerings

**Deel 2: Gebruike wat regtens toegelaat word**

- 10 Primêre gebruike  
11 Bykomende gebruikregte  
12 Aanvullende gebruike

**Deel 3: Gebruike wat slegs met die Stad se goedkeuring toegelaat word**

- 13 Vergunningsgebruike  
14 Geleentheidsgebruike  
15 Spesiale gebruik

**Deel 4: Veronderstelde sonering**

- 16 Openbare oop ruimte en openbare strate  
17 Grond onderworpe aan die bepalings van artikel 13 van die Wet op Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet 9 van 1989)  
18 Grond wat as 'n erfenisgebied ooreenkomstig die Wet op Nasionale Erfenishulpbronne beskou word  
19 Spesiale bepalings

**HOOFSTUK 4.: SAMEVATTING VAN SONERINGS**

- 20 Samevattende soneringstabel

**HOOFSTUK 5.: ENKELRESIDENSIËLE SONERINGS**

**Deel 1: Enkelresidensiële sonering 1: Konvensionele behuising ("SR1")**

- 21 Gebruik van die eiendom  
22 Ontwikkelingsreëls  
23 Tuisberoep  
24 Bed-en-ontbytonderneming  
25 Tuiskindersorg

**Deel 2: Enkelresidensiële sonering 2: Inkrementele behuising ("SR2")**

- 26 Gebruik van die eiendom  
27 Ontwikkelingsreëls  
28 Huiswinkel  
29 Skuiling  
30 Informele handel  
31 Grond wat ontwikkel is as of aangewys is vir paaie  
32 Grond wat gebruik word as of aangewys is vir brandstroke  
33 Goedkeuring van bouplanne

**HOOFSTUK 6.: ALGEMENE RESIDENSIËLE SONERINGS**

**Deel 1: Algemene residensiële subsonering 1: Groepsbehuising ("GR1")**

- 34 Gebruik van die eiendom  
35 Ontwikkelingsreëls vir groepsbehuising  
36 Terreinontwikkelingsplan  
37 Woonstelle as 'n bykomende gebruikreg in 'n groepsbehuisingskema  
38 Tuisberoep as 'n bykomende gebruikreg in 'n groepsbehuisingskema  
39 Ontwikkelingsreëls vir 'n woonhuis buite 'n groepsbehuisingskema

**Deel 2: Algemene residensiële subsonerings ("GR2", "GR3", "GR4", "GR5" & "GR6")**

- 40 Gebruik van die eiendom  
41 Ontwikkelingsreëls vir woonstelle, losieshuise en hotelle  
42 Woonhuis en tweede woning



- 43 Groepsbehuising
- 44 Instelling, plek van onderrig en plek van samekoms
- 45 Winkels

## **HOOFSTUK 7.: GEMEENSKAPSONERINGS**

### **Deel 1: Gemeenskapsonering 1: Plaaslik ("CO1")**

- 46 Gebruik van die eiendom
- 47 Ontwikkelingsreëls

### **Deel 2: Gemeenskapsonering 2: Streek ("CO2")**

- 48 Gebruik van die eiendom
- 49 Ontwikkelingsreëls

## **HOOFSTUK 8.: PLAASLIKE SAKESONERINGS**

### **Deel 1: Plaaslike sakesonering 1: Intermediêre sake ("LB1")**

- 50 Gebruik van die eiendom
- 51 Ontwikkelingsreëls
- 52 Tuisberoep, bed-en-ontbytonderneming en tuiskindersorg
- 53 Tweede woning
- 54 Huiswinkel

### **Deel 2: Plaaslike sakesonering 2: Plaaslike sake ("LB2")**

- 55 Gebruik van die eiendom
- 56 Ontwikkelingsreëls
- 57 Diensstasie en motorherstelhawe
- 58 Informele handel

## **HOOFSTUK 9.: ALGEMENESAKE- EN GEMENGDEGEBRUIKSONERINGS**

### **Deel 1: Algemene sakesubsonerings ("GB1", "GB2", "GB3", "GB4", "GB5", "GB6" & "GB7")**

- 59 Gebruik van die eiendom
- 60 Ontwikkelingsreëls
- 61 Diensstasie en motorherstelhawe
- 62 Informele handel

### **Deel 2: Gemengdegebruik-subsonerings ("MU1", "MU2" & "MU3")**

- 63 Gebruik van die eiendom
- 64 Ontwikkelingsreëls
- 65 Diensstasie en motorherstelhawe
- 66 Informele handel

## **HOOFSTUK 10.: NYWERHEIDSONERINGS**

### **Deel 1: Algemene nywerheidssubsonerings ("GI1" & "GI2")**

- 67 Gebruik van die eiendom
- 68 Ontwikkelingsreëls
- 69 Gevaarlike stowwe
- 70 Diensstasie en motorherstelhawe
- 71 Fabriekswinkel
- 72 Volwassenewinkel
- 73 Informele handel

### **Deel 2: Risikonywerheidsonering ("RI")**

- 74 Gebruik van die eiendom

- 75 Ontwikkelingsreëls
- 76 Gevaarlike stowwe
- 77 Diensstasie en motorherstelhawe
- 78 Fabriekswinkel
- 79 Informele handel

## **HOOFSTUK 11.: NUT-, VERVOER- EN NASIONALEHAWESONERINGS**

### **Deel 1: Nutsonering ("UT")**

- 80 Gebruik van die eiendom
- 81 Ontwikkelingsreëls

### **Deel 2: Vervoersonering 1: Vervoergebruik ("TR1")**

- 82 Gebruik van die eiendom
- 83 Ontwikkelingsreëls
- 84 Diensstasie en motorherstelhawe
- 85 Informele handel
- 86 Lug- en ondergrondse regte

### **Deel 3: Vervoersonering 2: Openbare pad en openbare parkering ("TR2")**

- 87 Gebruik van die eiendom
- 88 Ontwikkelingsreëls
- 89 Konstruksie en storting van materiale
- 90 Lug- en ondergrondse regte
- 91 Voorgestelde openbare straat, straatverbreding en straatsluiting
- 92 Informele handel

### **Deel 4: Nasionalehawesonering ("NP")**

- 93 Gebruik van die eiendom
- 94 Ontwikkelingsreëls
- 95 Raamwerkplan vir haweontwikkeling
- 96 Veronderstelde sonering van grond wat aan Nasionale Haweowerheid oorgedra is

## **HOOFSTUK 12.: OOPRUIMTESONERINGS**

### **Deel 1: Oopruimtesonering 1: Omgewingsbewaring ("OS1")**

- 97 Gebruik van die eiendom
- 98 Ontwikkelingsreëls

### **Deel 2: Oopruimtesonering 2: Openbare oop ruimte ("OS2")**

- 99 Gebruik van die eiendom
- 100 Ontwikkelingsreëls
- 101 Konstruksie en storting van materiale
- 102 Lug- en ondergrondse regte
- 103 Informele handel

### **Deel 3: Oopruimtesonering 3: Spesiale oop ruimte ("OS3")**

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- 105 Ontwikkelingsreëls
- 106 Goedkeuring van vergunningsgebruike
- 107 Informele handel

## **HOOFSTUK 13.: LANDBOU-, LANDELIKE EN BEPERKTEGEBRUIKSONERINGS**

### **Deel 1: Landbousonering ("AG")**

- 108 Gebruik van die eiendom

- 109 Ontwikkelingsreëls
- 110 Landbouwywerheid
- 111 Tweede woning en bykomende wooneenhede

#### **Deel 2: Landelike sonering ("RU")**

- 112 Gebruik van die eiendom
- 113 Ontwikkelingsreëls
- 114 Minimum onderverdelingsgrootte
- 115 Landbouwywerheid
- 116 Tweede woning

#### **Deel 3: Beperktegebruiksonering ("LU")**

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- 118 Ontwikkelingsreëls
- 119 Hersonerings tot hierdie sonering verbode
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162 Algemene bepaling: Erfenisbewingsoorlegsonering  
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164 Oorweging van aansoek

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- 165 Ontwikkelingsreëls: Omgewingsbestuursoorlegsonering  
166 Algemene bepaling: Omgewingsbestuursoorlegsonering  
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- 171 Algemene bepaling: Uitsigpadoorlegsonering  
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- 175 Spesifieke bepalings: Plaaslike gebied Gordonsbaai ("LAO/10")
- 176 Spesifieke bepalings: Plaaslike gebied Harfield Village ("LAO/2")
- 177 Spesifieke bepalings: Plaaslike gebied Constantia–Tokai ("LAO/3")
- 178 Spesifieke bepalings: Plaaslike gebied St James–Clovelly ("LAO/6")
- 179 Spesifieke bepalings: Grond bokant Boyesrylaan, Kalkbaai ("LAO/7")
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- 188 Spesifieke bepalings: Gebied Bakoven, Clifton en Glen Beach-bungalow ("LAO/5")
- 189 Spesifieke bepalings: Victoriaweg, plaaslike gebied Clifton ("LAO/5(ii)")
- 190 Spesifieke bepalings: Plaaslike gebied Kampsbaai en Bakoven ("LAO/9")
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**HOOFSTUK 21.: BYLAES**  
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**LYS VAN SPESIALE GEBRUIKE INGEVOLGE ITEM 15**

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**BYLAE C**

**LYS VAN PLANNE WAT PT1- EN PT2-GBIEDE INGEVOLGE ITEM 137 AANTOON**

## HOOFSTUK 1. WOORDOMSKRYWING (art. 1)

### 1 Woordoms krywing

In hierdie verordening, tensy uit die samehang anders blyk, beteken –

‘**aansoeke**’ ’n persoon wat in artikel 4 beoog word;

‘**aanvaar**’ in verband met ’n raamwerk vir ruimtelike ontwikkeling, ’n ontwikkelingsbestuurskema, beleid of strategie, die goedkeuring daarvan deur die Stad;

‘**aanvang van konstruksie**’ die aanvang van ’n voortgesette program van fisiese bouwerk op ’n perseel ooreenkomstig bouplanne wat ingevolge die Wet op Nasionale Bouregulasies en Boustandaarde, 1977, goedgekeur is en wat reeds verder as terreinopruiming, uitgraving of slootgraving ter voorbereiding vir fondasies gevorder het;

‘**aanwysing**’ onder meer ook enige voorwaardes wat met die aanwysing verband hou;

‘**adviespaneel**’ die adviespaneel wat in artikel 121 beoog word;

‘**afwyking**’ ’n permanente of tydelike afwyking;

‘**algemene plan**’ ’n algemene plan soos dit in artikel 1 van die Wet op Landmeting omskryf word;

‘**appèlowerheid**’ die appèlowerheid wat in artikel 114(3) beoog word;

‘**basissonering**’ die sonering voor die toepassing van enige oorlegsonering, wat ’n subsonering ingevolge die ontwikkelingsbestuurskema kan insluit;

‘**beperkende voorwaarde**’ enige voorwaarde wat teen die titelakte van grond geregistreer is wat die gebruik, ontwikkeling of onderverdeling van die betrokke grond beperk, met uitsluiting van servitute wat saaklike of persoonlike regte skep;

‘**beplanningswetgewing**’ die Ordonnansie op Dorpe (Ordonnansie 33 van 1934) of die Ordonnansie, na gelang van die geval;

‘**burgemeester**’ die uitvoerende burgemeester van die Stad;

‘**Departement**’ die direktoraat van die Stad gemoeid met ruimtelike beplanning, grondgebruikbestuur en bouontwikkelingsbestuur;

‘**diagram**’ ’n diagram soos dit in artikel 1 van die Wet op Landmeting omskryf word;

‘**diensmeesterplan**’ ’n hoëvlakinfrastruktuurplan wat deur die Stad opgestel word om vir toekomstige ontwikkeling voorsiening te maak en wat kan insluit ’n geïntegreerde vervoerplan, elektrisiteitsakeplan, massawater-en-sanitasiemeesterplan, stormwatermeestersplan en ’n plan vir geïntegreerde afvalbestuur;

‘**distriksraamwerk vir ruimtelike ontwikkeling**’ ’n distriksraamwerk vir ruimtelike ontwikkeling wat in artikel 11 beoog word;

‘**eienaar**’, met inbegrip van ’n opvolger in titel –

- (a) die persoon wie se naam in ’n aktesregister as die eienaar van grond geregistreer is;
- (b) die regtens begunstigde eienaar van grond;
- (c) die eienaar van grond uit hoofde van oorgang ingevolge hierdie verordening of ’n ander wet; en
- (d) die wettige verteenwoordiger van die eienaar of sy boedel waar die geregistreerde eienaar om enige rede, onder meer ouderdom, geestesgesondheid, geestesgestremdheid, sterfte of insolvensie, regsbevoegdheid kortkom;

‘**eienaarsvereniging**’ ’n eienaarsvereniging wat ingevolge artikel 61 tot stand gebring of as tot stand gebring beskou word;

‘**gebruik**’ die gebruik van grond vir ’n bepaalde doel of vir die verbetering van grond;

‘**gebruikreg**’ met betrekking tot grond, die reg om daardie grond te gebruik ooreenkomstig die sonering daarvan, ’n afwyking, vergunningsgebruik, goedkeuringsvoorwaarde of enige ander goedkeuring in verband met die reg om die grond te gebruik;

‘**geïntegreerde ontwikkelingsplan**’ die plan wat in artikel 25 van die Wet op Munisipale Stelsels beoog word;

‘**gemagtigde amptenaar**’ ’n werknemer van die Stad wat verantwoordelik is om enige plig of funksie of bevoegdheid ingevolge hierdie verordening te verrig of uit te oefen, met inbegrip van ’n



werknemer wat gedelegeer of aangewys word om sodanige plig, funksie of bevoegdheid te verrig of uit te oefen;

**'gemeenskapsfasiliteite'** onder meer speeltoerusting, straatmeubels, bewaarskole, klinieke, sportvelde, binnenshuise sportfasiliteite en gemeenskapsale;

**'geregistreeerde beplanner'** 'n professionele of tegniese beplanner wat ingevolge die Wet op die Beplanningsprofessie, 2002 (Wet 36 van 2002) geregistreer is, tensy die Suid-Afrikaanse Raad vir Beplanners die werk wat ingevolge hierdie wet deur 'n geregistreeerde beplanner verrig moet word, vir 'n bepaalde kategorie geregistreeerde persone ingevolge artikel 16(2) van die Wet op die Beplanningsprofessie, 2002, gereserveer het, in welke geval geregistreeerde beplanner verwys na die kategorie geregistreeerde persone vir wie die werk gereserveer is;

**'goedkeuring'** toestemming wat ingevolge hierdie verordening toegestaan word, met inbegrip van die goedkeuringsvoorwaardes;

**'grond'** enige grondeenheid of enige gedeelte van 'n grondeenheid, wat enige verbetering of gebou op die grond en enige saaklike reg op grond insluit;

**'grondeenheid'** 'n grondgedeelte wat in 'n aktesregister geregistreer is of kan word, met inbegrip van 'n grondgedeelte waarop 'n geregistreeerde serwituutreg of geregistreeerde huurooreenkoms betrekking het;

**'grondgebruik'** die doel waarvoor grond regmatig ingevolge die ontwikkelingsbestuurskema gebruik word of kan word;

**'grondontwikkeling'** die oprigting van 'n gebou of struktuur op grond of die verandering in die gebruik van grond, met inbegrip van dorpstigting, die hersonering, onderverdeling of konsolidasie van grond, of enige verskil van die grondgebruik of toegelate gebruik ingevolge die ontwikkelingsbestuurskema, en het **'ontwikkeling van grond'** en **'grond ontwikkel'** ooreenstemmende betekenis;

**'hersonering'** die verandering van die sonering met betrekking tot 'n bepaalde grondeenheid of grondeenhede ingevolge hierdie verordening;

**'hierdie verordening'** onder meer die ontwikkelingsbestuurskema en die ander bylaes by hierdie verordening;

**'ingenieursdiens'** 'n stelsel vir die voorsiening van water, elektrisiteit, gas, paaie of stormwaterdreinerings, of die versameling en verwydering van vaste afval of riool, wat vir die doel van grondontwikkeling vereis word;

**'ingenieursdiensooreenkoms'** 'n ooreenkoms tussen 'n aansoeker en die Stad in gevalle waar 'n aansoeker eksterne ingenieursdienste oprig of installeer in plaas daarvan om 'n volle of gedeeltelike ontwikkelingsheffing te betaal en waarin die partye oor hulle onderskeie rolle in die oprigting, installering en finansiering van infrastruktuur ooreenkoms, met inbegrip van hulle onderskeie verantwoordelikhede vir die instandhouding en onderhoud van infrastruktuur vanaf die datum van installering tot die oordragdatum van die grond;

**'intreedatum van besluit'** die datum wat in artikel 105(2) beoog word;

**'kennisgewing'** dieselfde as wat in artikel 111 beoog word, met inbegrip van die metode waardeur die Stad 'n persoon kan 'versoek' of 'vra' om iets te doen, en het **'kennis gee'** 'n ooreenstemmende betekenis;

**'kennisgewingsdatum'** die datum wat in artikel 111(6) beoog word;

**'landmeter-generaal'** die landmeter-generaal soos wat die Wet op Landmeting omskryf;

**'munisipale beplanningstribunaal'** die munisipale beplanningstribunaal waarna artikel 114 verwys;

**'munisipale raad'** die munisipale raad van die Stad;

**'munisipale raamwerk vir ruimtelike ontwikkeling'** die munisipale raamwerk vir ruimtelike ontwikkeling wat die Stad ingevolge hoofstuk 5 van die Wet op Munisipale Stelsels aanvaar;

**'Nasionale Bouwet'** die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977);

**'onderverdeling'** met betrekking tot grond, die verdeling van 'n grondeenheid in meer grondeenhede, wat insluit enige fisiese aktiwiteit op die grond om die grond vir onderverdeling voor te berei, maar wat uitsluit die landmeting om 'n onderverdelingsplan op te stel, en het **'onderverdeel'** dieselfde betekenis;

**‘onderverdelingsgebied’** met verwysing na ’n sonering, die oorlegsonering wat ingevolge die ontwikkelingsbestuurskema vir onderverdeling voorsiening maak en, met verwysing na grond, grond wat oor ’n onderverdelingsoorlegsonering beskik;

**‘onderverdelingsplan’** ’n plan wat die relatiewe ligging aandui van voorgestelde nuwe grondeenhede op ’n grondeenheid wat onderverdeel sal word;

**‘ontwikkelingsbestuurskema’** die ontwikkelingsbestuurskema wat in artikel 26(2) beoog word;

**‘ontwikkelingsheffing’** ’n eenmalige heffing wat die Stad aan ’n ontwikkelaar kan opleë as ’n goedkeuringsvoorwaarde vir ’n grondontwikkelingsaansoek ten einde die koste te dek van die munisipale ingenieursdienste wat weens ’n toename in grondgebruik vereis sal word;

**‘ontwikkelingsrandlyn’** ’n afgebakende randlyn wat in die munisipale raamwerk vir ruimtelike ontwikkeling aangedui word;

**‘ontwikkelingsreël’** ’n bepaling, beperking of voorwaarde in die ontwikkelingsbestuurskema wat die toelaatbare omvang van die grondgebruik met betrekking tot ’n sonering uiteensit;

**‘oorlegsonering’** ’n sonering benewens die basissonering wat die doeleindes aandui waarvoor grond gebruik kan word, sowel as die ontwikkelingsreël, wat meer of minder beperkend as die basissonering kan wees;

**‘openbare pad’** enige snelweg, deurpad, laning, voetpad, sygaardjie, steeg, deurgang, brug of enige ander plek van ’n soortgelyke aard of enige gedeelte daarvan wat aan hetsy voertuie of voetgangers ’n openbare deurgangsreg bied, wat ingevolge die voormalige Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974) of enige gelykstaande huidige munisipale verordening en/of nasionale wetgewing tot stand gebring of geproklameer is, met inbegrip van ’n openbare straat;

**‘openbare plek’** enige oop of omheinde plek, park, openbare straat of deurgang of ander, soortgelyke grondgebied wat op ’n algemene plan of diagram verskyn en bedoel is vir gebruik deur die algemene publiek en wat besit word deur of waarvan eienaarskap gesetel is in die Stad, met inbegrip van ’n openbare oop ruimte en ’n serwituut vir enige soortgelyke doel ten gunste van die algemene publiek;

**‘openbare straat’** enige grond wat volgens ’n goedgekeurde algemene plan, diagram of kaart opsygesit is as ’n openbare deurgangsreg, hetsy vir voertuie of voetgangers of as openbare of stadspleine, waarvan die eienaarskap ten gunste is van of setel in die Stad ingevolge hierdie verordening of enige ander wet;

**‘Ordonnansie’** die Ordonnansie op Grondgebruikbeplanning, 1985 (Kaap) (Ordonnansie 15 van 1985);

**‘pad’** onder meer ’n openbare straat, ’n openbare pad en ’n privaat straat;

**‘padreserwe’** ’n aangewese grondgebied wat ’n openbare straat of openbare pad bevat of kan bevat, met inbegrip van die pad en die padrand, welke grond deur kadastrale grense begrens kan wees of nie;

**‘permanente afwyking’** die reg om grond anders as ooreenkomstig die ontwikkelingsreëls van die sonering van toepassing op die eiendom te gebruik;

**‘persoon’** ’n natuurlike of regspersoon, met inbegrip van die staat;

**‘plaaslike raamwerk vir ruimtelike ontwikkeling’** ’n plaaslike raamwerk vir ruimtelike ontwikkeling wat in artikel 12 beoog word;

**‘privaat straat’** grond in privaat besit wat voertuigtoegang tot ’n afsonderlike grondeenheid of grondeenhede bied, wat op ’n goedgekeurde algemene plan, diagram of goedgekeurde onderverdelingsplan as ’n privaat pad of privaat straat aangewys is, en wat aanvullende toegangsbeheerinfrastruktuur soos ’n hekhuise, waghuis, vulliskamer en nutskamer kan insluit, dog ’n inrit op ’n eiendom of ’n serwituut uitsluit;

**‘provinsiale minister’** die lid van die uitvoerende raad in die provinsiale regering gemoeid met grondgebruikbeplanning;

**‘provinsiale regering’** die provinsiale regering van die Provinsie;

**‘Provinsie’** die provinsie van die Wes-Kaap;

**‘raadslid’** ’n lid van die munisipale raad;

**‘raamwerk vir ruimtelike ontwikkeling’** ’n nasionale raamwerk vir ruimtelike ontwikkeling, streeksraamwerk vir ruimtelike ontwikkeling (wat deur hetsy die nasionale of provinsiale regering goedgekeur is), provinsiale raamwerk vir ruimtelike ontwikkeling, munisipale raamwerk vir

ruimtelike ontwikkeling, distriksplan vir ruimtelike ontwikkeling of plaaslike raamwerk vir ruimtelike ontwikkeling;

**‘Registrasie van Aktes Wet’** die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937);

**‘registrateur van aktes’** die registrateur van aktes soos wat die Registrasie van Aktes Wet omskryf;

**‘sektorplan’** enige skriftelike strategie of plan wat hoofsaaklik handel oor een van die sektore of elemente of bepaalde onderwerpe wat deel uitmaak van ’n geïntegreerde ontwikkelingsplan en wat ’n ekonomiese, grondhervormings-, omgewings-, behuisings-, water-, diens- of vervoerplan kan wees;

**‘soneer’** in verband met grond, die aanwysing van grond vir ’n bepaalde sonering;

**‘sonering’** onder meer basissonering en oorlegsonering, en verwys dit na ’n grondgebruikkategorie wat voorgeskryf word deur die ontwikkelingsbestuurskema en wat die gebruik en ontwikkeling van grond reguleer en ’n uiteensetting bied van –

- (a) die doeleindes waarvoor grond gebruik mag word; en
- (b) die ontwikkelingsreëls van toepassing op daardie grondgebruikkategorie;

**‘soneringskaart’** die kaart van die soneringskema wat in artikel 29(1) beoog word;

**‘soneringskema’** die soneringskema wat in artikel 25(1) beoog word.

**‘soneringsregister’** die soneringsregister van die soneringskema wat in artikel 32 beoog word;

**‘SPLUMA’** die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) en die regulasies ingevolge daarvan;

**‘staat’** onder meer ’n staatsorgaan soos dit in artikel 239 van die Grondwet omskryf word, sowel as ’n staatsbeheerde onderneming wat in bylae 2 of 3 by die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999) as ’n openbare entiteit gelys word;

**‘staatsorgaan’** ’n staatsorgaan soos wat artikel 239 van die Grondwet dit omskryf;

**‘Stad’** die munisipaliteit van die Stad Kaapstad soos ingestel deur Regeringskennisgewing Nr 479 van 2000, wat ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) uitgereik is en wat na gelang van die konteks insluit –

- (a) die munisipale raad;
- (b) ’n ander politieke struktuur of ’n politieke ampsdraer van die Stad wat gemagtig of gedelegeer is om ’n funksie of bevoegdheid ingevolge hierdie verordening te verrig of uit te oefen;
- (c) die munisipale beplanningstribunaal wat gemagtig of gedelegeer is om ’n funksie of bevoegdheid ingevolge hierdie verordening te verrig of uit te oefen;
- (d) die Stadsbestuurder; en
- (e) ’n gemagtigde amptenaar;

**‘Stadsbestuurder’** die persoon wat ingevolge artikel 54A van die Wet op Munisipale Stelsels as die rekenpligtige beamppte van die Stad aangestel is;

**‘stedelikerandlyn’** ’n ontwikkelingsrandlyn om die toepaslike geografiese perk van stedelike groei aan te dui of natuurlike hulpbronne te beskerm;

**‘straat’** ‘openbare straat’ of ‘privaat straat’;

**‘struktuurplan’** ’n struktuurplan wat ingevolge artikel 4(6) of 4(10) van die Ordonnansie goedgekeur is;

**‘titelakte’** enige akte wat in ’n aktesregister geregistreer is wat die eienaarskap van grond of ’n saaklike reg op grond aandui;

**‘tydelike afwyking’** die reg om grond op ’n tydelike grondslag te gebruik vir ’n doel waarvoor die sonering van toepassing op die eiendom geen voorsiening maak nie;

**‘vergunningsgebruik’** ’n toegelate grondgebruik ingevolge ’n bepaalde sonering met die goedkeuring van die Stad;

**‘verskil’** in verband met ’n raamwerk vir ruimtelike ontwikkeling –

- (a) ’n goedkeuring wat afwyk van die bepalinge van die munisipale raamwerk vir ruimtelike ontwikkeling wat in artikel 22(2) van SPLUMA beoog word;
- (b) ’n verskil van die bepalinge van die munisipale raamwerk vir ruimtelike ontwikkeling wat kragtens artikel 9(1) van hierdie verordening gemagtig is; of

- (c) 'n verskil van die bepalings van 'n distriksraamwerk vir ruimtelike ontwikkeling of 'n plaaslike raamwerk vir ruimtelike ontwikkeling wat kragtens artikel 16(2)(b) van hierdie verordening gemagtig is;

en het die werkwoord **'verskil'** 'n ooreenstemmende betekenis;

**'vervangingskema'** 'n soneringskaart of ontwikkelingsreëls wat kragtens beplanningswetgewing enige ander soneringskaart of gedeelte daarvan vervang;

**'voorskryf'** onder meer voorskryf by wyse van prosedure, standaard, vereiste of reël;

**'vorige soneringskema'** –

- (a) 'n stadsbeplanningskema;
- (b) 'n stadsbeplanningskema in wording; of
- (c) soneringskemaregulasies wat in enige stadium voor die inwerkingtreding van hierdie verordening in die geografiese gebied van die Stad geldend het;

**'Wet op Deeltitels'** die Wet op Deeltitels, 1986 (Wet 95 van 1986);

**'Wet op Grondgebruikbeplanning'** die Wes-Kaapse Wet op Grondgebruikbeplanning (Wet 3 van 2014);

**'Wet op Landmeting'** die Wet op Landmeting, 1997 (Wet 8 van 1997); en

**'Wet op Munisipale Stelsels'** die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

## HOOFSTUK 2.

### TOEPASSING VAN HIERDIE VERORDENING, EN STRYDIGE WETGEWING

(art. 2)

#### 2 Toepassing van hierdie verordening, en strydige wetgewing

- (1) Hierdie verordening is van toepassing op alle grond binne die geografiese gebied van die Stad, met inbegrip van grond in staatsbesit.
- (2) Hierdie verordening is bindend vir elke eienaar en elke gebruiker van grond, met inbegrip van die staat.
- (3) 'n Hof wat 'n oënskynlike strydigheid tussen hierdie verordening en 'n ander wet oorweeg, moet voorkeur gee aan enige redelike vertolking wat strydigheid voorkom bo enige alternatiewe vertolking wat strydigheid tot gevolg het.
- (4) In geval van strydigheid tussen hierdie verordening en 'n ander verordening, geld hierdie verordening bo die betrokke bepaling van die ander verordening wat enige munisipale beplanningsaangeleentheid betref.

## HOOFSTUK 3.

### RUIMTELIKE BEPLANNING

(art. 3-23)

#### Deel 1

#### *Inleidende bepalings oor raamwerke vir ruimtelike ontwikkeling*

(art. 3)

#### 3 Raamwerke vir ruimtelike ontwikkeling

- (1) Die Stad se raamwerke vir ruimtelike ontwikkeling is –
- (a) die munisipale raamwerk vir ruimtelike ontwikkeling;
- (b) distriksraamwerke vir ruimtelike ontwikkeling; en
- (c) plaaslike raamwerke vir ruimtelike ontwikkeling.
- (2) Die Kaapstad Raamwerk vir Ruimtelike Ontwikkeling wat as deel van die geïntegreerde ontwikkelingsplan, soos gewysig, aanvaar is, word as die munisipale raamwerk vir ruimtelike ontwikkeling beskou totdat dit vervang word.
- (3) Die doeleindes van die Stad se raamwerke vir ruimtelike ontwikkeling sluit in –
- (a) om 'n langertermyn- ruimtelike afbeelding te voorsien van die gewenste vorm en struktuur van die geografiese gebied waarop dit betrekking het;

- (b) om grondgebruikbestuursriglyne oor die toepaslike aard, vorm, skaal en ligging van ontwikkeling te voorsien;
- (c) om tot ruimtelike koördinerende by te dra;
- (d) om belegging en beplanning van munisipale departemente en, waar van toepassing, ander regeringsfere te rig;
- (e) om belegging vir die privaat sektor te rig;
- (f) om tersaaklike bepalings te weerspieël van strategieë wat die munisipale raad aanvaar het; en
- (g) om besluitneming oor aansoeke te rig.

## **Deel 2**

### **Die munisipale raamwerk vir ruimtelike ontwikkeling (art. 4-10)**

#### **4 Proses vir die opstel van die munisipale raamwerk vir ruimtelike ontwikkeling**

- (1) Die Stad moet 'n proses aanvaar, wat 'n proses van openbare deelname insluit, om 'n munisipale raamwerk vir ruimtelike ontwikkeling op te stel wat aan die Wet op Munisipale Stelsels en enige ander toepaslike wet voldoen.
- (2) Na afloop van die proses wat in subartikel (1) beoog word, moet die munisipale raad 'n skriftelike verslag deur die Departement oorweeg wat minstens –
  - (a) die konsep- munisipale raamwerk vir ruimtelike ontwikkeling moet beoordeel;
  - (b) die proses vir die opstel van die munisipale raamwerk vir ruimtelike ontwikkeling moet opsom;
  - (c) die oorlegplegingsproses moet opsom;
  - (d) die Stad se reaksies op die kommentaar wat ontvang is, moet uiteensit;
  - (e) moet beskryf hoe die Stad aan die vereistes van tersaaklike nasionale en provinsiale wetgewing, en tersaaklike bepalings van strategieë wat die munisipale raad aanvaar het, voldoen, voldoen het en sal voldoen; en
  - (f) die aanvaarding van die konsep- munisipale raamwerk vir ruimtelike ontwikkeling moet aanbeveel.
- (3) 'n Geregistreerde beplanner moet die verslag wat deur subartikel (2) vereis word, onderteken.

#### **5 Proses vir die wysiging van die munisipale raamwerk vir ruimtelike ontwikkeling**

- (1) Artikel 34 van die Wet op Munisipale Stelsels en die beoogde regulasies beheer die proses om die munisipale raamwerk vir ruimtelike ontwikkeling te wysig.
- (2) Artikel 4(2) en 6 is van toepassing op wysigings aan die munisipale raamwerk vir ruimtelike ontwikkeling as gevolg van kommentaar wat die provinsiale minister ingevolge artikel 32 en 33 van die Wet op Munisipale Stelsels ontvang.
- (3) Die Stadsbestuurder kan die vorm en proses voorskryf vir die hantering van 'n versoek vir die wysiging van die munisipale raamwerk vir ruimtelike ontwikkeling om 'n ander rede as die jaarlikse hersieningsproses wat in artikel 34(a) van die Wet op Munisipale Stelsels beoog word.

#### **6 Besluit oor die aanvaarding of wysiging van die munisipale raamwerk vir ruimtelike ontwikkeling**

Die munisipale raad kan –

- (a) die verslag wat in artikel 4(2) beoog word, goedkeur en die konsep- munisipale raamwerk vir ruimtelike ontwikkeling ingevolge hoofstuk 5 van die Wet op Munisipale Stelsels aanvaar;
- (b) 'n konsepwysiging aanvaar of van die hand wys; of
- (c) die verslag oor die aanvaarding van die konsep- munisipale raamwerk vir ruimtelike ontwikkeling of konsepwysiging terugverwys vir verdere –
  - (i) gespesifiseerde inligting; en/of
  - (ii) gespesifiseerde oorlegpleging.



## **7 Indiening van munisipale raamwerk vir ruimtelike ontwikkeling by provinsiale minster**

Binne 10 dae nadat die munisipale raad die munisipale raamwerk vir ruimtelike ontwikkeling of 'n wysiging daarvan aanvaar het, moet die Stadsbestuurder die volgende by die provinsiale minister indien –

- (a) 'n skriftelike kennisgewing van die besluit om die munisipale raamwerk vir ruimtelike ontwikkeling te aanvaar of te wysig;
- (b) die aanvaarde of gewysigde munisipale raamwerk vir ruimtelike ontwikkeling;
- (c) 'n afskrif van die verslag waarna artikel 4(2) verwys; en
- (d) 'n verdere verslag of verklaring in soverre dit vereis word om aan artikel 32(1)(b) van die Wet op Munisipale Stelsels of artikel 14 van die Wet op Grondgebruikbeplanning of enige ander wetgewing te voldoen.

## **8 Publikasie van die aanvaarde of gewysigde munisipale raamwerk vir ruimtelike ontwikkeling**

Binne 14 dae nadat die munisipale raad die munisipale raamwerk vir ruimtelike ontwikkeling of 'n wysiging daarvan aanvaar het, moet die stadsbestuurder –

- (a) 'n kennisgewing van sy besluit om die munisipale raamwerk vir ruimtelike ontwikkeling te aanvaar of te wysig, in die *Provinsiale Koerant* en ooreenkomstig artikel 19 publiseer;
- (b) ingevolge artikel 25(4) van die Wet op Munisipale Stelsels die publiek kennis gee en 'n opsomming publiseer; en
- (c) 'n kennisgewing van die wysiging van die munisipale raamwerk vir ruimtelike ontwikkeling in die *Provinsiale Koerant* publiseer indien die munisipale raamwerk vir ruimtelike ontwikkeling gewysig word soos wat artikel 32 of 33 van die Wet op Munisipale Stelsels beoog.

## **9 Status van die munisipale raamwerk vir ruimtelike ontwikkeling**

(1) Onderworpe aan artikel 22, kan die Stad slegs van die bepalings van die munisipale raamwerk vir ruimtelike ontwikkeling verskil indien terreinspesifieke omstandighede sodanige verskil regverdig.

(2) In die bepaling van enige terreinspesifieke omstandighede, moet die Stad ag slaan op die ontwikkelingsaansoek wat ingedien is, sowel as enige ander tersaaklike oorwegings.

(3) Indien 'n aansoek in stryd is met die munisipale raamwerk vir ruimtelike ontwikkeling, moet die aansoeker die strydigheid beskryf in –

- (a) die aansoek; en
- (b) die advertensie van die aansoek.

(4) Die munisipale raamwerk vir ruimtelike ontwikkeling verleen of ontnem nie enige regte nie.

(5) In geval van strydigheid tussen die munisipale raamwerk vir ruimtelike ontwikkeling en 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling, geld die munisipale raamwerk vir ruimtelike ontwikkeling bo ander ontwikkelingsraamwerke in soverre dit met die strydigheid verband hou.

## **10 Hersiening van die munisipale raamwerk vir ruimtelike ontwikkeling**

(1) Wanneer die Stad die geïntegreerde ontwikkelingsplan ingevolge artikel 34(a) van die Wet op Munisipale Stelsels hersien, bepaald in verband met die munisipale raamwerk vir ruimtelike ontwikkeling, moet dit minstens oorweging skenk aan –

- (a) die rekord van verskille van die munisipale raamwerk vir ruimtelike ontwikkeling, en die redes vir die verskille;
- (b) die vereistes van provinsiale en nasionale wetgewing oor die munisipale raamwerk vir ruimtelike ontwikkeling;
- (c) tersaaklike bepalings van strategieë wat die munisipale raad aanvaar het; en
- (d) kommentaar wat gedurende die hersieningsproses ontvang word.



- (2) Artikel 5(1), 6 en 7 is van toepassing op 'n voorstel vir die wysiging van die munisipale raamwerk vir ruimtelike ontwikkeling wat uit die hersieningsproses spruit.

### **Deel 3**

## ***Distriksraamwerke vir ruimtelike ontwikkeling en plaaslike raamwerke vir ruimtelike ontwikkeling*** (art. 11-18)

### **11 Distriksraamwerke vir ruimtelike ontwikkeling**

- (1) Die munisipale raad kan 'n distriksraamwerk vir ruimtelike ontwikkeling vir 'n bepaalde geografiese gebied binne die geografiese gebied van die Stad aanvaar.
- (2) 'n Distriksraamwerk vir ruimtelike ontwikkeling moet –
- (a) in pas wees met en verdere uitvoering gee aan die munisipale raamwerk vir ruimtelike ontwikkeling;
  - (b) op 'n kaart huidige en toekomstige beduidende elemente uitwys wat struktuur of ruimtelike orde aan 'n nedersetting gee, onder meer padsirkulasienetwerke, openbare vervoerstelsels, openbare oop ruimtes, openbare fasiliteite en eksterne ingenieursdienste;
  - (c) grondgebruikbestuursriglyne bied met betrekking tot –
    - (i) gewenste grondgebruikpatrone;
    - (ii) gepaste ontwikkelingsdigtheid en stedelike vorm;
    - (iii) die voorsiening van openbare oop ruimtes en openbare fasiliteite;
    - (iv) omgewingsensitiewe gebiede; en
    - (v) potensiaalryke landbougrond;
  - (d) 'n ruimtelike voorstelling bied ter ondersteuning van ruimtelike herskikking en integrasie binne die distrik deur 'n aanduiding te gee van –
    - (i) gebiede waar openbare en privaat ontwikkeling voorrang gegee en gefasiliteer moet word;
    - (ii) gebiede waar strategiese intervensie vereis word om gewenste veranderinge in grondgebruik of stedelike vorm teweeg te bring;
    - (iii) die ligging van toekomstige openbaar gefinansierde behuisingsontwikkelings;
    - (iv) belangrike infrastruktuurvereistes om die ontwikkeling van voorranggebiede moontlik te maak;
  - (e) die munisipale raamwerk vir ruimtelike ontwikkeling ondersteun deur die koördinering, versoening en integrasie van tersaaklike sektorplanne of -beleide van Stadsdepartemente ruimtelik voor te stel;
  - (f) 'n inwerkingstellingsplan insluit wat uiteensit hoe die voorstelle in die distriksraamwerk vir ruimtelike ontwikkeling verwesenlik sal word; en
  - (g) gebiede uitwys waar meer uitvoerige plaaslike raamwerke vir ruimtelike ontwikkeling opgestel moet word.

### **12 Plaaslike raamwerke vir ruimtelike ontwikkeling**

- (1) Die munisipale raad kan 'n plaaslike raamwerk vir ruimtelike ontwikkeling vir 'n bepaalde geografiese gebied binne die geografiese gebied van die Stad aanvaar.
- (2) 'n Plaaslike raamwerk vir ruimtelike ontwikkeling moet in pas wees met en verdere uitvoering gee aan die munisipale raamwerk vir ruimtelike ontwikkeling en enige tersaaklike distriksraamwerk vir ruimtelike ontwikkeling deur vollediger plaaslike beplanning te voorsien.
- (3) Waar dit ter sake is, kan 'n plaaslike raamwerk vir ruimtelike ontwikkeling die elemente bevat wat in artikel 11(2)(a) tot 11(2)(e) beoog word.
- (4) 'n Plaaslike raamwerk vir ruimtelike ontwikkeling kan 'n inwerkingstellingsplan insluit wat onder meer rigting en leiding moet bied vir stappe ter verwesenliking van voorstelle in die plaaslike raamwerk vir ruimtelike ontwikkeling.

**13 Proses vir die opstel of wysiging van 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling**

- (1) Indien die Stad voornemens is om 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling te aanvaar, moet die Stad –
- (a) die betrokke geografiese gebied spesifiseer; en
  - (b) goedkeuring verleen vir die opstel van 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling, na gelang van die geval.
- (2) Indien die Stad voornemens is om 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling te aanvaar of te wysig, moet die Stad 'n proses daarvoor aanvaar.
- (3) Na afloop van die oorlegplegingsproses en die aanvaarde proses moet die Departement 'n skriftelike verslag voorsien wat minstens –
- (a) moet beskryf hoe –
    - (i) die konsepdistriksraamwerk vir ruimtelike ontwikkeling of konsepwysiging daarvan met die munisipale raamwerk vir ruimtelike ontwikkeling en tersaaklike bepalings van strategieë wat die munisipale raad aanvaar het, strook; of
    - (ii) die konsep- plaaslike raamwerk vir ruimtelike ontwikkeling of konsepwysiging daarvan met die munisipale raamwerk vir ruimtelike ontwikkeling en tersaaklike bepalings van strategieë wat die munisipale raad aanvaar het, strook; na gelang van die geval;
  - (b) die proses vir die opstel van die distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling of wysiging daarvan opsom;
  - (c) die oorlegplegingsproses opsom;
  - (d) die Stad se reaksies op die kommentaar wat ontvang is, uiteensit; en
  - (e) die aanvaarding van die konsepdistriksraamwerk vir ruimtelike ontwikkeling, die konsep- plaaslike raamwerk vir ruimtelike ontwikkeling of die konsepwysiging aanbeveel.

**14 Besluit oor die aanvaarding of wysiging van 'n distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling**

Die munisipale raad kan –

- (a) die verslag goedkeur wat in artikel 13(3) beoog word en die konsepdistriksraamwerk vir ruimtelike ontwikkeling, die konsep- plaaslike raamwerk vir ruimtelike ontwikkeling of konsepwysiging met of sonder voorwaardes aanvaar;
- (b) die verslag wat in artikel 13(3) beoog word, vir verdere gespesifiseerde inligting en/of verdere gespesifiseerde oorlegpleging terugverwys; of
- (c) weier om die konsepdistriksraamwerk vir ruimtelike ontwikkeling, konsep- plaaslike raamwerk vir ruimtelike ontwikkeling of konsepwysiging te aanvaar.

**15 Publikasie van die aanvaarde of gewysigde distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling**

Binne 30 dae nadat dit 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling aanvaar of gewysig het, moet die Stad die aanvaarde of gewysigde distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling ooreenkomstig artikel 19 publiseer.

**16 Status van 'n distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling**

- (1) Indien 'n aansoek strydig is met 'n toepaslike distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling, moet die aansoeker die strydigheid beskryf in –
- (a) die aansoek; en
  - (b) die advertensie van die aansoek.
- (2) 'n Persoon wat ingevolge hierdie verordening 'n besluit neem –
- (a) moet deur 'n toepaslike distriks- en/of plaaslike raamwerk vir ruimtelike ontwikkeling gelei word;

- (b) kan onderworpe aan artikel 22 van die bepalings van 'n toepaslike distriks- en/of plaaslike raamwerk vir ruimtelike ontwikkeling verskil slegs indien die omstandighede die verskil regverdig.
- (3) 'n Distriks- en plaaslike raamwerk vir ruimtelike ontwikkeling verleen of ontnem nie enige regte nie.

#### **17 Hersiening van 'n distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling**

- (1) Die Stad moet 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling of struktuurplan minstens elke 10 jaar hersien.
- (2) Die Stadsbestuurder moet ooreenkomstig artikel 21 van die Wet op Munisipale Stelsels in die media kennis gee van die Stad se voorneme om 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling te hersien, en moet besonderhede verstrek van die persoon by wie en die datum waarteen enige kommentaar of voorstelle wat die Stad in die hersieningsproses moet oorweeg, ingedien moet word.
- (3) Wanneer die Stad 'n hersiening vir die doel van subartikel (1) onderneem, moet dit minstens oorweging skenk aan –
  - (a) die rekord van verskille van die distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling en die redes vir die verskille;
  - (b) enige tersaaklike wysigings aan die munisipale raamwerk vir ruimtelike ontwikkeling;
  - (c) die vereistes van provinsiale en nasionale wetgewing met betrekking tot die munisipale raamwerk vir ruimtelike ontwikkeling;
  - (d) tersaaklike bepalings van strategieë wat die munisipale raad aanvaar het; en
  - (e) kommentaar wat in die hersieningsproses ontvang word.

#### **18 Herroeping van 'n distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling**

- (1) Indien die Stad voornemens is om 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling te herroep, moet die Stad aan subartikel (2) voldoen.
- (2) Na afloop van die oorlegplegingsproses en die aanvaarde proses moet die Departement 'n skriftelike verslag voorsien wat minstens –
  - (a) die redes vir die herroeping van die distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling of struktuurplan beskryf;
  - (b) die oorlegplegingsproses opsom;
  - (c) die Stad se reaksies op die kommentaar wat ontvang is, uiteensit; en
  - (d) die herroeping van die distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling of struktuurplan aanbeveel.
- (3) Die munisipale raad kan –
  - (a) die verslag goedkeur wat in subartikel (2) beoog word en die distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling of struktuurplan herroep;
  - (b) die verslag wat in subartikel (2) beoog word, terugverwys vir verdere gespesifiseerde inligting en/of op verdere gespesifiseerde oorlegpleging aandring; of
  - (c) weier om die distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling of struktuurplan te herroep.
- (4) Binne 30 dae nadat dit 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling herroep het, moet die Stad die herroeping ooreenkomstig artikel 15 publiseer.

### **Deel 4**

#### **Algemene bepalings oor ruimtelike beplanning**

(art. 19-23)

#### **19 Rekord van en toegang tot raamwerke vir ruimtelike ontwikkeling**

- (1) Die Stad moet die goedgekeurde munisipale raamwerk vir ruimtelike ontwikkeling, 'n distriksraamwerk vir ruimtelike ontwikkeling en 'n plaaslike raamwerk vir ruimtelike ontwikkeling en

enige wysiging of herroeping daarvan bewaar, in stand hou en toeganklik maak vir die publiek, onder meer op die Stad se webtuiste.

(2) Die Stad moet 'n versoeker, by betaling van die voorgeskrewe fooi, van 'n afskrif van die goedgekeurde munisipale raamwerk vir ruimtelike ontwikkeling, 'n distriksraamwerk vir ruimtelike ontwikkeling en 'n plaaslike raamwerk vir ruimtelike ontwikkeling en enige wysigings daaraan voorsien.

## **20 Struktuurplanne**

(1) 'n Struktuurplan wat in bylae 1 gelys word en ingevolge artikel 16(1)(b) van die Wet op Grondgebruikbeplanning van krag bly, word beskou as 'n distriksraamwerk vir ruimtelike ontwikkeling wat ingevolge hierdie verordening goedgekeur is, en bly onbepaald van krag totdat dit ingevolge hierdie verordening herroep word.

(2) 'n Struktuurplan wat ingevolge artikel 4(6) of artikel 4(10) van die Ordonnansie goedgekeur is en in bylae 2 gelys word en wat ingevolge artikel 16(1)(b) van die Wet op Grondgebruikbeplanning van krag bly, word beskou as 'n plaaslike raamwerk vir ruimtelike ontwikkeling wat ingevolge hierdie verordening goedgekeur is, en bly onbepaald van krag totdat dit ingevolge hierdie verordening herroep word.

(3) Artikel 13 tot 18, met veranderinge na gelang van die konteks, is van toepassing op die wysiging, status of herroeping van 'n struktuurplan.

## **21 Beleide om besluitneming te rig**

(1) Die Stad kan 'n beleid of riglyne aanvaar om besluitneming met betrekking tot aansoeke ingevolge hierdie verordening te rig.

(2) Die bepalings van artikel 138 is van toepassing op beleide wat in subartikel (1) beoog word.

## **22 Rekord van verskille van raamwerke vir ruimtelike ontwikkeling**

(1) 'n Persoon wat ingevolge hierdie verordening 'n besluit neem wat van die bepalings van die munisipale raamwerk vir ruimtelike ontwikkeling en/of 'n toepaslike distriks- en/of plaaslike raamwerk vir ruimtelike ontwikkeling of beleid verskil, moet ten tyde van die besluit –

(a) die redes vir die verskil op skrif stel; en

(b) 'n rekord van besluitneming en die skriftelike redes vir die verskil bewaar.

(2) 'n Rekord van besluitneming oor aansoeke wat van die munisipale raamwerk vir ruimtelike ontwikkeling verskil, moet saam met die munisipale raamwerk vir ruimtelike ontwikkeling bewaar word.

## **23 Raamwerke vir ruimtelike ontwikkeling van toepassing op grond wat by die geografiese gebied van die Stad ingesluit is**

Wanneer grond wat in die geografiese gebied van 'n ander munisipaliteit geleë is, by die geografiese gebied van die Stad ingesluit word, bly enige raamwerk vir ruimtelike ontwikkeling van toepassing op daardie gebied of gedeelte van daardie gebied van krag totdat die Stad dit ingevolge die bepalings van hierdie verordening hersien of wysig.

# **HOOFSTUK 4. ONTWIKKELINGSBESTUUR**

*(art. 24-38)*

## **Deel 1 Soneringskema (art. 24-34)**

## **24 Sonering**

(1) Alle grond binne die geografiese gebied van die Stad moet oor 'n sonering beskik.

- (2) 'n Sonering kan betrekking hê op 'n grondeenheid of gedeelte daarvan en hoef nie kadastrale grense te volg nie.
- (3) Die Stad kan deur middel van die wysiging van die ontwikkelingsbestuurskema op eie inisiatief 'n nuwe oorlegsonering aanvaar of 'n bestaande oorlegsonering wysig of ophef.
- (4) Wat elke oorlegsonering buiten 'n onderverdelingsoorlegsonering betref, moet die Stad by wyse van publikasie in die *Provinsiale Koerant* –
- (a) aandui watter aangewese gebied of grondeenhede oor die oorlegsonering beskik;
  - (b) verwys na 'n kaart wat op die Stad se webtuiste beskikbaar is waarop aangedui word watter aangewese gebied of grondeenhede oor die oorlegsonering beskik; of
  - (c) verklaar dat geen aangewese gebied of grondeenheid oor die oorlegsonering beskik nie.
- (5) Die Stad kan te eniger tyd 'n bepaalde gebied of grondeenheid aanwys wat oor 'n oorlegsonering moet beskik of nie meer oor 'n oorlegsonering moet beskik nie deur die proses in die ontwikkelingsbestuurskema te volg, en moet die aanwysing in die *Provinsiale Koerant* publiseer.
- (6) Die Stad hoef nie die proses in die ontwikkelingsbestuurskema wat in subartikel (5) beoog word te volg vir die publikasie van 'n kennisgewing wat in subartikel (4) beoog word indien die gebied of grondeenheid wat in die kennisgewing aangewys word oor dieselfde of 'n beduidend soortgelyke oorlegsonering beskik as waaroor dit met die inwerkingtreding van hierdie verordening beskik nie.

## 25 Soneringskema

- (1) Die soneringskema bestaan uit –
- (a) die ontwikkelingsbestuurskema;
  - (b) die soneringskaart; en
  - (c) die soneringsregister.
- (2) Die soneringskema is van toepassing op alle grond in die geografiese gebied van die Stad.

## 26 Ontwikkelingsbestuurskema

- (1) Die doeleindes van die ontwikkelingsbestuurskema is onder meer –
- (a) om gebruikregte te reguleer en grondgebruik te beheer;
  - (b) om die inwerkingstelling van beleide en beginsels wat in tersaaklike raamwerke vir ruimtelike ontwikkeling uiteengesit word, sowel as van bindende beleide en beginsels wat in en ingevolge nasionale en provinsiale wetgewing uiteengesit word, te fasiliteer;
  - (c) om doeltreffende, ekonomiese en volhoubare grondgebruik te fasiliteer;
  - (d) om gebiede in 'n omgewing waarop ontwikkeling 'n beduidend negatiewe invloed kan hê, te beskerm;
  - (e) ander doeleindes wat regmatig volgens nasionale of provinsiale wetgewing voorgeskryf word.
- (2) Die ontwikkelingsbestuurskema is die skema in bylae 3.
- (3) Die ontwikkelingsbestuurskema is 'n integrale deel van hierdie verordening, en die bepaling daarvan is regsgeldig.
- (4) 'n Hof wat 'n oënskynlike strydigheid tussen die teks van hierdie verordening en die ontwikkelingsbestuurskema oorweeg, moet voorkeur gee aan enige redelike vertolking wat strydigheid voorkom bo enige alternatiewe vertolking wat strydigheid tot gevolg het.
- (5) In geval van strydigheid tussen die teks van hierdie verordening en die ontwikkelingsbestuurskema, geld die teks van hierdie verordening bo die betrokke bepaling van die ontwikkelingsbestuurskema.

## 27 Hersiening van ontwikkelingsbestuurskema

- (1) Die Stadsbestuurder moet die ontwikkelingsbestuurskema minstens elke vyf jaar na die inwerkingtreding van hierdie verordening hersien.

(2) Die Stadsbestuurder moet ooreenkomstig artikel 21 van die Wet op Munisipale Stelsels in die media kennis gee van die Stad se voorneme om die ontwikkelingsbestuurskema te hersien, en moet besonderhede verstrek van die persoon by wie en die datum waarteen enige kommentaar of voorstelle wat die Stad in die hersieningsproses moet oorweeg, ingedien moet word.

(3) Die Stadsbestuurder moet 'n hersieningsverslag by die munisipale raad indien wat, met betrekking tot die oorsigtydperk, 'n uiteensetting bied van minstens –

- (a) die voorgestelde wysigings aan die ontwikkelingsbestuurskema, met inbegrip van voorgestelde oorlegsones, wat daarop toegespits is om die ontwikkelingsbestuurskema met die munisipale raamwerk vir ruimtelike ontwikkeling te versoen;
- (b) die getal verskille van die munisipale raamwerk vir ruimtelike ontwikkeling en die aard van en redes vir elk; en
- (c) die reaksie op die kommentaar wat ontvang is as gevolg van die kennisgewing wat ooreenkomstig subartikel (2) in die media gepubliseer is.

(4) Indien die munisipale raad die aanbevelings in die hersieningsverslag goedkeur, moet die Stad met 'n proses begin om die ontwikkelingsbestuurskema dienoooreenkomstig te wysig.

(5) Die Stad moet aan die bepalings van artikel 27 van die Wet op Grondgebruikbeplanning voldoen voordat dit enige wysiging van die ontwikkelingsbestuurskema aanvaar.

(6) 'n Hersiening wat ingevolge hierdie artikel beoog word, word nie vir ad hoc-wysigings aan die ontwikkelingsbestuurskema vereis nie.

## **28 Soneringskaart**

(1) Die soneringskaart moet –

- (a) die sonering van elke grondeenheid in die Stad se geografiese gebied aandui;
- (b) oorlegsones van toepassing op 'n grondeenheid aandui; en
- (c) bygewerk word binne 'n redelike tyd nadat 'n gebruikreg toegestaan is of verstryk het.

(2) Die soneringskaart kan –

- (a) die voorgestelde skep, verbreding of sluiting van openbare strate en openbare paaie aandui;
- (b) met behulp van 'n simbool aandui dat 'n besluit oor 'n grondgebruikreg geneem moet word; en
- (c) in elektroniese vorm gehou word.

## **29 Aanvaarding, wysiging en vervanging van soneringskaart**

(1) Die soneringskaart is die soneringskaart vir die Stad wat met die inwerkingtreding van hierdie verordening van krag is en wat daarna gewysig of vervang kan word.

(2) 'n Regmatige sonering wat met die inwerkingtreding van hierdie verordening op die soneringskaart aangeteken is, bly van krag totdat dit verval of die soneringskaart gewysig of vervang word.

(3) Die Stad kan die soneringskaart ingevolge hierdie verordening wysig of ná oorlegpleging vervang.

(4) Die vervangingssoneringskaart wat in subartikel (3) beoog word, sal in werking tree wanneer kennisgewing van goedkeuring daarvan in die *Provinsiale Koerant* gepubliseer word of op 'n toekomstige datum wat in die *Provinsiale Koerant* vasgestel word.

## **30 Fout op soneringskaart**

(1) Eienaars wat glo dat die soneringskaart 'n fout met betrekking tot hul eiendomme bevat, kan by die Stad aansoek doen om die soneringskaart reg te stel.

(2) 'n Eienaar wat ingevolge subartikel (1) 'n aansoek indien –

- (a) moet die aard van die fout beskryf;
- (b) moet die fout bewys en skriftelike bewys lewer van die regmatige grondgebruikregte; en
- (c) moet die korrekte sonering aandui.



- (3) Die Stad moet die aansoek –
  - (a) aan 'n ander eienaar adverteer indien die aansoek 'n wesenlike invloed op die ander eienaar het; en
  - (b) vir openbare kommentaar adverteer indien die aansoek 'n wesenlike invloed op die publiek het.
- (4) Die Stad kan die aansoek goedkeur of van die hand wys.
- (5) Indien die aansoek goedgekeur word, moet die Stadsbestuurder die soneringskaart wysig.
- (6) Indien die Stad op 'n fout op die soneringskaart afkom, kan die Stad op eie inisiatief die soneringskaart wysig na –
  - (a) kennisgewing van die fout en van die Stad se voorneme om dit reg te stel, en met 'n versoek vir verhoë binne 'n vasgestelde tydperk van –
    - (i) die eienaar van die betrokke eiendom;
    - (ii) 'n ander eienaar indien die voorgestelde regstelling 'n wesenlike invloed op die ander eienaar het; en
    - (iii) die publiek indien die voorgestelde regstelling 'n wesenlike invloed op die publiek het;
  - (b) inagneming van enige verhoë wat ontvang is; en
  - (c) besluitneming om die soneringskaart te wysig.

### **31 Status van soneringskaart, en vrywaring van Stad van aanspreeklikheid vir enige fout**

- (1) Die soneringskaart is die Stad se rekord van die sonering van elke grondeenheid.
- (2) 'n Sonering wat op die soneringskaart aangeteken is, word as die korrekte sonering aanvaar tensy bewys van die teendeel gelewer word.
- (3) 'n Gebruikreg loop ten einde op die dag wat dit ingevolge hierdie verordening of 'n vorige soneringskema verstryk, selfs al dui die soneringskaart aan dat die gebruikreg nog bestaan.
- (4) Die Stad word vrygestel van aanspreeklikheid vir enige skade wat veroorsaak kan word deur –
  - (a) 'n fout op die soneringskaart; of
  - (b) 'n foutiewe voorstelling deur die Stad van 'n gebruikreg of die sonering van 'n grondeenheid.

### **32 Soneringsregister**

- (1) Die Stad moet die volgende in die soneringsregister aanteken –
  - (a) 'n besluit ingevolge hierdie verordening wat ná die inwerkingtreding van hierdie verordening geneem word vir die verlening van –
    - (i) 'n hersonering;
    - (ii) 'n permanente of tydelike afwyking;
    - (iii) 'n vergunning;
    - (iv) 'n konsolidasie; of
    - (v) Enige ander toestemming of goedkeuring ingevolge die ontwikkelingsbestuurskema;
  - (b) 'n afwykende gebruik wat ingevolge artikel 37(8) bevestig is; en
  - (c) enige ander aangeleentheid wat ingevolge hierdie verordening in die soneringsregister aangeteken moet word.
- (2) Die Stad kan die soneringsregister in elektroniese vorm hou.

### **33 Toegang tot die soneringskaart en soneringsregister**

- (1) Die soneringskaart is toeganklik vir die publiek op die Stad se webtuiste.
- (2) Die soneringskaart en soneringsregister lê ook ter insae by die distrikskantore van die Departement.
- (3) Die Stad moet 'n versoeker, by die betaling van 'n fooi, van 'n tersaaklike skriftelike uittreksel van die soneringskaart en soneringsregister voorsien.
- (4) 'n Uittreksel wat in subartikel (3) beoog word, moet op skrif wees en deur 'n gemagtigde amptenaar onderteken word.

### 34 Voortsetting van soneringskemas

Indien die geografiese gebied van die Stad uitgebrei word om grond van 'n ander munisipaliteit in te sluit, sal die soneringskema van toepassing op daardie grond van krag bly totdat die Stad dit wysig, herroep of vervang.

## **Deel 2** **Gebruikreg en afwykende gebruik** (art. 35-37)

### 35 Gebruikreg

- (1) 'n Gebruikreg setel in grond en nie 'n persoon nie.
- (2) Geen persoon mag grond gebruik of ontwikkel tensy sodanige gebruik of ontwikkeling ingevolge die soneringskema toegelaat word of 'n goedkeuring ingevolge hierdie verordening verleen is of as verleen beskou word nie.
- (3) Geen persoon mag 'n goedkeuringsvoorwaarde wat ingevolge hierdie verordening opgelê is of as opgelê beskou word, oortree of versuim om daaraan te voldoen nie.
- (4) 'n Goedkeuringsvoorwaarde wat ingevolge hierdie verordening opgelê is of as opgelê beskou word, is bindend vir 'n opvolger in titel van die grondeenheid.

### 36 Aanwysing van sonering

- (1) Buiten waar grond ingevolge die ontwikkelingsbestuurskema as gesoneer beskou word, kan die Stad 'n sonering aanwys vir grond wat nie oor 'n sonering beskik nie.
- (2) Wanneer die Stad 'n sonering aanwys soos wat subartikel (1) beoog, moet dit minstens oorweging skenk aan –
  - (a) die regmatige gebruik van die grond, of die doeleindes waarvoor dit regmatig gebruik kon word onmiddellik voor die inwerkingtreding van hierdie verordening, indien dit moontlik is om te bepaal;
  - (b) die sonering, indien enige, wat die beste versoen kan word met daardie gebruik en enige toepaslike titelaktevoorwaarde;
  - (c) enige permanente afwyking of vergunningsgebruik wat in samehang met daardie sonering vereis word;
  - (d) waar grond onmiddellik voor die inwerkingtreding van hierdie verordening leeg gestaan het, die gebruik wat ingevolge die titelaktevoorwaardes toegelaat word of, waar meer as een grondgebruik so toegelaat word, een van daardie grondgebruike wat die Stad kan bepaal; en
  - (e) waar die regmatige gebruik van die grond en die doel waarvoor dit onmiddellik voor die inwerkingtreding van hierdie verordening regmatig gebruik kon word, nie bepaal kan word nie, die sonering wat die wenslikste is vir, en die beste versoen kan word met, enige toepaslike titelaktevoorwaarde tesame met enige afwyking of vergunningsgebruik wat vereis kan word.
- (3) Wanneer die Stad ingevolge subartikel (1) 'n sonering aanwys en die grond deel is van 'n beskermde gebied soos wat die Wet op Nasionale Omgewingsbestuur: Beskermde Gebiede, 2003 (Wet 57 van 2003) of soortgelyke wetgewing beoog, is die sonering die sonering wat die beste versoenbaar is met die oogmerke van daardie wetgewing.
- (4) Die soneringskaart moet gewysig word om die sonering wat aangewys is en wat as die sonering van die grond beskou word, te weerspieël.
- (5) Indien die Stad ingevolge subartikel (1) optree, moet die Stad die eienaar kennis gee van sy voorneme om 'n sonering aan te wys.
- (6) Die Stad moet aan artikel 79 en 80 voldoen indien dit ingevolge subartikel (1) optree.
- (7) Indien die regmatige gebruik van die grond nie bepaal kan word nie, moet die Stad 'n hersoneringsproses volg.

### 37 Afwykende gebruik

- (1) Vir die doeleindes van hierdie artikel beteken 'afwykende gebruik' die gebruik van grond of 'n gebou of deel daarvan vir 'n doel en op 'n wyse wat nie aan die soneringskema voldoen nie,
- (a) maar –
    - (i) wat minstens sedert 1 Junie 1950 aaneenlopend en regmatig so gebruik is vir dieselfde doel en op dieselfde wyse, sonder 'n wesenlike onderbreking; of
    - (ii) wat eens aan 'n toepaslike vorige soneringskema voldoen het en sedertdien aaneenlopend regmatig vir dieselfde doel en op dieselfde wyse gebruik is, sonder 'n wesenlike onderbreking;
  - en
  - (b) wat vanaf die inwerkingtreding van hierdie verordening aaneenlopend so gebruik word sonder 'n onderbreking van langer as ses maande.
- (2) Vir die doeleindes van subartikel (1)(a) word 'n wesenlike onderbreking beskou as 'n tydperk van langer as –
- (a) ses maande tussen 1 Junie 1950 en 30 Junie 1986; of
  - (b) twee jaar tussen 1 Julie 1986 en die dag voor die inwerkingtreding van hierdie verordening.
- (3) 'n Persoon wat op 'n afwykende gebruik aanspraak maak, moet die bestaan daarvan bewys.
- (4) 'n Afwykende gebruik –
- (a) kan voortduur solank dit andersins regmatig bly;
  - (b) maak nie 'n oortreding ingevolge hierdie verordening uit nie; en
  - (c) is beperk tot die deel van 'n grondeenheid of gebou met betrekking waartoe die bestaan van die gebruik bewys kan word.
- (5) Ondanks die bestaan van 'n afwykende gebruik, mag geen persoon die betrokke gebou sonder toestemming ingevolge hierdie verordening en enige ander toepaslike wet uitbrei of wysig nie.
- (6) Indien 'n gebou of 'n beduidende deel daarvan met betrekking waartoe 'n afwykende gebruik bestaan, vernietig word of weens skade gesloop moet word, kan die Stad op aanvraag en na goeë dunks toestemming verleen vir die herbouing daarvan binne die perke van die afwykende gebruik en onderworpe aan voorwaardes.
- (7) Die toestemming ingevolge subartikel (6) onthef nie die eienaar van die verantwoordelikheid om ook die toestemming te verkry wat enige ander toepaslike wet kan vereis nie.
- (8) Die Stad kan op eie inisiatief of op aanvraag 'n bindende aanwysing maak rakende die bestaan, aard en omvang van 'n afwykende gebruik.
- (9) Die Stad moet die aansoek of die voorneme om ingevolge subartikel (8) 'n aanwysing te maak –
- (a) aan die betrokke eienaar adverteer indien die eienaar nie die aansoeker is nie;
  - (b) aan 'n ander eienaar adverteer indien die aansoek 'n wesenlike invloed op die ander eienaar het; en
  - (c) vir openbare kommentaar adverteer indien die aansoek 'n wesenlike invloed op die publiek het.
- (10) 'n Aansoeker om 'n aanwysing ingevolge subartikel (8) moet die voorgeskrewe vorm gebruik en enige inligting voorsien wat die Stad versoek.

### **Deel 3**

#### **Algemene verstrykingsbepaling** (art. 38)

### 38 Algemene verstrykingsbepaling

- (1) Tensy hierdie verordening anders bepaal, verstryk 'n goedkeuring wat ingevolge hierdie verordening toegestaan is of as toegestaan beskou word, twee jaar na die intreedatum van die besluit –

- (a) waar die grond nie ooreenkomstig die goedkeuring gebruik word nie; of
  - (b) waar 'n verbetering van grond vereis word om die grond ooreenkomstig die goedkeuring te gebruik, dog regmatige aanvang van konstruksie nog nie plaasgevind het nie.
- (2) 'n Aansoeker kan ingevolge en onderworpe aan die vereistes van artikel 107 aansoek doen om 'n verlenging van die geldigheidstydperke wat in subartikel (1) beoog word, hoewel geen verlenging vir langer as twee jaar na die verstryking van die aanvanklike goedkeuring mag wees nie.

## **HOOFSTUK 5.**

### **ALGEMENE VEREISTES VIR 'N AANSOEK**

*(art. 39-43)*

#### **39 Aansoeke**

- (1) 'n Aansoeker wat ingevolge hierdie verordening goedkeuring vir die gebruik of ontwikkeling van grond vereis, moet ingevolge artikel 42 by die Stad aansoek doen.
- (2) 'n Goedkeuring wat ingevolge hierdie verordening toegestaan of as toegestaan beskou word –
- (a) onthef geeneen van hul plig om ook enige ander toestemming te bekom wat hierdie verordening of 'n ander wet kan vereis, en om aan alle wette, 'n titelaktevoorwaarde of 'n vereiste in die grondwet van 'n eienaarsvereniging te voldoen nie; of
  - (b) verplig geeneen om die goedkeuring te gebruik nie.

#### **40 Persone wat ingevolge hierdie verordening kan aansoek doen**

- (1) 'n Aansoek kan slegs ingedien word deur –
- (a) die eienaar van die betrokke grond;
  - (b) die Stad met betrekking tot grond wat dit nié besit nie, vir die doeleindes van artikel 44(1) en 48(1);
  - (c) 'n persoon aan wie 'n staatsorgaan of sodanige persoon se behoorlik gemagtigde agent die betrokke grond skriftelik beskikbaar gestel het vir ontwikkeling vir behuisingsdoeleindes; of
  - (d) 'n diensverskaffer wat verantwoordelik is vir die voorsiening van infrastruktuur, nutsdienste of ander verbandhoudende dienste.
- (2) 'n Persoon wat behoorlik gemagtig is om aansoek te doen, doen dit namens die eienaar.

#### **41 Voortsetting van aansoek deur nuwe eienaar**

Indien grond wat die onderwerp is van 'n aansoek ingevolge hierdie verordening aan 'n nuwe eienaar oorgedra word, kan die nuwe eienaar die aansoek as die vorige eienaar se opvolger in titel voortsit, en sal die nuwe eienaar vir die doeleindes van hierdie verordening as die aansoeker beskou word.

#### **42 Soorte aansoeke**

- 'n Persoon kan ingevolge hierdie verordening om die volgende aansoek doen –
- (a) die hersonering van grond, met inbegrip van hersonering tot onderverdelingsgebiedoorlegsonering;
  - (b) 'n permanente afwyking;
  - (c) 'n tydelike afwyking;
  - (d) die onderverdeling van grond;
  - (e) die gefaseerde inwerkingstelling van 'n onderverdelingsgoedkeuring;
  - (f) die konsolidasie van grond;
  - (g) die wysiging, opskorting of skrapping van 'n beperkende voorwaarde;

- (h) toestemming of goedkeuring met betrekking tot, of die verslapping van, 'n beperkende voorwaarde in 'n titelakte waar die beperking met gebruik, onderverdeling, ontwikkelingsreëls of ontwerp kriteria verband hou;
- (i) toestemming, goedkeuring of enige ander verlof of vereiste ingevolge die ontwikkelingsbestuurskema;
- (j) die wysiging, skraping of byvoeging van voorwaardes met betrekking tot 'n bestaande goedkeuring wat ingevolge hierdie verordening verleen is of as verleen beskou word;
- (k) verlenging van die geldigheidstydperk van 'n goedkeuring;
- (l) die wysiging of kansellering van 'n goedgekeurde onderverdelings- of algemene plan;
- (m) vereiste toestemming ingevolge die goedkeuringsvoorwaardes van 'n aansoek;
- (n) aanwysing van 'n sonering, 'n afwykende gebruikreg of enige ander aangeleentheid wat die Stad ingevolge hierdie verordening mag aanwys;
- (o) die regstelling van 'n soneringskaart;
- (p) die sertifisering van die grondwet van 'n eienaarsvereniging of 'n wysiging daarvan;
- (q) die verandering of wysiging van 'n straatnaam of -nommer;
- (r) die vasstelling van 'n administratiewe boete soos artikel 129(1) beoog;
- (s) die vrystelling van 'n onderverdeling van die vereiste goedkeuring ingevolge hierdie verordening soos artikel 67(3) beoog;
- (t) enige ander aansoek waarvoor hierdie verordening voorsiening maak;
- (u) enige ander aansoek wat die Stadsbestuurder ingevolge hierdie verordening kan voorskryf.

#### **43 Bepalings wat op 'n aansoek betrekking het**

- (1) Tensy hierdie verordening anders bepaal, is 'n aansoek onderworpe aan –
  - (a) die algemene prosedures in hoofstuk 7;
  - (b) die spesiale bepalings in hoofstuk 6, in soverre dit van toepassing is; en
  - (c) enige ander toepaslike bepaling in hierdie verordening.
- (2) In geval van strydigheid tussen 'n spesiale bepaling in hoofstuk 6 en 'n ander bepaling van hierdie verordening, geld die spesiale bepaling bo die ander bepaling.

### **HOOFSTUK 6. SPESIALE BEPALINGS VIR SEKERE AANSOEKE** (art. 44-69)

#### **Deel 1 Hersonering, afwyking en vergunningsgebruik** (art. 44-47)

#### **44 Hersonering**

- (1) Onderworpe aan artikel 35(2) van die Wet op Grondgebruikbeplanning en hoofstuk 7 van hierdie verordening, kan die Stad op eie inisiatief grond hersoneer wat nie Stadseiendom is nie ten einde goedgekeurde raamwerke vir ruimtelike ontwikkeling en ander Stadsbeleide uit te voer.
- (2) Geen aansoek om goedkeuring van onderverdeling wat 'n verandering in die sonering van meer as een sone behels, mag oorweeg word nie, tensy die grond as onderverdelingsgebied gesoneer is of sal word.
- (3) Aansoeke om hersonering tot onderverdelingsgebied en om goedkeuring van onderverdeling mag nie gelyktydig oorweeg word nie.
- (4) Die Stad moet so gou prakties moontlik ná die hersonering van grond die soneringskaart en die soneringsregister wysig om die hersonering te weerspieël.

#### **45 Afwyking**

- (1) 'n Tydelike afwyking vir die gebruik van grond op 'n manier waarvoor die sonering van toepassing op die grond nie voorsiening maak nie, mag vir geen grondeenheid toegestaan word –
- (a) vir 'n tydperk van langer as vyf jaar nie;
  - (b) indien 'n ander tydelike afwyking in daardie stadium van krag is nie; of
  - (c) indien die tydelike afwyking 'n verbetering van grond insluit wat nie volgens die sonering van toepassing op die eiendom toegelaat word nie.
- (2) Indien 'n voorwaarde vir die goedkeuring van 'n tydelike afwyking verontagsaam of oortree word, kan die Stad die goedkeuring ingevolge artikel 127 terugtrek.

#### **46 Vergunningsgebruik**

'n Vergunningsgebruik kan vir 'n vasgestelde tydperk of permanent toegestaan word.

#### **47 Verstryking van hersonering, vergunningsgebruik of afwyking**

- (1) 'n Hersonering, buiten 'n hersonering tot onderverdelingsgebiedsonering, 'n vergunningsgebruik of permanente afwyking, wat ingevolge hierdie verordening goedgekeur is of as goedgekeur beskou word, verstryk vyf jaar na die intreedatum van die besluit –
- (a) waar die grond nie ooreenkomstig die goedkeuring gebruik word nie; of
  - (b) waar 'n verbetering van grond vereis word om die grond ooreenkomstig die goedkeuring te gebruik, dog regmatige aanvang van konstruksie nog nie plaasgevind het nie.
- (2) 'n Hersonering tot onderverdelingsgebied wat ingevolge hierdie verordening goedgekeur is of as goedgekeur beskou word, verstryk vyf jaar na die intreedatum van die besluit indien die aansoeker nie ooreenkomstig die goedgekeurde onderverdelingsgebiedsonering om goedkeuring van onderverdeling aansoek doen nie.
- (3) 'n Aansoeker kan ingevolge en onderworpe aan die vereistes van artikel 107 aansoek doen om 'n verlenging van die geldigheids tydperk wat in subartikel (1) en (2) beoog word.
- (4) In geval van 'n hersonering buiten 'n hersonering tot onderverdelingsgebied, 'n vergunningsgebruik of afwyking –
- (a) moet die Stad die eienaar voor die verstryking van die geldigheids tydperk of verlengde geldigheids tydperk skriftelik versoek om bewys te lewer dat die grond ooreenkomstig die goedkeuring gebruik word; en
  - (b) moet die eienaar die Stad binne die geldigheids tydperk of verlengde geldigheids tydperk skriftelik in kennis stel dat die grond ooreenkomstig die goedkeuring gebruik word, by gebreke waarvan die hersonering, vergunningsgebruik of afwyking as verstryk aanvaar sal word.
- (5) Indien 'n hersonering verstryk, sal die sonering van toepassing op die grond soos dit net voor die verlening van die goedkeuring op die soneringskaart verskyn het, weer geld.
- (6) Indien 'n hersonering, met inbegrip van 'n hersonering tot onderverdelingsgebied, 'n vergunningsgebruik of afwyking, verstryk, moet die Stad so gou prakties moontlik ná die verstryking die soneringskaart en die soneringsregister wysig om die verstryking te weerspieël.

### **Deel 2**

#### **Beperkende voorwaardes**

(art. 48-49)

#### **48 Opheffing, opskorting of wysiging van beperkende voorwaardes**

- (1) Onderworpe aan artikel 39 van die Wet op Grondgebruikbeplanning, kan die Stad op eie inisiatief of op aanvraag 'n beperkende voorwaarde met betrekking tot enige grondeenheid ophef, opskort of wysig.
- (2) 'n Aansoeker moet die volgende by die Stad indien –
- (a) 'n gewaarmerkte afskrif van die titelakte; en
  - (b) die verbandhouer se toestemming tot die aansoek, indien van toepassing.



- (3) Benewens die prosedures in hoofstuk 7, moet kennisgewing van die aansoek beteken word aan –
- (a) enige provinsiale of nasionale departement na wie die titelaktebeperking verwys;
  - (b) 'n persoon wie se regte of regmatige verwagtings wesenlik en nadelig deur die aansoek beïnvloed word;
  - (c) enige persoon na wie die titelakte verwys en ten gunste van wie die beperkende voorwaarde opgelê is; en
  - (d) die publiek of enige ander persoon indien die Stad dit sou vereis.
- (4) Wanneer die Stad die opheffing, opskorting of wysiging van 'n beperkende voorwaarde oorweeg, moet dit ag slaan op artikel 39(5) van die Wet op Grondgebruikbeplanning en artikel 47 van SPLUMA.
- (5) 'n Besluit om enige beperkende voorwaarde te wysig, op te skort of op te hef –
- (a) moet binne 30 dae na die intreedatum van die besluit by wyse van kennisgewing in die *Provinsiale Koerant* gepubliseer word;
  - (b) kan onvoorwaardelik wees óf onderworpe aan enige voorwaarde wat in die kennisgewing bepaal word;
  - (c) kan permanent wees óf vir 'n tydperk wat in die kennisgewing bepaal word; en
  - (d) verstryk nie.
- (6) Die Stad moet die registrateur van aktes in kennis stel van die goedkeuring van die aansoek wat in subartikel (5) beoog word en van 'n afskrif van die kennisgewing in die *Provinsiale Koerant* voorsien.

#### **49 Onderskrywings in verband met wysiging, opskorting of opheffing van beperkende voorwaardes of verpligtinge**

- (1) By kennisgewing van die goedkeuring van die aansoek in die *Provinsiale Koerant* soos wat artikel 48(5)(a) beoog, moet die eienaar vir die doeleindes van toepaslike inskrywings en onderskrywings die registrateur van aktes voorsien van –
- (a) die oorspronklike titelakte;
  - (b) die oorspronklike goedkeuringsbrief; en
  - (c) 'n afskrif van die kennisgewing in die *Provinsiale Koerant*.
- (2) Die betrokke registrateur van aktes moet so gou moontlik na die publikasie van die goedkeuring van die aansoek in die *Provinsiale Koerant* soos wat artikel 48(5)(a) beoog, alle nodige toepaslike inskrywings en onderskrywings aanbring in of op enige tersaaklike register, titelaktes, diagram of plan wat in sy kantoor is of by sy kantoor ingedien word, om die uitwerking van die kennisgewing te weerspieël, welke inskrywings en onderskrywings kosteloos sal wees.

### **Deel 3** **Konsolidasie** (art. 50–51)

#### **50 Konsolidasie**

- (1) Geen persoon mag 'n gebou of struktuur oprig wat weerskante van die grens tussen twee of meer aanliggende grondeenhede staan sonder die Stad se goedkeuring van die konsolidasie van die grondeenhede nie.
- (2) 'n Aansoeker wat die konsolidasie van grondeenhede vereis, moet –
- (a) die Stad se goedkeuring verkry (tensy die konsolidasie ingevolge artikel 67 daarvan vrygestel is);
  - (b) 'n diagram van die konsolidasie vir goedkeuring by die landmeter-generaal indien (wat die diagram ingevolge die Wet op Landmeting kan goedkeur slegs indien die Stad ingevolge hierdie verordening goedkeuring verleen het);
  - (c) ingevolge die Registrasie van Aktes Wet registrasie van die konsolidasie van die registrateur van aktes bekom ná die intreedatum van die besluit dog voordat die Stad se goedkeuring verstryk.

(3) Indien die Stad 'n konsolidasie goedkeur of 'n konsolidasie ingevolge artikel 67 van goedkeuring vrystel –

- (a) moet die aansoeker tesame met die indiening van 'n diagram vir goedkeuring by die landmeter-generaal, ook tot bevrediging van die landmeter-generaal bewys lewer van –
  - (i) die Stad se besluit om die konsolidasie goed te keur of die konsolidasie van goedkeuring vry te stel;
  - (ii) die Stad se goedkeuringsvoorwaardes, indien enige; en
  - (iii) die konsolidasieplan wat die Stad goedgekeur het;
- (b) moet die Stad –
  - (i) die soneringskaart en, waar van toepassing, die soneringsregister dienoreenkomstig wysig; en
  - (ii) die landmeter-generaal in kennis stel.

(4) Geen bouplan wat ingevolge artikel 7 van die Wet op Nasionale Bouregulasies en Boustandaarde met betrekking tot 'n gebou of struktuur wat subartikel (1) beoog, ingedien word, mag goedgekeur word voordat die konsolidasie geregistreer is of 'n aktebesorger skriftelike bewys lewer dat die konsolidasie vir registrasie by die registrateur van aktes ingedien is nie.

## **51 Verstryking van konsolidasie**

(1) Onderworpe aan subartikel (2), verstryk 'n goedgekeurde konsolidasie van grondeenhede indien die registrateur van aktes dit nie binne vyf jaar na die intreedatum van die besluit registreer nie.

(2) Indien 'n konsolidasie van grondeenhede as deel van 'n ander aansoek goedgekeur word, kan die Stad as 'n goedkeuringsvoorwaarde bepaal dat die aansoeker die registrasie van die konsolidasie binne die geldigheids tydperk van sodanige ander aansoek van die registrateur van aktes bekom, by gebreke waarvan die konsolidasie sal verstryk.

(3) Indien 'n goedkeuring van 'n konsolidasie verstryk –

- (a) moet die Stad –
  - (i) die soneringskaart en, waar toepaslik, die soneringsregister dienoreenkomstig wysig; en
  - (ii) die landmeter-generaal in kennis stel; en
- (b) moet die landmeter-generaal 'n aantekening maak op die rekords van die kantoor van die landmeter-generaal om te weerspieël dat die konsolidasie verstryk het.

## **Deel 4** **Onderverdeling** (art. 52-60)

## **52 Goedkeuring van onderverdeling**

(1) Geen grond mag sonder die goedkeuring van die Stad ingevolge hierdie verordening onderverdeel word nie, tensy die onderverdeling kragtens artikel 67 van goedkeuring vrygestel is.

(2) 'n Aansoek om goedkeuring van onderverdeling moet vergesel word van 'n onderverdelingsplan wat minstens –

- (a) die ligging van voorgestelde grondeenhede, openbare plekke en vereiste grond vir openbare doeleindes aandui; en
- (b) die voorgestelde sonerings met betrekking tot die voorgestelde grondeenhede toon.

(3) 'n Aansoeker kan om goedkeuring aansoek doen om 'n onderverdeling in fases in werking te stel.

(4) Indien die Stad die onderverdeling goedkeur, moet die Stad –

- (a) enige goedkeuringsvoorwaardes oplê wat die Stad as redelik beskou, soos wat artikel 100 beoog, wat voorwaardes met betrekking tot die voorsiening van ingenieursdienste moet insluit;

- (b) in die geval van 'n gefaseerde onderverdeling –
    - (i) besonderhede van die fasering van die onderverdeling by die goedkeuringsvoorwaardes insluit; en
    - (ii) die eienaar versoek om 'n afsonderlike algemene plan vir elke fase by die landmeter-generaal in te dien; en
  - (c) 'n onderverdelingsplan onderskryf wat met die goedgekeurde onderverdeling moet strook.
- (5) Grond wat op die inwerkingtredingsdatum van die Ordonnansie op Dorpe, 1934 (Ordonnansie 33 van 1934) as 'n dorp uitgelê was of deur middel van 'n werklike opmeting in grondeenhede en openbare plekke onderverdeel was en waarvan die plan in die kantoor van die betrokke landmeter-generaal geregistreer is, word vir die doeleindes van hierdie verordening as 'n bevestigde onderverdeling beskou, buiten in soverre enige gedeelte daarvan of enige grondeenheid daarin verder onderverdeel of uitgelê word.

### **53 Goedkeuring van algemene plan of diagram deur landmeter-generaal**

- (1) Indien die Stad 'n onderverdeling goedkeur en 'n onderverdelingsplan onderskryf, moet die aansoeker die algemene plan of diagram vir goedkeuring by die landmeter-generaal indien, met inbegrip van bewyslewering tot die bevrediging van die landmeter-generaal van –
- (a) die besluit om die onderverdeling goed te keur of 'n aanduiding op die onderverdelingsplan (wat in artikel 67(4) beoog word) dat die onderverdeling van die goedkeuringsvereiste vrygestel is;
  - (b) die onderskrewe onderverdelingsplan; en
  - (c) die goedkeuringsvoorwaardes wat in artikel 52(4)(a) en 52(4)(b) beoog word.
- (2) Indien die Stad 'n gefaseerde onderverdeling goedkeur, moet die aansoeker vir elke fase 'n algemene plan of diagram vir goedkeuring by die landmeter-generaal indien.

### **54 Oordrag van grondeenheid wat uit goedgekeurde onderverdeling spruit**

- (1) Geen persoon mag oordrag neem van 'n grondeenheid wat uit 'n goedgekeurde onderverdeling of die tersaaklike fase daarvan spruit nie, tensy –
- (a) die landmeter-generaal ingevolge artikel 53 goedkeuring verleen het;
  - (b) die ingenieursdienste wat volgens die goedkeuringsvoorwaardes ingevolge artikel 52(4) en enige ander toepaslike wetgewing met betrekking tot die gebied of die tersaaklike fase van die goedgekeurde algemene plan of diagram vereis word, ten volle geïnstalleer is;
  - (c) daar voldoen is aan alle ander onderverdelingsvoorwaardes, of voorwaardes met betrekking tot die tersaaklike fase van die goedgekeurde algemene plan of diagram, en alle voorwaardes vir die oordrag van die grondeenheid; en
  - (d) waar 'n eienaarsvereniging vereis word,
    - (i) die Stad die grondwet van die vereniging (soos wat in artikel 62(2) beoog word) gesertifiseer het;
    - (ii) die vereniging by die oordrag van die eerste grondeenheid (soos wat in artikel 61(5) beoog word) tot stand gekom het of sal kom; en
    - (iii) alle grond wat ingevolge die goedkeuringsvoorwaardes aangewys is vir oordrag aan die eienaarsvereniging, met inbegrip van privaat paaie en privaat oop ruimtes wat uit die onderverdeling of tersaaklike fase spruit, sonder vergoeding aan die vereniging oorgedra is of met die oordrag van die eerste grondeenheid oorgedra sal word.
- (2) Geen persoon mag oordrag neem van 'n grondeenheid wat uit 'n goedgekeurde onderverdeling spruit tensy die Stadsbestuurder 'n oordragertifikaat uitreik wat in artikel 137 beoog word nie.
- (3) Waar 'n eienaarsvereniging vereis word, sal 'n aansoeker skuldig wees aan 'n oortreding indien die eerste grondeenheid wat uit 'n onderverdeling of tersaaklike fase spruit, oorgedra word sonder dat alle gemeenskaplike eiendom, met inbegrip van privaat paaie en privaat oop ruimtes wat uit daardie onderverdeling spruit, aan die eienaarsvereniging oorgedra word, en sal sodanige

aansoeker by skuldigbevinding strafbaar wees met die strawwe wat in artikel 133(2) en 133(3) beoog word.

## **55 Bevestiging van onderverdeling**

- (1) Binne 'n tydperk van vyf jaar na die intreedatum van die besluit moet die aansoeker met betrekking tot die goedgekeurde algemene plan of diagram –
  - (a) aan al die vereistes in artikel 54(1) voldoen; en
  - (b) registrasie van die oordrag van minstens een grondeenheid ingevolge die Registrasie van Aktes Wet bekom.
- (2) By voldoening aan subartikel (1) word die onderverdeling of gefaseerde deel daarvan bevestig.
- (3) By bevestiging van 'n onderverdeling of deel daarvan –
  - (a) kan die onderverdeling of deel daarvan nie verstryk nie;
  - (b) is die sonerings wat op die goedgekeurde onderverdelingsplan aangedui word, die sonerings van toepassing op die grondeenhede wat uit die onderverdeling of deel daarvan spruit;
  - (c) kan die sonerings wat in paragraaf (b) beoog word, nie verstryk nie; en
  - (d) moet die Stad so gou prakties moontlik die soneringskaart en soneringsregister wysig.
- (4) Geen gebou of struktuur mag opgerig word op 'n grondeenheid wat deel uitmaak van 'n goedgekeurde onderverdeling nie, tensy –
  - (a) die onderverdeling of tersaaklike gefaseerde deel daarvan bevestig word; of
  - (b) die Stad die oprigting goedkeur voordat die onderverdeling of gefaseerde deel daarvan bevestig word.

## **56 Verstryking van onderverdeling en verlenging van geldigheidstydperke**

- (1) 'n Goedkeuring van 'n onderverdeling of van 'n gefaseerde deel daarvan verstryk indien daar nie aan die vereistes van artikel 55(1) voldoen word nie.
- (2) Indien slegs 'n gedeelte van die algemene plan aan artikel 54(1)(b) en 54(1)(c) voldoen, verstryk die goedkeuring van die onderverdeling of gefaseerde deel.
- (3) 'n Aansoeker kan ingevolge en onderworpe aan die vereistes van artikel 107 om 'n verlenging van die tydperk aansoek doen ten einde aan artikel 55(1) te voldoen.
- (4) Indien 'n goedkeuring van 'n onderverdeling of 'n gefaseerde deel daarvan verstryk –
  - (a) sal die sonering van toepassing op die grond voordat die goedkeuring van die hersonering na onderverdelingsgebied toegestaan is, weer geld;
  - (b) moet die Stad –
    - (i) die soneringskaart en, waar van toepassing, die soneringsregister dienoreenkomstig wysig; en
    - (ii) die landmeter-generaal dienoreenkomstig in kennis stel;
  - (c) moet die landmeter-generaal 'n aantekening maak op die rekords van die kantoor van die landmeter-generaal om die verstryking te weerspieël.

## **57 Grond vir openbare plekke en ander gebruike**

- (1) Wanneer die Stad 'n aansoek om onderverdeling goedkeur, kan die aansoeker versoek word om grond vir openbare plekke, gemeenskapsfasiliteite en ingenieursdienste te voorsien.
- (2) Die grootte van die grond wat vir openbare plekke vereis word, word vasgestel ooreenkomstig die normale behoefte wat uit die onderverdeling spruit of in ooreenstemming met 'n aanvaarde beleid van die Stad.
- (3) Die grond wat vir parke of openbare oop ruimtes vereis word, moet voorsien word binne die betrokke grondgebied waarop die aansoek betrekking het, of kan met die Stad se toestemming elders in die munisipale gebied voorsien word.
- (4) Waar die aansoek sonder die vereiste voorsiening van grond vir parke of openbare oop ruimte goedgekeur word, kan die aansoeker versoek word om in plaas van die voorsiening van grond, 'n monetêre bedrag vir daardie doel aan die Stad te betaal.

## **58 Eienaarskap van openbare plekke en grond wat vir munisipale ingenieursdienste en gemeenskapsfasiliteite vereis word**

(1) By die bevestiging van 'n onderverdeling of 'n gefaseerde deel daarvan setel die eienaarskap van alle grond wat op die goedgekeurde onderverdelingsplan as 'n openbare plek aangewys is in die Stad.

(2) Alle grond waarvan eienaarskap ingevolge subartikel (1) in die Stad setel, moet binne 'n tydperk van ses maande na die bevestiging van die onderverdeling of die gefaseerde deel daarvan op die aansoeker se onkoste in die naam van die Stad geregistreer word.

(3) Ingevolge die voorwaardes wat ingevolge artikel 100 opgelê word, kan die Stad bepaal dat grond wat op 'n goedgekeurde onderverdelingsplan vir die voorsiening van munisipale ingenieursdienste en, waar van toepassing, gemeenskapsfasiliteite aangewys is, by die bevestiging van die onderverdeling of 'n deel daarvan aan die Stad oorgedra word.

(4) Artikel 31 van die Registrasie van Aktes Wet is van toepassing op die oordrag van die grond aan die Stad.

(5) Indien die Stad die voorsiening van die openbare plek beskou as 'n normale behoefte wat uit die onderverdeling spruit of as noodsaaklik vir interne ingenieursdienste, is die Stad nie aanspreeklik vir vergoeding vir die grond waarna subartikel (1) verwys nie.

(6) 'n Persoon wat versuim om aan subartikel (2) te voldoen, is skuldig aan 'n oortreding en is by skuldigbevinding strafbaar met die strawwe wat in artikel 133(2) en 133(3) beoog word.

## **59 Serwituut met betrekking tot dienste wat uit onderverdeling spruit**

Ná die bevestiging van 'n onderverdeling moet die eienaar van enige grondeenheid wat uit die onderverdeling spruit –

- (a) sonder vergoeding toelaat dat enige diens met betrekking tot die goedkeuring van die onderverdeling oor die grondeenheid gekarwei of op die grondeenheid geïnstalleer word op die wyse en plek wat die Stad of staatsorgane van tyd tot tyd redelikerwys vereis. Die dienste sluit in –
  - (i) hoofgasleidings;
  - (ii) elektrisiteitsinfrastruktuur;
  - (iii) telefoonkabels;
  - (iv) televisiekabels;
  - (v) internetkabels;
  - (vi) ander elektroniese infrastruktuur;
  - (vii) hoof- en ander waterpype;
  - (viii) rioolpype;
  - (ix) stormwaterpype;
  - (x) slote en kanale; en
  - (xi) oppervlakinstallasies soos minisubstasies, meterkioske en dienspilare;
- (b) op enige redelike tyd toegang verleen tot die werke op die grondeenheid wat in paragraaf (a) beoog word, onder meer vir die doel van die oprigting, wysiging, herstel, instandhouding, verwydering of inspeksie daarvan; en
- (c) sodanige materiaal ontvang of sodanige uitgraving op die grondeenheid toelaat as wat vereis kan word om die gebruik van die volle breedte van 'n aangrensende straat moontlik te maak en die wal daarvan van sodanige veilige en behoorlike helling te voorsien as wat nodig kan wees weens verskille tussen die uiteindelijke vlak van die straat ná konstruksie en die vlak van die grondeenheid, tensy die eienaar kies om keermure te bou tot die bevrediging van die Stad en binne 'n tydperk wat die Stad bepaal.

## **60 Wysiging of herroeping van onderverdelingsplan**

(1) Die Stad kan 'n aansoek goedkeur om die wysiging, herroeping of gedeeltelike herroeping van 'n goedgekeurde onderverdelingsplan, diagram of algemene plan in verband met –

- (a) 'n onderverdeling wat nog nie bevestig is nie; of

- (b) 'n bevestigde onderverdeling met betrekking tot grondeenhede wat op die algemene plan aangetoon word en waarvoor geen oordrag nog ingevolge die Registrasie van Aktes Wet geregistreer is nie.
- (2) Voordat 'n aansoek met betrekking tot 'n bevestigde onderverdeling goedgekeur word, moet enige geaffekteerde openbare plek wat op 'n plan of diagram of algemene plan aangedui word, ingevolge die toepaslike wetgewing gesluit word.
- (3) By die goedkeuring van 'n aansoek wat in hierdie artikel beoog word –
  - (a) moet die aansoeker die gewysigde of herroepe plan of diagram by die landmeter-generaal indien om die wysiging of herroeping uit te voer;
  - (b) is die aansoeker aanspreeklik vir enige uitgawes wat uit die wysiging of herroeping spruit wat die Stad aangaan met betrekking tot grond wat opnuut oorgedra moet word of opnuut terugval aan die eienaar van die restant van die grond;
  - (c) moet enige openbare plek wat ná die bevestiging van die onderverdeling of deel daarvan gesluit word, 'n veronderstelde sonering ontvang of tot 'n gepaste sonering hersoneer word; en
  - (d) moet die Stad die soneringskaart en soneringsregister dienoreenkomstig wysig.

**Deel 5**  
**Eienaarsvereniging**  
(art. 61-63)

**61 Totstandbrenging en funksionering van 'n eienaarsvereniging**

- (1) Wanneer die Stad 'n aansoek om onderverdeling goedkeur, kan die Stad die aansoeker versoek om 'n eienaarsvereniging tot stand te bring vir 'n gebied wat in die goedkeuringsvoorwaardes bepaal word.
- (2) Die vereiste kan slegs opgelê word indien die aansoeker tot bevrediging van die Stad bewys dat die eienaarsvereniging waarskynlik oor die finansiële hulpbronne sal beskik om die privaat oop ruimtes, privaat paaie en ander interne ingenieursdienste en geriewe wat uit die onderverdeling spruit, in stand te hou.
- (3) Die eienaars van die grondeenhede wat uit die onderverdeling spruit, word lede van die eienaarsvereniging sodra hulle oordrag van die grondeenheid neem, en kan nie uit die eienaarsvereniging bedank nie.
- (4) Geen persoon mag by die registrateur van aktes aansoek doen om die registrasie van 'n grondeenheid wat uit die onderverdeling spruit, en die registrateur van aktes mag nie sodanige registrasie verleen, sonder die toestemming van die eienaarsvereniging nie, welke toestemming nie onbillik weerhou mag word nie.
- (5) 'n Eienaarsvereniging –
  - (a) ontstaan by die oordrag van die eerste grondeenheid wat uit die onderverdeling of deel daarvan spruit;
  - (b) is 'n regspersoon, het ewigdurende opvolging en kan dagvaar en gedagvaar word;
  - (c) se lede is alle eienaars van grondeenhede in die gebied van die vereniging, wat gesamentlik aanspreeklik sal wees vir die uitgawes wat in verband met die vereniging aangegaan word; en
  - (d) moet uitgawes wat in verband met die vereniging aangegaan word, van sy lede verhaal.
- (6) Die aansoeker om goedkeuring van onderverdeling moet die eerste vergadering van die eienaarsvereniging belê binne 60 dae na die oordrag van 60% van die grondeenhede wat uit die onderverdeling spruit, of binne twee jaar na die oordrag van die eerste grondeenheid, wat ook al eerste plaasvind.
- (7) 'n Aansoeker wat versuim om aan subartikel (6) te voldoen, is skuldig aan 'n oortreding en by skuldigbevinding strafbaar met die strawwe wat in artikel 133(2) en 133(3) beoog word.
- (8) Lede van 'n eienaarsvereniging moet die trustees van die vereniging by die eerste vergadering van die vereniging kies.



(9) Die aansoeker om goedkeuring van onderverdeling moet binne 60 dae na die eerste vergadering die Stad in kennis stel dat die vergadering plaasgevind het en die Stad van 'n afskrif van die notule van die vergadering voorsien.

(10) 'n Huiseienaarsvereniging wat ingevolge 'n vorige beplanningswet tot stand gebring is en by die inwerkingtreding van hierdie verordening bestaan, word beskou as 'n eienaarsvereniging wat ingevolge hierdie verordening tot stand gebring is.

## **62 Grondwet van 'n eienaarsvereniging**

(1) 'n Eienaarsvereniging moet oor 'n grondwet beskik wat –

(a) minstens voorsiening maak vir –

- (i) optrede deur die vereniging ooreenkomstig die gesamentlike onderlinge belang van sy lede;
- (ii) die beheer, administrasie en bestuur van privaat oop ruimte, privaat strate en ander dienste en geriewe wat spruit uit die onderverdeling en geboue op grond onder die vereniging se beheer, tot voordeel van alle lede;
- (iii) die vereniging se eienaarskap van privaat oop ruimte, privaat strate en interne ingenieursdienste wat uit die betrokke onderverdeling spruit;
- (iv) die plig om sekere voorwaardes vir die goedkeuring van onderverdelings of die bepalings van die bestuursplanne wat in die voorwaardes gelys word, af te dwing;
- (v) die aangeleenthede in subartikel 61(5);
- (vi) waar van toepassing, enige verdere ontwikkeling wat moet deel uitmaak van die vereniging, sowel as die prosedures vir die insluiting van die ontwikkeling;
- (vii) die reëling van minstens een jaarlikse vergadering van sy lede;
- (viii) die verbod op die oordrag van 'n grondeenheid wat uit die onderverdeling spruit, tensy die vereniging se toestemming bekom is, sowel as die gronde waarop sodanige toestemming geweier kan word;
- (ix) reëlins vir die oordrag van 'n grondeenheid in geval die vereniging ophou funksioneer; en
- (x) die inwerkingstelling en afdwinging van die bepalings van subparagraaf (i) tot (viii) deur die vereniging;

(b) ook kan voorsiening maak vir –

- (i) die beheer, administrasie en bestuur van ontwerpriglyne vir geboue en landskapontwerp op grondeenhede wat uit die onderverdeling spruit, mits daardie ontwerpriglyne nie meer beperkende ontwikkelingsreëls of grondgebruik neerlê as dié waarvoor die ontwikkelingsbestuurskema voorsiening maak nie;
- (ii) finansiële boetes vir 'n lid wat in gebreke bly om aan 'n bepaling van die grondwet te voldoen; en
- (iii) enige ander saak wat die vereniging bepaal en wat nie in stryd met hierdie verordening of enige ander wet is nie.

(2) Die Stad moet sertifiseer dat die grondwet van 'n eienaarsvereniging aan subartikel (1)(a) voldoen.

(3) Die grondwet van 'n eienaarsvereniging wat deur die Stad gesertifiseer is, word as die grondwet van die eienaarsvereniging beskou en tree in werking by die oordrag van die eerste grondeenheid wat uit die onderverdeling spruit.

(4) Die grondwet van 'n eienaarsvereniging kan ooreenkomstig die bepalings van die grondwet gewysig word, mits 'n wysiging rakende 'n aangeleentheid in subartikel (1)(a) eers in werking tree nadat die Stad dit gesertifiseer het.

(5) Die grondwet van 'n eienaarsvereniging en enige wysiging daarvan moet by die Stad ingedien word. Daar sal aanvaar word dat die jongste afskrif wat na behore by die Stad ingedien is en wat die Stad ingevolge subartikel (2) of (4) gesertifiseer het, die geldende bepalings van die grondwet bevat.

(6) Die Stad word gevrywaar van enige aanspreeklikheid vir skade wat uit sy sertifisering van 'n grondwet van 'n eienaarsvereniging of 'n wysiging daarvan, of deur die verlies van 'n grondwet wat by die Stad ingedien is, kan ontstaan.

(7) Die eienaarsvereniging moet die bepalings van sy grondwet afdwing.

### **63 Eienaarsvereniging wat versuim om 'n verpligting na te kom of ophou funksioneer**

(1) Indien 'n eienaarsvereniging versuim om 'n verpligting ingevolge artikel 61(5)(d) of artikel 62(1)(a)(ii) na te kom en die Stad glo dat die gemeenskap deur sodanige versuim benadeel word, kan die Stad toepaslike stappe doen om die versuim reg te stel.

(2) Die Stad kan enige uitgawes met betrekking tot die stappe wat in subartikel (1) beoog word, van die eienaarsvereniging of sy lede verhaal, wat gesamentlik aanspreeklik sal wees.

(3) Die bedrag van enige uitgawe wat op dié manier verhaal word, word beskou as 'n uitgawe wat in verband met die eienaarsvereniging aangegaan is vir die doeleindes van artikel 61(5)(d).

(4) Indien 'n eienaarsvereniging ophou om doeltreffend te funksioneer of sy verpligtinge na te kom, kan die Stad 'n bindende opdrag aan die vereniging gee om –

- (a) 'n vergadering te hou en sigself opnuut saam te stel; of
- (b) sigself te ontbind, onderworpe aan die wysiging van die goedkeuringsvoorwaardes met betrekking tot die verpligting om 'n eienaarsvereniging tot stand te bring en die opheffing van tersaaklike bepalings in die titelakte.

(5) Wanneer die Stad optrede ingevolge subartikel (4)(a) of (4)(b) oorweeg, moet dit ag slaan op –

- (a) die doel van die vereniging;
- (b) wie die instandhouding van interne ingenieurs- en enige ander dienste waarvoor die vereniging dalk verantwoordelik is, sal oorneem;
- (c) die koste om die interne ingenieursdienste en ander infrastruktuur op te knap indien die Stad die infrastruktuur moet oorneem;
- (d) die impak van die ontbinding van die vereniging op sy lede en die gemeenskap;
- (e) enige skriftelike vertoë deur die vereniging en sy lede.

(6) Indien die vereniging ontbind word, moet die lede gesamentlik die koste betaal om –

- (a) die vereniging se eiendom waarop die interne ingenieursdienste en privaat oop ruimte geleë is, aan die Stad oor te dra;
- (b) die interne ingenieursdienste tot die Stad se standarde op te knap.

(7) Ingeval die eienaarsvereniging ophou funksioneer en sy grondwet nie voorsiening maak vir 'n eienaar wat in so 'n geval 'n grondeenheid wil oordra nie, moet die eienaar die toestemming van minstens 60% van die lede van die vereniging bekom, welke toestemming as die toestemming van die eienaarsvereniging beskou sal word, tensy die vereniging vir 'n ander prosedure voorsiening maak.

## **Deel 6** **Ingenieursdienste** (art. 64-66)

### **64 Woordomskrywing vir hierdie afdeling**

In hierdie afdeling, tensy die samehang anders aandui, beteken –

**'eksterne ingenieursdiens'** 'n munisipale ingenieursdiens buite die grense van 'n grondgebied wat vereis word om die gebruik en ontwikkeling van die grondgebied te ondersteun, en wat hetsy 'n massa-ingenieursdiens of 'n verbindingsingenieursdiens is;

**'interne ingenieursdiens'** 'n ingenieursdiens binne die grense van 'n grondgebied wat vereis word om die gebruik en ontwikkeling van die grondgebied te ondersteun, en wat deur die Stad of 'n diensverskaffer of 'n eienaarsvereniging besit en bedryf moet word en 'n massa-ingenieursdiens of 'n verbindingsingenieursdiens kan insluit; en

**'massa-ingenieursdiens'** 'n ingenieursdiens wat vereis word om 'n ingenieursdiens aan etlike verskillende gebruikers in die munisipale gebied te voorsien, wat insluit die vereiste grond vir die massa-ingenieursdiens;

**‘verbindingsingenieursdiens’** ’n ingenieursdiens wat vereis word om ’n ingenieursdiens binne die grense van ’n grondgebied aan ’n massaingenieursdiens te verbind, wat insluit die vereiste grond vir die verbindingsingenieursdiens.

## **65 Verantwoordelikheid vir ingenieursdienste**

- (1) Die Stad is verantwoordelik vir die –
  - (a) voorsiening van ’n eksterne ingenieursdiens; en
  - (b) installering van ’n massa-ingenieursdiens indien dit op die aangewese tydstip volgens die Stad se diensmeesterplanne en kapitaalebegroting geskied.
- (2) ’n Aansoeker is verantwoordelik vir die –
  - (a) voorsiening en installering van ’n interne ingenieursdiens;
  - (b) installering van ’n verbindingsingenieursdiens, tensy ’n ander skriftelike ooreenkoms met die Stad bereik word; en
  - (c) installering van ’n massa-ingenieursdiens indien die grondontwikkeling die installering van die massa-ingenieursdiens op ’n ander wyse of tydstip as ooreenkomstig die tersaaklike diensmeesterplan of kapitaalebegroting van die Stad vereis, en indien die Stad in die goedkeuringsvoorwaardes van die aansoeker vereis om die installering te onderneem.
- (3) Indien dit nodig is om die funksionaliteit van die Stad se langtermynplanne te handhaaf, kan die Stad ’n aansoeker versoek om by die installering van ’n massa- of verbindingsingenieursdiens ’n diens te installeer met ’n groter vermoë as wat vir die grondontwikkeling vereis word.
- (4) Onderworpe aan subartikel (5), moet die Stad die aansoeker se billike en redelike koste vir die installering van die volgende op die Stad se versoek, van die aansoeker se ontwikkelingsheffingaanspreeklikheid aftrek –
  - (a) die gedeelte van ’n verbindingsingenieursdiens wat die vereiste diensvermoë vir die grondontwikkeling oorskry; en
  - (b) ’n massa-ingenieursdiens.
- (5) ’n Aansoeker is aanspreeklik vir die volle koste vir die installering van alle massa-ingenieursdienste en verbindingsingenieursdienste om die vereiste diensvermoë vir die grondontwikkeling te voorsien, selfs al oorskry die koste die totale ontwikkelingsheffings vir alle fases van die ontwikkeling.
- (6) Indien die Stad nie self ’n massa- of verbindingsingenieursdiens voorsien nie, moet die aansoeker die Stad tevrede stel dat voldoende reëlins vir die verskaffing van daardie diens met die tersaaklike diensverskaffer of regeringsfeer getref is.
- (7) ’n Aansoeker moet seker maak dat die ontwerp van ’n massa-ingenieursdiens of verbindingsingenieursdiens wat deur die aansoeker geïnstalleer moet word –
  - (a) aan die Stad se riglyne, ontwerphandleidings, ingenieurspraktyke en goedgekeurde beleide voldoen;
  - (b) aan die Stad se vereiste standaarde en vermoëvereistes voldoen; en
  - (c) skriftelik deur die Stad goedgekeur word voordat die ingenieursdiens geïnstalleer word.
- (8) Indien die Stad van die aansoeker verwag om ’n massa- of verbindingsingenieursdiens te installeer, mag die aansoeker nie met die installering begin voordat die aansoeker ’n ingenieursdiensteooreenkoms met die Stad aangegaan het nie.
- (9) Die oprigting en installering van ingenieursdienste moet strook met die planne en spesifikasies wat die aansoeker vir die ontwikkeling of vir elke fase van die ontwikkeling by die Stad ingedien het, sowel as met die ingenieursdiensteooreenkoms, waar van toepassing.
- (10) ’n Aansoeker kan interne ingenieursdienste en eksterne ingenieursdienste in fases installeer, mits –
  - (a) sodanige fasering as ’n goedkeuringsvoorwaarde gestel word; en
  - (b) die installering ooreenkomstig ’n goedgekeurde faseringsplan plaasvind.
- (11) Die Stad kan vrystelling van die installering van ingenieursdienste verleen ooreenkomstig ’n goedgekeurde beleid van die munisipale raad of toepaslike wetgewing.

## 66 Ontwikkelingsheffing

- (1) Die aansoeker moet 'n ontwikkelingsheffing aan die Stad betaal met betrekking tot die voorsiening en installering van massa-ingenieursdienste ooreenkomstig 'n aanvaarde beleid van die Stad.
- (2) Die Stad kan vrystelling van of korting op die betaling van ontwikkelingsheffings verleen ooreenkomstig 'n goedgekeurde beleid van die munisipale raad of toepaslike wetgewing.
- (3) Die ontwikkelingsheffing is onderworpe aan jaarlikse eskalasie, soos wat die goedgekeurde beleid bepaal.

### Deel 7

#### ***Vrystelling van die goedkeuringsvereiste vir sekere onderverdelings en konsolidasies*** (s 67)

## 67 Vrystelling van die goedkeuringsvereiste vir sekere onderverdelings en konsolidasies

- (1) Onderworpe aan subartikel (5), vereis die onderverdeling of konsolidasie van grondeenhede nie goedkeuring ingevolge hierdie verordening nie indien dit spruit uit –
  - (a) die toepassing van 'n hofbevel;
  - (b) 'n onteiening;
  - (c) 'n wysiging van die gemeenskaplike grens tussen twee of meer grondeenhede indien die gevolglike verandering in oppervlakte van enige van die grondeenhede nie 10% oorskry nie;
  - (d) die opmeting van afgeslote strate of openbare oop ruimtes om dit met 'n aangrensende grondeenheid te konsolideer;
  - (e) die konstruksie of verbouing van 'n openbare pad of openbare straat;
  - (f) die behoefte om grondeenhede vir munisipale of regeringsdoeleindes ingevolge die Registrasie van Aktes Wet aan die Stad of 'n staatsorgaan oor te dra;
  - (g) die registrasie van 'n serwituut of huurooreenkoms vir die voorsiening of oprigting van –
    - (i) 'n ingenieursdiens of ander diens wat deur of namens die staat of 'n diensverskaffer voorsien word, met inbegrip van kommunikasie-infrastruktuur en pyleidings;
    - (ii) 'n oorskryding op 'n padreserwe; of
    - (iii) 'n munisipale ingenieursdiens; of
  - (h) 'n bestaande staats- of Stadsbehuisingskema ten einde eienaarskap van individuele grondeenhede moontlik te maak.
- (2) Onderworpe aan subartikel (5), mag die Stad by wyse van kennisgewing in die *Provinsiale Koerant* enige ander soort onderverdelingsaansoek van die goedkeuringsvereiste ingevolge hierdie verordening vrystel, mits die vrystelling geen nadelige uitwerking op die regte of regmatige verwagtinge van enige persoon het nie.
- (3) Onderworpe aan subartikel (4), mag die Stad op aanvraag en in uitsonderlike omstandighede 'n onderverdeling van die goedkeuringsvereiste ingevolge hierdie verordening vrystel, mits die vrystelling geen nadelige uitwerking op die regte of regmatige verwagtinge van enige persoon het nie.
- (4) Die Stad moet op die onderverdelingsplan aanteken dat 'n onderverdeling vrygestel is van die goedkeuringsvereiste ingevolge hierdie verordening.
- (5) Die vrystellings in subartikel (1) en die vrystellingsbevoegdheid in subartikel (2) is nie van toepassing nie –
  - (a) indien 'n hersonering of enige ander grondgebruikgoedkeuring ingevolge hierdie verordening vereis word;
  - (b) waar ingenieursdienste verskuif of voorsien moet word; of
  - (c) indien die onderverdeling vereis word om individuele grondeenhede vir nuwe behuising te skep.

**Deel 8**  
**Noodbehuising en dringende behuising**  
(art. 68-69)

**68 Noodbehuising**

- (1) In hierdie artikel, tensy uit die samehang anders blyk, beteken '**noodbehuising**' tydelike behuising wat vereis word vir huishoudings wie se huise onbewoonbaar is as gevolg van 'n ramptoestand vanweë reën, 'n oorstroming, wind, 'n brand, aardbewing, ongeluk of ander omstandighede van 'n voldoende aard en skaal om wydverspreide haweloosheid tot gevolg te hê, en waar die skade aan of bedreiging van die huise nie sonder tydelike hervestiging reggestel kan word nie en die huishouding nie gedurende die regstelling op dieselfde terrein hervestig kan word nie.
- (2) Indien die Stad 'n behoefte aan die skep van noodbehuising uitwys op grond wat nie vir dié doel gesoneer is nie, kan die Stad goedkeuring verleen vir die aanvang van 'n proses om die grond as 'n noodbehuisingsterrein te verklaar.
- (3) Die Stad kan slegs goedkeuring verleen vir die aanvang van 'n proses om die grond as 'n noodbehuisingsterrein te verklaar indien dit tevrede is dat basiese water- en sanitasiedienste aan die terrein voorsien kan word, en met die toestemming van die eienaar van die grond indien die Stad nie die grond besit nie.
- (4) Die Stad moet sy voorneme om 'n noodbehuisingsterrein te skep, ooreenkomstig die vereistes van die Wet op Munisipale Stelsels en enige toepaslike Stadsbeleid adverteer.
- (5) Die kennisgewing moet minstens die volgende inligting bevat –
- (a) 'n beskrywing van die grond en die straatadres van die grond;
  - (b) die rede waarom die grond as noodbehuisingsterrein verklaar moet word;
  - (c) dat die Stad voornemens is om die sonering van toepassing op die grond vir 'n tydperk van 90 dae op te skort sodat die grond vir noodbehuising gebruik kan word, wat andersins in stryd met die ontwikkelingsbestuurskema sou wees;
  - (d) inligting oor waar en wanneer besonderhede van die aangeleentheid ter insae sal lê;
  - (e) 'n uitnodiging aan lede van die publiek om skriftelike kommentaar of besware met redes by die Stad in te dien;
  - (f) besonderhede van die prosedure waarvolgens en die datum waarteen persone skriftelike kommentaar kan indien (wat minstens 10 dae na die publikasie van die kennisgewing moet wees);
  - (g) 'n verklaring dat geen laat kommentaar of besware in aanmerking geneem sal word nie; en
  - (h) 'n verklaring dat enige persoon wat nie kan skryf nie, in kantoortyd na 'n bepaalde plek kan gaan, waar 'n gemagtigde amptenaar daardie persoon sy/haar kommentaar of besware en redes sal help transkribeer.
- (6) In soverre dit nodig is, moet die Stad die provinsiale minister ingevolge artikel 60(2) van die Wet op Grondgebruikbeplanning vir magtiging vra om van die bepalings van daardie wet te verskil.
- (7) Nadat die Stad enige kommentaar wat betyds ontvang is, oorweeg het, kan dit die grond as noodbehuisingsterrein verklaar en die sonering van toepassing op die grond vir 'n tydperk van tot 90 dae opskort sodat die grond vir noodbehuising gebruik kan word.
- (8) 'n Verklaring wat in subartikel (7) beoog word –
- (a) moet binne 48 uur deur die Stad in die *Provinsiale Koerant* gepubliseer word;
  - (b) beteken dat daar veronderstel sal word dat die gebruik van die grond vir noodbehuising met hierdie verordening strook; en
  - (c) onthef geen persoon wat grond vir noodbehuising gebruik van die verantwoordelikheid om aan alle ander toepaslike wette te voldoen nie.
- (9) Nadat 'n proses in pas met die bepalings van hierdie artikel gevolg is, kan die Stad die verklaring wat in subartikel (7) beoog word, met 'n verdere tydperk van hoogstens 90 dae verleng.

## **69 Dringende behuising**

- (1) Onderworpe aan subartikel (2), kan die Stad 'n aansoek om die totstandbrenging van behuising as 'n aansoek om dringende behuising verklaar.
- (2) Die Stad kan 'n aansoek slegs as 'n aansoek om dringende behuising verklaar indien –
  - (a) die aansoek met staatsgesubsidieerde behuising verband hou; en
  - (b) die betrokke grond –
    - (i) ingevolge die geïntegreerde ontwikkelingsplan, die munisipale raamwerk vir ruimtelike ontwikkeling, 'n distriksraamwerk vir ruimtelike ontwikkeling of 'n plaaslike raamwerk vir ruimtelike ontwikkeling vir staatsgesubsidieerde behuising aangewys is; of
    - (ii) onderworpe is aan 'n erkende groot vraag na staatsgesubsidieerde behuising en 'n klein aanbod van behuisingsgeleenthede.
- (3) In soverre dit nodig is, kan die Stad die aansoeker van 'n prosedurevereiste vrystel of 'n tydperk waarvoor hierdie verordening voorsiening maak, verkort, mits die prosedure steeds aan die bepalings van tersaaklike wetgewing rakende advertering voldoen.
- (4) In soverre dit nodig is, moet die Stad ingevolge artikel 60(1) van die Wet op Grondgebruikbeplanning van die provinsiale minister magtiging bekom om in die verwerking van 'n aansoek om dringende behuising, van die bepalings van daardie wet te verskil.

## **HOOFSTUK 7. ALGEMENE PROSEDURES VIR ALLE AANSOEKE** (art. 70-113)

### **Deel 1 Die aansoekproses** (art. 70-78)

## **70 Vooraansoekkonsultasie**

- (1) Die Stad kan van 'n aansoeker verwag om met 'n gemagtigde amptenaar te konsulteer voordat die aansoeker 'n aansoek ingevolge hierdie verordening indien, om onder meer vas te stel –
  - (a) watter inligting saam met die aansoek ingedien moet word;
  - (b) watter soort openbare kennisgewing ingevolge hoofstuk 7 moet geskied;
  - (c) watter ondersoek uitgevoer moet word;
  - (d) watter verdere aansoeke ingevolge hierdie verordening of enige ander tersaaklike wet vereis word;
  - (e) in watter volgorde die aansoeke verwerk behoort te word;
  - (f) watter gekombineerde advertensies van verskillende aansoeke ingevolge verskillende wette vereis word;
  - (g) watter ingenieursdienste vereis word, en of daar 'n behoefte is om met ander staatsorgane oor ingenieursdienste te skakel;
  - (h) watter skakeling met ander staatsorgane vereis word ten einde prosedures vir die verwerking van aansoeke ingevolge verskillende wetgewing met mekaar te versoen; en
  - (i) of 'n plannepakket-benadering gevolg moet word.
- (2) Die Stadsbestuurder mag vereistes neerlê om te bepaal of 'n aansoek 'n voorafkonsultasie vereis, watter soort inligting vereis word, watter prosedures gevolg moet word, en die tydperke waarbinne sodanige vergaderings moet plaasvind.
- (3) 'n Aansoeker kan skriftelik 'n voorafkonsultasie aanvra.
- (4) Die Stad moet rekord hou van enige voorafkonsultasie.

## **71 Vereiste inligting**

- (1) 'n Aansoek moet minstens vergesel word van –



- (a) die voorgeskrewe aansoekvorm wat deur die aansoeker ingevul en onderteken is, of deur die aansoeker én eienaar waar die aansoeker nie die eienaar is nie;
- (b) die volgende magtiging –
  - (i) indien die aansoeker nie die eienaar van die grond is nie, 'n volmag wat deur die eienaar onderteken is, sowel as die eienaar se kontakbesonderhede;
  - (ii) indien die eienaar 'n maatskappy, beslote korporasie, trust, beheerliggaam of eenaarsvereniging is, bewys dat die aansoeker by magte is om namens die eienaar op te tree;
  - (iii) indien die eienaar 'n beslote korporasie of maatskappy is, bewys dat die beslote korporasie of maatskappy nie gederegistreer is of besig is om gederegistreer te word nie;
  - (iv) indien die eienaar 'n trust is, 'n afskrif van die trustakte;
  - (v) die toestemming van alle verbandhouders, indien enige, wat die Stadsbestuurder met betrekking tot 'n aansoek voorskryf; en
  - (vi) die naam van die verteenwoordiger met wie die Stad moet skakel, aan wie die Stad moet kennis gee en die metode waarop dit moet geskied;
- (c) bewys dat alle fooie met betrekking tot die aansoek betaal is;
- (d) indien 'n vooraansoekkonsultasie plaasgevind het, die rekord van die verrigtinge van sodanige konsultasie;
- (e) 'n volledige afskrif van die titelakte en, indien die Stadsbestuurder dit vereis, 'n aktebesorgersertifikaat wat aandui dat daar geen beperkende voorwaardes op die aansoek van toepassing is nie;
- (f) 'n liggingsplan, uitlegplan of plan wat die voorgestelde ontwikkeling in kadastrale verband uitbeeld;
- (g) 'n afskrif van die landmeter-generaal se diagram van die onderhawige eiendom, of 'n uittreksel uit die goedgekeurde algemene plan;
- (h) skriftelike motivering vir die aansoek op grond van die kriteria vir beslissing, en inligting om sodanige motivering te staaf;
- (i) die inligting wat vir die voorafkonsultasie vereis is;
- (j) voldoende inligting wat ingevolge die Stad se goedgekeurde beleid oor ontwikkelingsheffings vereis word;
- (k) enige bykomende inligting wat die Stadsbestuurder met betrekking tot daardie soort aansoek voorskryf;
- (l) enige bykomende inligting wat die Stadsbestuurder met betrekking tot daardie bepaalde aansoek aanvra;
- (m) in geval van 'n aansoek om die onderverdeling van grond, die onderverdelingsplan wat die volgende aantoon –
  - (i) die ligging van die voorgestelde grondeenhede;
  - (ii) voorgestelde sonerings met betrekking tot die voorgestelde grondeenhede;
  - (iii) openbare plekke;
  - (iv) bestaande strukture;
  - (v) bestaande en voorgestelde toegangspunte;
  - (vi) serwitute;
  - (vii) kontoere met 'n interval van minstens 1 m of sodanige interval wat die Stadsbestuurder voorskryf;
  - (viii) bestaande eksterne ingenieursdienste;
  - (ix) enige beduidende natuurlike kenmerke;
  - (x) straatmeubels;
  - (xi) skaal van die plan; en
  - (xii) die voorgestelde straatname en -nommers.
- (2) Indien 'n onderverdeling in fases in werking gestel sal word, moet die aansoek om onderverdeling vergesel word van 'n faseringsplan wat die volgende aantoon –
  - (a) die voorgestelde tydlyn vir die voltooiing van die hele onderverdeling;

- (b) hoe die onderverdeling in werking gestel sal word en watter ingenieursdienste beskikbaar moet wees voordat 'n sertifikaat wat in artikel 137 beoog word, toegestaan kan word;
  - (c) dat die ingenieursdienste vir elke fase onafhanklik en in volgorde sal kan funksioneer;
  - (d) die verbindings tussen ingenieursdienste in opeenvolgende fases;
  - (e) voorgestelde maatreëls om enige nadelige impak op aangrensende grondeenhede of voorgestelde grondeenhede buite die fase wat ontwikkel sal word, te voorkom of te temper; en
  - (f) 'n kaart wat die volgende aandui –
    - (i) die voorgestelde onderverdeling, met 'n aanduiding van die grense van elke voorgestelde fase in duidelike, vetgedrukte lyne;
    - (ii) elke fase, alfabeties gemerk; en
    - (iii) die paaie, grondeenhede, oop ruimtes, interne ingenieursdienste en eksterne ingenieursdienste wat die aansoeker vir elke fase sal voorsien.
- (3) Indien 'n aansoek om onderverdeling 'n serwituut vereis oor grond wat nie aan die aansoeker behoort nie, moet die aansoeker 'n afskrif voorsien van 'n skriftelike ooreenkoms met die eienaar van die grond waaroor die serwituut geregistreer sal word.
- (4) Indien 'n eienaarsvereniging tot stand gebring moet word, moet die aansoeker 'n aanduiding bied van die finansiële koste vir die eienaarsvereniging om die privaat oop ruimtes, privaat strate en interne ingenieursdienste en geriewe in stand te hou.
- (5) 'n Aansoek moet aan enige inligtingspesifikasies van die Stadsbestuurder vir daardie bepaalde aansoek of daardie soort aansoek voldoen, onder meer wat betref sake soos grootte, kleur, getal gedrukte afskrifte, elektroniese vorm en leërvorm.
- (6) Die Stadsbestuurder kan skriftelike vrystelling van enige inligtingsvereiste vir 'n bepaalde aansoek of soort aansoek toestaan.

## **72 Aansoekfooi**

- (1) 'n Aansoeker moet die aansoekfooi betaal voordat hy/sy 'n aansoek indien.
- (2) Die Stad mag slegs 'n aansoekfooi terugbetaal indien die Stad se tarief-, fooie- en heffingsboek dit toelaat.

## **73 Weiering om 'n aansoek te aanvaar**

- (1) Die Stad sal weier om 'n aansoek te aanvaar indien –
  - (a) 'n vooraansoekkonsultasie vereis word, maar nie plaasgevind het nie;
  - (b) die Stad nie die aansoekfooi ontvang het nie;
  - (c) die aansoek versuim om aan 'n bepaalde inligtingspesifikasie te voldoen, indien vereiste inligting ingevolge artikel 71 ontbreek, of indien die aansoek sigbaar verkeerde inligting bevat; of
  - (d) 'n wesenlik soortgelyke aansoek na die Stad se mening binne die vorige ses maande geweier is (buiten by wyse van 'n veronderstelde weiering wat in artikel 75(4) beoog word) en daar geen tersaaklike wets- of beleidsverandering was nie of die feitelike oorwegings waarop die besluit om die aansoek te weier, berus het, nie verander het nie.
- (2) Die Stad kan weier om 'n aansoek te aanvaar indien die aansoek nie vergesel word van 'n aansoek om enige ander goedkeuring wat ingevolge hierdie verordening vereis word nie.

## **74 Aanvaarding van aansoek, en versoek vir bykomende inligting**

Indien die Stad die aansoek aanvaar, moet die Stadsbestuurder –

- (a) hetsy deur middel van 'n stempel op die ingediene aansoek op die datum van ontvangs, of skriftelik, ontvangs erken;
- (b) binne 14 dae na ontvangs van die aansoek, of sodanige verdere tydperk as waaroor skriftelik ooreengekom kan word, hetsy –
  - (i) bykomende inligting aanvra of fooie versoek; of

- (ii) die aansoeker in kennis stel dat die aansoek volledig is.

## **75 Bykomende inligting**

- (1) Binne 30 dae of sodanige verdere tydperk waaroor daar met die Stadsbestuurder ooreengekom kan word, moet die aansoeker die Stad van enige bykomende inligting voorsien wat die Stadsbestuurder aanvra.
- (2) Indien die aansoeker bykomende inligting of fooie voorsien wat die Stadsbestuurder as onvoldoende of uit pas met 'n inligtingspesifikasie beskou, kan die Stadsbestuurder binne 14 dae of sodanige verdere tydperk waaroor daar ooreengekom kan word, skriftelik hetsy –
- (a) weer bykomende inligting aanvra of fooie versoek; of
  - (b) die aansoeker in kennis stel dat die aansoek gesluit word, in welke geval subartikel (4) sal geld.
- (3) Indien die aansoeker nie die bykomende inligting betyds voorsien en die Stadsbestuurder betyds versoek om 'n beslissing ingevolge subartikel (5) te maak nie, mag die Stad die aansoek sluit en die aansoeker skriftelik daarvan verwittig.
- (4) Indien die Stad die aansoek sluit –
- (a) word die aansoek as geweier beskou; en
  - (b) kan die aansoeker 'n nuwe aansoek indien en moet hy/sy 'n nuwe aansoekfooie betaal.
- (5) Indien die aansoeker die noodsaaklikheid van die bykomende inligting betwis, kan die aansoeker binne 21 dae ná die versoek vir inligting die Stadsbestuurder versoek om 'n beslissing te maak.

## **76 Volledige aansoek**

- (1) 'n Aansoek is volledig indien die Stad die aansoekfooie ontvang het, tesame met alle nodige inligting sodat die Stad die aansoek kan beoordeel, en indien die inligting wat ingedien is, aan alle inligtingspesifikasies voldoen.
- (2) Binne 14 dae ná ontvangs van enige bykomende inligting wat die Stadsbestuurder kan aanvra en as voldoende en in pas met alle inligtingspesifikasies beskou, moet die Stadsbestuurder die aansoeker skriftelik in kennis stel dat die aansoek volledig is.
- (3) Die datum waarop 'n aansoek volledig is, word as die indieningsdatum beskou.

## **77 Terugtrek van aansoek**

- (1) 'n Aansoeker kan in enige stadium voordat 'n besluit geneem word, 'n aansoek met skriftelike kennisgewing aan die Stad terugtrek.
- (2) Indien 'n aansoeker 'n aansoek terugtrek –
- (a) is die aansoekfooie nie terugbetaalbaar nie; en
  - (b) moet die aansoeker 'n nuwe aansoek indien om met die aansoek voort te gaan.

## **78 Pligte van 'n aansoeker**

- (1) 'n Aansoeker moet verseker dat –
- (a) geen wanvoorstelling aan die Stad gemaak word nie;
  - (b) die Stad nie mislei word nie;
  - (c) alle inligting wat aan die Stad voorsien word, akkuraat is; en
  - (d) die aansoek nie enige tersaaklike inligting weglaat nie.
- (2) 'n Persoon wat subartikel (1)(a) of (1)(b) oortree, is skuldig aan 'n oortreding en is by skuldigbevinding strafbaar met die strawwe wat in artikel 133(2) en 133(3) beoog word.

**Deel 2**  
**Kennisgewing en kommentaar**  
(art. 79-95)

**79 Kennisgewing van aansoek**

- (1) Ooreenkomstig die vereistes van hierdie afdeling, moet die Stad toesien dat daar kennis gegee word van sy voorneme om 'n aansoek te oorweeg.
- (2) Onderworpe aan artikel 80, 81 en 82, kan die Stad aandring op die gebruik, of self gebruik maak, van enigeen of 'n kombinasie van hierdie kennisgewingsmetodes –
  - (a) publikasie van 'n kennisgewing in die media soos wat artikel 81 beoog;
  - (b) betekening van 'n kennisgewing aan 'n persoon soos wat artikel 82 beoog;
  - (c) betekening van 'n kennisgewing van geen beswaar soos wat artikel 84 beoog.
- (3) Benewens die metodes in subartikel (2) hierbo, kan die Stad die aansoeker versoek om 'n terreinkennisgewing te vertoon wat –
  - (i) gelamineer en minstens 60 cm by 42 cm groot moet wees;
  - (ii) vertoon moet word op elke grens van die betrokke grondeenheid of -eenhede wat aan 'n straat grens of op enige ander opvallende plek op die eenheid of eenhede wat die publiek waarskynlik sal sien;
  - (iii) vertoon moet word vir 'n tydperk en vanaf 'n datum wat die Stadsbestuurder bepaal, wat nie minder as 30 dae mag wees nie; en
  - (iv) vervang moet word indien dit gedurende die kennisgewingstydperk beskadig of verwyder word.
- (4) Waar 'n aansoeker kennis gee, moet die aansoeker die Stad binne sewe dae na kennisgewing van 'n bewys voorsien.
- (5) Onderworpe aan die vereistes van nasionale en provinsiale wetgewing, kan die Stadsbestuurder 'n aansoek van 'n openbare kennisgewingsproses vrystel indien die aansoek geen wesenlike en nadelige invloed op die publiek se regte het nie.

**80 Inhoud van kennisgewing**

- (1) Enige kennisgewing in verband met 'n aansoek moet die volgende inligting bevat –
  - (a) besonderhede van die aansoeker én die eienaar van die grondeenheid (indien die eienaar nie ook die aansoeker is nie);
  - (b) beskrywing en straatadres van die grondeenheid;
  - (c) die doel van die aansoek waarop die kennisgewing betrekking het;
  - (d) inligting oor waar en wanneer besonderhede van die aansoek waarvan kennis gegee word, ter insae sal lê;
  - (e) 'n uitnodiging aan lede van die publiek om skriftelike kommentaar of besware met redes by die Stad in te dien;
  - (f) besonderhede van die prosedure waarvolgens en die datum waarteen 'n persoon skriftelike kommentaar of besware kan indien (welke datum nie minder as 30 dae na die kennisgewingsdatum mag wees nie);
  - (g) 'n verklaring dat geen laat kommentaar of besware in aanmerking geneem sal word nie, tensy die Stadsbestuurder skriftelik daartoe toestem; en
  - (h) 'n verklaring dat enige persoon wat nie kan skryf nie, in kantoortyd na 'n bepaalde plek kan gaan, waar 'n gemagtigde amptenaar daardie persoon sy/haar kommentaar of besware en redes sal help transkribeer.
- (2) Die kennisgewing moet 'n persoon wat skriftelike kommentaar of besware indien, versoek om die besonderhede in artikel 90(5) te verstrek.

**81 Kennisgewing in die media**

- (1) Die Stadsbestuurder moet toesien dat kennis in die media gegee word van die Stad se voorneme om 'n aansoek te oorweeg wat in artikel 43 en 44 van die Wet op Grondgebruikbeplanning gelys word.

(2) Die Stadsbestuurder kan enige ander soort aansoek of aansoekategorie aanwys waarvoor 'n kennisgewing in die media gepubliseer moet word.

(3) 'n Kennisgewing in die media wat in subartikel (1) of (2) beoog word, moet gepubliseer word –

- (a) in ooreenstemming met artikel 21 van die Wet op Munisipale Stelsels in minstens twee van die amptelike tale van die provinsie wat die meeste in die betrokke gebied gebruik word; en
- (b) op ander doeltreffende maniere indien publikasie ingevolge paragraaf (a) as ondoeltreffend beskou word, wat aankondigings oor 'n luidspreker, publikasie op webtuistes of gemeenskapskennisgewingborde, of kommunikasie deur e-poslyste of sosiale media kan insluit.

## **82 Kennisgewing aan 'n persoon**

(1) Die Stadsbestuurder moet toesien dat kennis ingevolge subartikel (2) en (4) beteken word van die Stad se voorneme om die volgende aansoeke te oorweeg –

- (a) aanwysing van 'n sonering of veronderstelde sonering;
- (b) hersonering van grond;
- (c) onderverdeling of wysiging van onderverdeling;
- (d) konsolidasie;
- (e) wysiging of oplegging van 'n voorwaarde;
- (f) opheffing, opskorting of wysiging van 'n beperkende voorwaarde;
- (g) enige ander aansoekategorie wat in artikel 42(u) beoog word en wat die Stadsbestuurder kan voorskryf.

(2) Die kennisgewing moet beteken word –

- (a) aan 'n persoon wie se regte of regmatige verwagtinge wesenlik en nadelig beïnvloed sal word indien die aansoek goedgekeur word;
- (b) ooreenkomstig artikel 111 van hierdie verordening.

(3) Indien die Stad voornemens is om grond te hersoneer wat nie aan die Stad behoort nie, moet dit die eienaar dienooreenkomstig kennis gee.

(4) Indien 'n kennisgewing in slegs een amptelike taal van die provinsie beskikbaar is, moet die kennisgewing 'n verklaring in elk van die ander amptelike tale van die provinsie bevat dat die Stad op versoek, wat binne sewe dae na kennisgewing ontvang moet word, die kennisgewing in 'n ander amptelike taal van die provinsie sal vertaal.

## **83 Kennisgewing aan 'n verteenwoordiger**

Die Stadsbestuurder kan 'n aansoekategorie aanwys wat in artikel 42 beoog word waarvoor 'n kennisgewing beteken moet word aan –

- (a) 'n raadslid vir die gebied waarop die aansoek betrekking het; of
- (b) 'n benoemde organisasie wat 'n belang verteenwoordig waarop die aansoek betrekking het en wat vir hierdie doel by die Stad geregistreer is.

## **84 Kennisgewing van geen beswaar**

(1) Die Stadsbestuurder kan toesien dat 'n kennisgewing ingevolge subartikel (2) beteken word van die Stad se voorneme om die volgende aansoeke te oorweeg –

- (a) afwyking;
- (b) vergunningsgebruik;
- (c) verlenging van tydperk;
- (d) vergunning met betrekking tot verslapping van 'n beperkende voorwaarde waar die titelaktevoorwaardes daarvoor voorsiening maak;
- (e) enige ander vorm van toestemming wat ingevolge die ontwikkelingsbestuurskema vereis word.

(2) Die kennisgewing moet minstens die volgende bevat –

- (a) die inligting wat in artikel 80(1)(a) - 80(1)(d) vereis word;

- (b) besonderhede van die grondgebruikvoorstel of die bouplannommer, -datum en -weergawe, na gelang van die geval;
  - (c) 'n bepaling wat die persoon aan wie kennis gegee word in staat stel om te teken as aanduiding dat hy/sy geen beswaar teen die voorgestelde aansoek het nie en afstand doen van sy/haar reg om ooreenkomstig artikel 82 in kennis gestel te word; en
  - (d) inligting in verband met die persoon se reg dat die aansoek aan hom/haar geadverteer word sodat hy/sy kan kommentaar lewer daarop of beswaar aanteken daarteen.
- (3) Tensy die Stadsbestuurder 'n alternatiewe betekenismetode goedkeur, moet die kennisgewing persoonlik beteken word aan 'n persoon wie se regte of regmatige verwagtinge waarskynlik wesenlik en nadelig deur die goedkeuring van die aansoek beïnvloed sal word.
- (4) Die prosedure in artikel 82 moet gevolg word indien –
- (a) die inligting op die kennisgewing van geen beswaar onvolledig is; of
  - (b) 'n geaffekteerde eienaar weier om 'n kennisgewing van geen beswaar te teken of nie bereik kan word om die kennisgewing te teken nie.
- (5) Indien die aansoeker 'n kennisgewing van geen beswaar voorsien van alle persone wat die Stadsbestuurder identifiseer –
- (a) sal daardie datum beskou word as die sluitingsdatum van die tydperk vir openbare kommentaar; en
  - (b) sal geen bepalings van hierdie afdeling buiten artikel 86, 87, 99 en 95 geld nie.

## **85 Veronderstelde kennisgewing aan eienaars in 'n deeltitelontwikkeling**

- (1) In geval van 'n deeltitelontwikkeling wat ingevolge die Wet op Deeltitels saamgestel is, word kennisgewing aan die betrokke beheerliggaam as kennisgewing aan alle eienaars in daardie deeltitelontwikkeling beskou.
- (2) Die voorsitter van die beheerliggaam moet verseker dat alle eienaars in die deeltitelontwikkeling in kennis gestel word.

## **86 Kennisgewing aan die provinsiale regering**

- (1) Wanneer 'n aansoek met betrekking tot enige van die volgende volledig is (ooreenkomstig artikel 76), moet die Stad die aansoek vir kommentaar verwys na die hoof van die provinsiale regeringsdepartement belas met grondgebruik –
- (a) 'n ontwikkeling buite die Stad se ontwikkelingsrandlyn in die munisipale raamwerk vir ruimtelike ontwikkeling;
  - (b) 'n hersonering van grond wat vir landbou- of bewaringsdoeleindes gesoneer is;
  - (c) 'n ontwikkeling soos wat die Stadsbestuurder bepaal; en
  - (d) 'n ontwikkeling soos wat die provinsiale regering bepaal.
- (2) Die Stad mag nie 'n aansoek wat in subartikel (1) oorweeg word, beslis voordat –
- (a) die Stad kommentaar van die departementshoof ontvang het nie; of
  - (b) 60 dae, of sodanige verdere tydperk waarvoor die Stadsbestuurder kan ooreenkom, ná verwysing verloop het sonder dat enige kommentaar ontvang is nie, in welke geval daar aanvaar sal word dat die provinsiale regering geen kommentaar het nie.

## **87 Kennisgewing aan 'n staatsorgaan buiten die provinsiale regering**

- (1) 'n Staatsorgaan wat kennis van 'n aansoek ontvang en versoek word om kommentaar te lewer, moet dit doen binne 60 dae na –
- (a) kennisgewing; of
  - (b) ontvangs van alle inligting wat redelikerwys nodig is om kommentaar te lewer indien die aansoek onvolledig is en die orgaan binne 14 dae na kennisgewing bykomende inligting aangevra het.
- (2) Daar sal aanvaar word dat 'n staatsorgaan wat in gebreke bly om binne die tydperk wat in subartikel (1) beoog word kommentaar te lewer, geen kommentaar het nie.



(3) 'n Staatsorgaan kan kennis gegee word deur middel van 'n e-pos wat aan die departementshoof of direkteur-generaal van daardie staatsorgaan gerig word.

## **88 Interne verspreiding**

(1) Die Stadsbestuurder moet 'n aansoek gelyktydig aan elke departement van die Stad stuur wat 'n direkte belang by die aansoek kan hê.

(2) 'n Departement moet tersaaklike kommentaar vir die funksionele gebied van daardie departement indien binne die tydperk wat die Stadsbestuurder bepaal, by gebreke waarvan daar aanvaar sal word dat die departement geen kommentaar het nie.

(3) Indien die Stad as gevolg van verspreiding aan departemente bykomende inligting aanvra, sal die bepalings van artikel 75 geld.

## **89 Toetredende party**

(1) 'n Persoon wat in subartikel (2) beoog word, kan binne die tydperk wat in subartikel (3) beoog word 'n petisie op die voorgeskrewe vorm by die Stadsbestuurder indien om die status van toetredende party te ontvang.

(2) 'n Persoon kan slegs 'n petisie indien as hy of sy nie ingevolge artikel 82 of 83 kennis van die aansoek ontvang het nie, en –

(a) indien die aansoek nog nie beslis is nie, die petitioneris 'n belang by die aansoek het; of

(b) indien die aansoek reeds beslis is, die petitioneris 'n finansiële of eienaarsbelang het wat nadelig geraak word deur die besluit of 'n appèl met betrekking tot die besluit, of kan aantoon dat dit hom of haar nadelig sal raak.

(3) 'n Petisie is ongeldig indien dit ingedien word –

(a) meer as sewe dae nadat die petitioneris bewus geword het van die aansoek of daar redelikerwys verwag kon word dat die petitioneris van die aansoek bewus sou wees; of

(b) na die intreedatum van die besluit wat in artikel 105(2) beoog word.

(4) 'n Petisionaris moet die volgende saam met die petisie indien –

(a) as die aansoek nog nie beslis is nie, enige beswaar, kommentaar of verhoë én die redes daarvoor ooreenkomstig artikel 90(5) wat die besluitnemer volgens die petitioneris moet oorweeg;

(b) as die aansoek reeds beslis is, 'n skriftelike kennisgewing van appèl en gronde vir appèl in ooreenstemming met artikel 108(1); en

(c) 'n beëdigde verklaring wat bepaal dat hy of sy nie met enige aansoeker, beswaarmaker of appellant saamspan nie en bereid is om na gelang van die Stad se instruksie met betrekking tot die aansoek of appèl te handel.

(5) Die Stadsbestuurder moet 'n afskrif van die petisie en die inligting wat in subartikel (4) beoog word, vir kommentaar aan die bestaande partye in die verrigtinge voorsien.

(6) Die Stadsbestuurder kan –

(a) 'n petisie wat laat ingedien word, weier;

(b) aan die petitioneris die status van toetredende party verleen indien dit bo alle twyfel staan dat die petisie toegestaan moet word; of

(c) ingeval daar vrae ontstaan oor of die petisie toegestaan moet word, die petisie vir 'n beslissing verwys na –

(i) die munisipale beplanningstribunaal of die gemagtigde amptenaar, wat die aansoek moet beslis indien dit nog nie beslis is nie; of

(ii) die appèlowerheid indien die aansoek reeds beslis is.

(7) Wanneer die munisipale beplanningstribunaal, gemagtigde amptenaar of appèlowerheid, na gelang van die geval, besluit of 'n petitioneris die status van toetredende party moet ontvang of nie, moet hulle minstens oorweeg of –

(a) die petitioneris ingevolge subartikel (2) in aanmerking kom;

(b) geen bestaande party in die verrigtinge die petitioneris se belang voldoende verteenwoordig nie;

- (c) die petitioner ander persone met soortgelyke belange by die verrigtinge verteenwoordig wat nie andersins verteenwoordig word nie;
  - (d) die weiering van die petisie die petitioner se vermoë om sy of haar belang te beskerm, sal verhinder;
  - (e) die petitioner se beswaar, kommentaar of versoë ter sake is vir die verrigtinge, of dit van dié van die bestaande partye verskil, en of dit die besluitnemer sal bystaan; en
  - (f) die bestaan van die petisie nie onbehoorlike vertragings sal veroorsaak of die belang van enige party in die verrigtinge op 'n ander manier sal benadeel nie.
- (8) Die besluitnemer moet die petitioner en die bestaande partye in die verrigtinge van die uitkoms van die petisie in kennis stel.
- (9) Daar is geen reg van appèl teen 'n beslissing om 'n petisie toe te staan of te weier nie.
- (10) 'n Persoon aan wie die status van toetredende party ná die beslissing van 'n aansoek toegestaan word, word as 'n appellant beskou.

## 90 Beswaar teen 'n aansoek

- (1) 'n Persoon wat genooi word om kommentaar te lewer of beswaar te maak, of enige persoon wat op 'n openbare uitnodiging vir kommentaar of besware reageer, kan beswaar maak teen, kommentaar lewer op of versoë rig oor die aansoek ooreenkomstig hierdie artikel.
- (2) Besware, kommentaar of versoë moet op skrif wees.
- (3) Laat besware, kommentaar of versoë sal nie in ag geneem word nie, tensy die Stadsbestuurder die laat indiening ingevolge subartikel (4) toelaat.
- (4) Die Stadsbestuurder kan die laat indiening van besware, kommentaar of versoë toelaat indien 'n goeie rede daarvoor aangetoon word en die oorweging van laat besware, kommentaar of versoë nie –
- (a) 'n onredelike vertraging sal veroorsaak nie; of
  - (b) die openbare belang sal benadeel nie.
- (5) Persone wat besware, kommentaar of versoë indien, moet die volgende voorsien –
- (a) voldoende besonderhede van die aansoek sodat dit maklik geïdentifiseer kan word;
  - (b) volle name;
  - (c) adres en ander kontakbesonderhede, sowel as die metode waarop hulle kennisgewings wil ontvang;
  - (d) hulle belang by die aansoek;
  - (e) die rede vir die besware, kommentaar of versoë, wat minstens insluit –
    - (i) die uitwerking wat die aansoek op hulle of die gebied sal hê;
    - (ii) enige aspek van die aansoek wat as strydig met beleid beskou word, en 'n verduidelik van sodanige strydigheid.
- (6) Besware, kommentaar of versoë wat nie aan die vereistes van subartikel (5) voldoen nie kan verontagsaam word.
- (7) Die Stadsbestuurder kan die inligting wat ingevolge subartikel (5)(b) en (5)(c) voorsien is, vertroulik hou indien 'n goeie rede daarvoor aangetoon word.
- (8) Geen persoon mag by die aansoeker of enige betrokkene by die aansoek op die betaling van geld of enige ander vorm van vergoeding aandring in ruil vir die nie-indiening van 'n beswaar, die indiening van 'n kennisgewing van geen beswaar of die indiening van ondersteunende kommentaar nie.
- (9) Geen persoon mag aanbied om 'n ander persoon met geld of iets anders te vergoed in ruil vir die nie-indiening van 'n beswaar, die indiening van 'n kennisgewing van geen beswaar of die indiening van ondersteunende kommentaar nie.
- (10) Subartikel (8) en (9) verbied nie 'n versoek vir of aanbod van maatreëls om die impak van die ontwikkeling wat in die aansoek beoog word, te temper nie.
- (11) 'n Persoon wat in stryd met subartikel (8) of (9) optree, is skuldig aan 'n oortreding en by skuldigbevinding strafbaar met die strawwe wat in artikel 133(2) en 133(3) beoog word.

## 91 Petisie

- (1) Die minimum vereistes vir 'n petisie is dat –
  - (a) elke blad van die petisie die volgende moet bevat –
    - (i) voldoende besonderhede van die aansoek sodat dit maklik geïdentifiseer kan word;
    - (ii) 'n kort verklaring van en rede vir die petisie; en
    - (iii) die uitwerking wat die aansoek op die petitionerisse of die gebied sal hê;
  - (b) elke petitioneris sy/haar volle naam, straatadres en handtekening moet voorsien;
  - (c) wanneer die petisie ingedien word, die gemagtigde verteenwoordiger van die petitionerisse sy/haar volle naam, posadres, telefoonnommer en e-posadres of faksnommer moet verstrek.
- (2) 'n Petisie moet binne die toegelate tyd vir openbare kommentaar ingevolge hoofstuk 7 ingedien word.
- (3) 'n Laat petisie sal nie in ag geneem word nie, tensy die Stadsbestuurder sodanige laat indiening ingevolge subartikel (4) toelaat.
- (4) Die Stadsbestuurder kan die laat indiening van 'n petisie toelaat indien 'n goeie rede daarvoor aangetoon word en die oorweging van die laat petisie nie –
  - (a) 'n onredelike vertraging sal veroorsaak nie; of
  - (b) die openbare belang sal benadeel nie.
- (5) Kennisgewing aan die persoon wat in subartikel (1)(c) beoog word, word as kennisgewing aan alle petitionerisse beskou.
- (6) Indien steun vir 'n petisie elektronies gewerf word, geld die bepalings van hierdie artikel so ver moontlik, mits geen handtekening vereis word nie.
- (7) 'n Petisie wat nie aan die vereistes van subartikel (1) voldoen nie, kan verontagsaam word.
- (8) 'n Petisie word vir die doeleindes van hierdie afdeling as 'n verhoor beskou.

## 92 Reaksie van die aansoeker

- (1) Die Stadsbestuurder moet binne 14 dae na die sluitingsdatum vir kommentaar die aansoeker voorsien van –
  - (a) afskrifte van alle kommentaar, verhoë of besware wat ontvang is;
  - (b) die vereistes van 'n departement van die Stad; en
  - (c) 'n kennisgewing wat die aansoeker van sy/haar regte ingevolge hierdie artikel in kennis stel.
- (2) Die aansoeker kan binne 30 dae ná kennisgewing, of binne 'n verdere tydperk van 14 dae indien die Stadsbestuurder voor die verstryking van die 30 dae 'n verlenging goedkeur, 'n skriftelike reaksie op die kommentaar, verhoë, besware en vereistes by die Stad indien.
- (3) Indien 'n aansoeker in gebreke bly om binne die tydperk wat in subartikel (2) beoog word 'n reaksie in te dien, sal daar aanvaar word dat die aansoeker geen reaksie het nie.
- (4) Die aansoeker kan kies om nie 'n reaksie ingevolge subartikel (2) in te dien nie, in welke geval die datum waarop die Stad 'n skriftelike kommunikasie met daardie strekking ontvang, as die datum van die aansoeker se reaksie beskou sal word.

## 93 Wysiging van aansoek voor besluitneming

- (1) Die aansoeker kan die aansoek in enige stadium wysig nadat kennis ingevolge hierdie verordening gegee is en voor die datum van besluitneming –
  - (a) op die aansoeker se eie inisiatief;
  - (b) as gevolg van besware en kommentaar wat gedurende die openbare kennisgewingsproses na vore kom; of
  - (c) op die Stad se versoek.
- (2) In geval van 'n wesenlike wysiging, kan die Stad ingevolge hierdie verordening op bykomende kennisgewing en die herverspreiding van die aansoek aandring.

**94 Verdere kennisgewing**

- (1) Die Stad kan vereis dat daar opnuut kennis gegee word van 'n aansoek indien 'n tydperk van langer as 24 maande verstryk het sedert die eerste kennisgewing van die aansoek, en die aansoek nog nie beslis is nie.
- (2) Die Stad kan bepaal hoe die kennisgewing wat in subartikel (1) beoog word, moet geskied.
- (3) Die Stad kan versoek dat die kennisgewing van 'n aansoek opnuut gepubliseer of beteken en opnuut na departemente versprei word in enige stadium gedurende die verwerking van die aansoek, indien nuwe inligting na vore kom wat wesenlik is vir die oorweging van die aansoek en enige persoon nadelig raak.

**95 Toegang tot inligting oor 'n aansoek**

- (1) Deur 'n aansoek ingevolge hierdie verordening in te dien, bevestig die aansoeker dat die inligting wat in die aansoek vervat is en gedurende die proses verkry word, aan die publiek beskikbaar gestel kan word.
- (2) Deur besware, verhoë, kommentaar of 'n appèl in te dien, bevestig die persoon wat dit indien dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.
- (3) 'n Lêer wat die Stad met betrekking tot die aansoek skeep, moet in enige stadium gedurende die verwerking van die aansoek beskikbaar wees vir openbare inspeksie in kantoortyd indien die Departement dit nie gebruik nie.
- (4) Nadat 'n besluit geneem is, is die besluit en voorwaardes van die besluit beskikbaar vir die publiek by die betaling van die voorgeskrewe fooi ingevolge die Stad se tarief-, fooie- en heffingsboek.

**Deel 3*****Proses en kriteria vir beslissing van aansoek****(art. 96-103)***96 Bevoegdheid om inspeksie te onderneem**

- (1) 'n Gemagtigde amptenaar mag grond of 'n gebou vir die doel van die beoordeling van 'n aansoek ingevolge hierdie verordening en die opstel van 'n verslag ingevolge artikel 97 betree.
- (2) Wanneer die gemagtigde amptenaar 'n inspeksie onderneem, kan hy/sy –
  - (a) versoek dat enige rekord, dokument of item voorsien word om met die inspeksie te help;
  - (b) afskrifte maak van of uittreksels neem uit enige dokument wat kragtens paragraaf (a) voorsien word en met die inspeksie verband hou;
  - (c) 'n rekord, dokument of ander item wat met die inspeksie verband hou, verwyder, mits 'n ontvangsbewys daarvoor uitgereik word;
  - (d) enige foto neem wat die gemagtigde amptenaar nodig ag; en
  - (e) enige gebou of struktuur inspekteer en navrae oor daardie gebou of struktuur rig.
- (3) Geen persoon mag inmeng met 'n inspeksie deur 'n gemagtigde amptenaar wat in subartikel (1) beoog word nie.
- (4) Die gemagtigde amptenaar moet op versoek 'n bewys van identiteit toon wat bevestig dat die Stad hom/haar gemagtig het om die inspeksie te onderneem.
- (5) 'n Inspeksie ingevolge subartikel (1) moet op 'n redelike tyd en na redelike kennisgewing aan die eienaar of gebruiker van die grond of gebou geskied.

**97 Beoordeling van aansoek**

- (1) Die Departement moet 'n skriftelike reaksie vir die besluitnemer se oorweging voorsien, wat die volgende moet bevat –
  - (a) 'n beoordeling van die aansoek;
  - (b) 'n aanbeveling;
  - (c) voorgestelde voorwaardes, waar van toepassing; en

- (d) afskrifte van alle tersaaklike inligting om die besluitnemer in staat te stel om 'n ingeligte besluit te neem.
- (2) Die Departement moet die verslag wat in subartikel (1) beoog word, voorsien binne die tydperk wat die Stadsbestuurder bepaal.
- (3) Ingeval die Departement in gebreke bly om die verslag binne die tydperk wat in subartikel (2) beoog word, te voorsien, kan die aansoeker die Stadsbestuurder vra om stappe te doen om te verseker dat die verslag aan die besluitnemer voorsien word binne 30 dae nadat die Stadsbestuurder besluit dat die verslag voorsien moet word.
- (4) Waar 'n gemagtigde amptenaar 'n besluit moet neem, moet sodanige amptenaar meer senior of op dieselfde vlak wees as die gemagtigde amptenaar wat die aansoek beoordeel en 'n aanbeveling doen.
- (5) 'n Geregistreerde beplanner moet die verslag wat in subartikel (1) beoog word, voorsien in soverre dit betrekking het op –
  - (a) die aanvaarding of wysiging van die munisipale raamwerk vir ruimtelike ontwikkeling;
  - (b) die goedkeuring of wysiging van die ontwikkelingsbestuurskema;
  - (c) die hersonering van grond;
  - (d) die onderverdeling van grond in meer as 20 grondeenhede;
  - (e) die aanwysing van 'n sonering;
  - (f) die goedkeuring van 'n oorlegsone deur die wysiging van hierdie verordening;
  - (g) die opheffing, opskorting of wysiging van 'n beperkende voorwaarde waar 'n verandering in grondgebruik ter sprake is;
  - (h) die wysiging of skraping van voorwaardes of die oplegging van bykomende voorwaardes met betrekking tot 'n bestaande gebruikreg; of
  - (i) die fasering, wysiging of herroeping van 'n onderverdelingsplan of 'n deel daarvan.

## 98 Beslissing van aansoek

Die Stad kan, met betrekking tot 'n aansoek –

- (a) enige nodige ondersoek onderneem, met inbegrip van 'n inspeksie ingevolge artikel 96;
- (b) goedkeuring verleen –
  - (i) in die geheel of gedeeltelik;
  - (ii) met 'n wysiging, mits die wysiging nie die aard van die aansoek wesenlik verander nie;
  - (iii) onderworpe aan voorwaardes wat in artikel 100 uiteengesit word; en
  - (iv) beperk tot een of meer van die gebruike wat ingesluit is by die sonering of beskrywing van die vergunningsgebruik in geval van 'n goedkeuring van 'n hersoneringsaansoek of 'n vergunningsgebruik;
- (c) goedkeuring weier;
- (d) 'n toepaslike beslissing maak oor alle vereiste of bykomstige aangeleenthede vir die uitvoering van sy bevoegdhede ingevolge hierdie verordening en ander toepaslike wetgewing.

## 99 Kriteria vir beslissing van aansoek

- (1) 'n Aansoek moet geweier word indien die besluitnemer tevrede is dat dit nie aan die volgende minimum drempelvereistes voldoen nie –
  - (a) die aansoek moet aan die vereistes van hierdie verordening voldoen;
  - (b) die voorgestelde grondgebruik moet voldoen aan of strook met die munisipale raamwerk vir ruimtelike ontwikkeling, of so nie, moet 'n verskil van die munisipale raamwerk vir ruimtelike ontwikkeling toelaatbaar wees;
  - (c) die voorgestelde grondgebruik moet wenslik wees ingevolge subartikel (3); en
  - (d) in geval van 'n aansoek om 'n afwyking ten einde die ontwikkelingsreëls rakende toegelate vloer ruimte of hoogte te wysig, moet goedkeuring van die aansoek nie tot

gevolg hê dat die eiendom die ontwikkelingsreëls van die volgende subsone binne 'n sone aanneem nie.

(2) Indien 'n aansoek nie ingevolge subartikel (1) geweier word nie, moet die besluitnemer in sy/haar oorweging van die aansoek ag slaan op alle tersaaklike aspekte, met inbegrip van die volgende, waar van toepassing –

- (a) enige toepaslike raamwerk vir ruimtelike ontwikkeling;
- (b) tersaaklike kriteria in die ontwikkelingsbestuurskema;
- (c) enige toepaslike beleid van die Stad wat aanvaar is om besluitneming te rig;
- (d) die wenslikheidsomvang van die voorgestelde grondgebruik ingevolge subartikel (3);
- (e) die impak op bestaande regte (buiten die reg op beskerming teen handelsmededinging);
- (f) in 'n aansoek om die konsolidasie van 'n grondeenheid –
  - (i) die skaal en ontwerp van die ontwikkeling;
  - (ii) die impak van die geboukonsentrasie;
  - (iii) die impak op omliggende eiendomme; en
- (g) ander oorwegings wat in tersaaklike nasionale of provinsiale wetgewing voorgeskryf word.

(3) Die volgende oorwegings is ter sake vir die beoordeling ingevolge subartikel (1)(c) oor of die voorgestelde grondgebruik wenslik is, en die beoordeling ingevolge subartikel (2)(d) oor die omvang van sodanige wenslikheid –

- (a) ekonomiese impak;
- (b) maatskaplike impak;
- (c) skaal van die kapitaalbelegging;
- (d) versoenbaarheid met omliggende gebruike;
- (e) impak op die eksterne ingenieursdienste;
- (f) impak op die veiligheid, gesondheid en welstand van die omliggende gemeenskap;
- (g) impak op erfenis;
- (h) impak op die biofisiese omgewing;
- (i) verkeersimpak, parkering, toegang en ander vervoerverwante oorwegings; en
- (j) of die oplegging van voorwaardes 'n nadelige impak van die voorgestelde grondgebruik kan temper.

(4) 'n Aansoek in verband met 'n bestaande gebruik of konstruksie wat in stryd met hierdie verordening 'n aanvang geneem het, moet ingevolge artikel 130 hanteer word.

(5) Geen besluit wat ingevolge hierdie verordening geneem moet word, mag vertraag word hangende die opstel van 'n beleid om besluitneming oor die aangeleentheid te rig nie.

## 100 Goedkeuringsvoorwaardes

(1) Wanneer die Stad 'n goedkeuring verleen of 'n beslissing ingevolge hierdie verordening maak, kan dit redelike voorwaardes opleë wat uit die voorgestelde grondgebruik ontstaan.

(2) Die voorwaardes kan insluit, dog is nie beperk nie tot –

- (a) die voorsiening van grond wat vir openbare plekke vereis word, of die betaling van geld in plaas van die voorsiening van grond;
- (b) die oordrag van grond of die betaling van geld;
- (c) die voorsiening en installering van ingenieursdienste, en kan aandui –
  - (i) of die aansoeker ingevolge artikel 65 ingenieursdienste moet voorsien of installeer, of 'n ontwikkelingsheffing moet betaal, of deels die ingenieursdienste moet voorsien of installeer en deels 'n ontwikkelingsheffing moet betaal;
  - (ii) indien van toepassing, watter ontwikkelingsheffing teen wanneer betaal moet word;
  - (iii) indien 'n faseringsplan vir die ontwikkeling goedgekeur is, dat die installering van ingenieursdienste en die betaling van ontwikkelingsheffings afsonderlik vir elke fase kan geskied;



- (iv) indien die Stad verantwoordelikheid vir die ingenieursdienste sal oorneem, of die aansoeker die ingenieursdienste vir 'n vasgestelde tydperk moet in stand hou of 'n instandhoudingswaarborg moet voorsien;
  - (v) dat die aansoeker moet bewys lewer dat 'n staatsorgaan of staatsbeheerde onderneming wat vir die voorsiening van 'n diens verantwoordelik is, daartoe in staat is om die diens te lewer voordat die eerste grondeenheid oorgedra word;
  - (d) die voorsiening van grond wat benodig word deur, sowel as ander vereistes van, ander staatsorgane;
  - (e) die onderskrywing ingevolge artikel 31 van die Registrasie van Aktes Wet met betrekking tot openbare plekke waar eienaarskap in die Stad setel;
  - (f) die registrasie van openbare plekke in die naam van die Stad;
  - (g) die oordrag van eienaarskap van grond wat vir ander openbare doeleindes of gemeenskapsfasiliteite vereis word, aan die munisipaliteit;
  - (h) die gefaseerde inwerkingstelling van 'n onderverdeling;
  - (i) die totstandbrenging van 'n eienaarsvereniging deur die aansoeker met betrekking tot 'n onderverdeling wat in artikel 61 beoog word;
  - (j) 'n vereiste dat die titelakte van elke grondeenheid wat uit 'n goedgekeurde onderverdeling spruit, insluit dat -
    - (i) elke eienaar van 'n grondeenheid wat uit 'n goedgekeurde onderverdeling spruit, by die registrasie van die oordrag in hulle naam 'n lid van die eienaarsvereniging word en 'n lid moet bly solank hulle die grondeenheid besit; en
    - (ii) die grondeenheid nie verkoop of oorgedra mag word nie, tensy met die toestemming van die eienaarsvereniging, welke toestemming nie onbillik weerhou mag word nie;
  - (k) die betaling van 'n administratiewe boete ingevolge artikel 129 met betrekking tot die onregmatige gebruik van grond;
  - (l) voorwaardes wat vir 'n bepaalde aansoek in die ontwikkelingsbestuurskema beoog word.
- (3) 'n Voorwaarde wat in subartikel (2)(b) beoog word, kan 'n bydrae tot munisipale openbare besteding vereis na verhouding van die normale behoefte wat uit die goedkeuring spruit, soos wat die munisipaliteit sal bepaal in ooreenstemming met norme en standaarde wat voorgeskryf word of in goedgekeurde beleid vervat is.
- (4) Munisipale openbare besteding wat in subartikel (3) beoog word, sluit in, dog is nie beperk nie tot, munisipale openbare besteding aan munisipale diensinfrastruktuur en geriewe met betrekking tot –
- (a) gemeenskapsfasiliteite, met inbegrip van speeltoerusting, straatmeubels, bewaarskole, klinieke, sportterreine, binnenshuise sportfasiliteite of gemeenskapsale;
  - (b) omgewingsbewaring;
  - (c) ingenieursdienste; of
  - (d) munisipale openbare vervoer.
- (5) Benewens openbare plekke en grond wat vir interne ingenieursdienste benodig word, moet enige bykomende grond wat uit 'n goedgekeurde onderverdeling spruit en wat die Stad of 'n ander staatsorgaan vereis –
- (a) verkry word onderworpe aan enige toepaslike wet wat bepalinge oor die verkryging of onteiening van grond neerlê;
  - (b) aangekoop word op die tyd wat 'n voorwaarde bepaal of, by gebrek aan 'n vasgestelde tyd in die voorwaarde, wanneer die aansoeker aan die Stad of staatsorgaan kan bewys dat 50% van die verkoopbare grondeenhede wat uit die onderverdeling spruit, verkoop is.
- (6) Waar dit op die bepaalde soort voorwaarde van toepassing is, moet 'n voorwaarde 'n objektiewe kriterium bevat waaraan voldoen moet word.
- (7) Die besluitnemer mag nie 'n voorwaarde op lê wat bepaal dat goedkeuring ingevolge ander wetgewing vereis word nie.

(8) Indien die Stad 'n aansoek onderworpe aan 'n voorwaarde goedkeur, moet dit die datum of gebeurlikheid aandui wanneer daar aan 'n voorwaarde voldoen moet word (soos voor die verkoop, ontwikkeling of oordrag van die grond) of aandui of die voorwaarde vir die duur van die goedkeuring geld.

(9) 'n Voorwaardelike goedkeuring van 'n aansoek verstryk indien daar nie aan die voorwaarde voldoen word nie –

- (a) binne die tydperk vir voldoening wat in sodanige goedkeuring aangedui word;
- (b) binne vyf jaar na die intreedatum van die besluit indien geen tydperk vir voldoening in die goedkeuring bepaal word nie; of
- (c) binne enige verlengde tydperk wat ingevolge artikel 107 toegestaan is.

### **101 Verdere voorwaardes en wysiging van voorwaardes**

Die Stad kan 'n voorwaarde wat ingevolge hierdie verordening opgelê is of as opgelê beskou word, wysig of ophef, of 'n voorwaarde oplê –

- (a) op aanvraag; of
- (b) op eie inisiatief ná kennisgewing aan die eienaar en enige geaffekteerde persoon.

### **102 Tydraamwerk vir beslissing**

(1) Indien 'n aansoek aan al die vereistes van hierdie verordening en enige ander toepaslike wetgewing voldoen, moet die besluitnemer die aansoek beslis binne 180 dae of sodanige ander tydperk waaroor daar met die aansoeker ooreengekom word, wat bereken moet word vanaf –

- (a) die datum waarop die aansoek volledig is, soos wat artikel 76 beoog, in gevalle waar geen kennis van die aansoek gegee is nie;
- (b) die laatste sluitingsdatum vir die indiening van kommentaar, besware of verdoë, indien die Stad geen kommentaar, besware of verdoë ontvang nie; of
- (c) die datum waarop die aansoeker op kommentaar, besware of verdoë reageer, of die sluitingsdatum vir 'n reaksie indien die aansoeker nie reageer nie, indien die Stad wel kommentaar, besware of verdoë ontvang.

(2) Die Stad kan (sonder instemming deur die aansoeker) die tydperk wat in subartikel (1) beoog word, verleng en die aansoeker van sodanige verlengde tydperk en die redes daarvoor in kennis stel –

- (a) in uitsonderlike omstandighede met betrekking tot die aard of kompleksiteit van die aansoek;
- (b) indien die Stad in reses is; of
- (c) waar die Stadsbestuurder ingevolge artikel 97(3) stappe gedoen het om te verseker dat die verslag wat daardie subartikel beoog, aan die besluitnemer voorsien word.

### **103 Versuim om tydig te beslis**

Indien die besluitnemer in gebreke bly om 'n aansoek te beslis binne die tydperk waarna artikel 102 verwys, kan die aansoeker 'n reg van appèl uitoefen en moet die appèlowerheid die aansoek beslis.

## **Deel 4**

## **Besluit**

(art. 104-106)

### **104 Vereiste vir opskriftstelling en kennisgewing van besluit**

(1) 'n Besluit ingevolge hierdie verordening geld slegs indien dit op skrif is.

(2) Binne 21 dae na 'n besluit ingevolge hierdie verordening, moet die Stad die persone wat in subartikel (3) beoog word, skriftelik in kennis stel van –

- (a) die besluit;
- (b) waar die besluit ter insae lê;
- (c) hulle reg van appèl en reg om redes te versoek, waar van toepassing; en

- (d) die intreedatum van die besluit wat in artikel 105 beoog word.
- (3) Waar van toepassing, moet die Stad die volgende persone in kennis stel –
  - (a) die eienaar;
  - (b) die aansoeker, indien die eienaar nie ook die aansoeker is nie;
  - (c) enige persoon wat kommentaar gelewer het op, beswaar aangeteken het teen of toegetree het tot die aansoek; en
  - (d) 'n persoon in verband met wie 'n afdwingingsaksie ingevolge hoofstuk 9 plaasvind.

#### **105 Intreedatum van besluit**

- (1) Die werking van die goedkeuring van 'n aansoek word opgeskort tot die intreedatum van die besluit wat in subartikel (2) en (3) beoog word.
- (2) Die intreedatum van 'n besluit ingevolge hierdie verordening is –
  - (a) die datum waarop die Stad kennis gee dat geen appèl betyds ingedien is nie en dat die besluit dienooreenkomstig van krag is; of
  - (b) onderworpe aan subartikel (3), indien 'n appèl betyds ingedien word, die datum waarop die appèlowerheid die appèl beslis.
- (3) In geval van 'n appèl wat slegs betrekking het op 'n voorwaarde wat ingevolge artikel 100 opgelê is, kan die Stad bepaal dat die werking van die goedkeuring van die aansoek nie opgeskort word nie.
- (4) Ingeval 'n besluit betwis word in 'n aansoek om administratiewe hersiening voor 'n bevoegde hof, kan die Stad op aanvraag die werking van die besluit opskort hangende die finale beslissing van die hersiening.

#### **106 Foute en weglatings**

- (1) Die Stad kan te eniger tyd 'n fout in die bewoording van sy besluit regstel, mits die regstelling nie sy besluit verander of tot 'n wysiging, opskorting of skraping van 'n goedkeuringsvoorwaarde lei nie.
- (2) Die Stad kan te eniger tyd, hetsy uit eie beweging of op aanvraag deur 'n aansoeker of belangstellende party, 'n fout in die prosedure oorsien indien goeie rede daarvoor aangetoon word, mits sodanige oorsig nie 'n wesenlike negatiewe impak het op of onredelike nadeel inhou vir enige party nie.

### **Deel 5**

#### **Verlenging van geldigheid van 'n goedkeuring (art. 107)**

#### **107 Verlenging van geldigheid van 'n goedkeuring**

- (1) Onderworpe aan die oorblywende bepalings van hierdie artikel, en tensy 'n ander bepaling van hierdie verordening anders aandui, kan die Stad 'n aansoek toestaan om die verlenging van die geldigheidstydperk van 'n goedkeuring wat ingevolge hierdie verordening verleen is of as verleen beskou word.
- (2) Die Stad sal nie die verlenging toestaan nie indien –
  - (a) die aansoek om verlenging ingedien word nadat die geldigheidstydperk reeds verstryk het;
  - (b) die heersende omstandighede ten tyde van die oorspronklike goedkeuring beduidend verander het;
  - (c) die geldende wet- of beleidsvereistes van toepassing op die goedkeuring ten tyde van die oorspronklike goedkeuring beduidend verander het;
  - (d) die Stad glo dat nuwe of verdere goedkeuringsvoorwaardes vereis word; of
  - (e) goedkeuring vir 'n tydelike afwyking verleen is.
- (3) 'n Verlenging mag nie 'n tydperk van vyf jaar oorskry vanaf die datum waarop die oorspronklike goedkeuring verstryk nie.

- (4) 'n Verlenging tree in werking op en word bereken vanaf die datum waarop die aanvanklike goedkeuring verstryk, ongeag die datum waarop die verlenging toegestaan word.
- (5) 'n Geldigheidstydperk kan slegs eenmalig verleng word.
- (6) Indien die Stad nog nie 'n aansoek wat in subartikel (1) beoog word, beslis het teen die datum waarop die oorspronklike geldigheidstydperk verstryk nie, mag die betrokke gebruikregte nie uitgeoefen word totdat en tensy die Stad die geldigheidstydperk verleng nie.

**Deel 6**  
**Appèl**  
(art. 108-109)

**108 Appèl**

- (1) 'n Persoon wat in subartikel (2) beoog word en 'n aansoeker wat in artikel 103 beoog word, kan by die appèlowerheid appelleer deur skriftelik kennis van die appèl te gee en die redes vir die appèl te verstrek.
- (2) Die volgende persone kan teen 'n besluit ingevolge hierdie verordening appelleer –
  - (a) die aansoeker;
  - (b) die eienaar, indien die eienaar nie ook die aansoeker is nie;
  - (c) die Stadsbestuurder;
  - (d) 'n persoon wat in artikel 89 beoog word, aan wie die status van toetredende party toegestaan word;
  - (e) 'n persoon wat in artikel 90(1) beoog word, wat kommentaar op of 'n beswaar teen die aansoek indien wat aan die vereistes van artikel 90 voldoen; en
  - (f) die eienaar of ander persoon –
    - (i) met betrekking tot wie die Stad ingevolge artikel 127 besluit om 'n goedkeuring vir 'n tydelike afwyking of 'n goedkeuring wat vir 'n beperkte tyd toegestaan is, te herroep;
    - (ii) aan wie 'n direktief ingevolge artikel 128 uitgereik word; of
    - (iii) aan wie 'n administratiewe boete ingevolge artikel 129 opgelê word.
- (3) 'n Appèl wat in subartikel (1) beoog word, moet ingedien word binne 21 dae na die datum van kennisgewing van die besluit of, in geval van 'n appèl wat in artikel 103 beoog word, binne 21 dae na die verstryking van die tydperk waarna artikel 102 verwys.
- (4) 'n Appèl is ongeldig indien dit nie aan hierdie artikel voldoen nie.
- (5) Die appèlowerheid kan tersaaklike inligting ontvang en die aangeleentheid van voor af oorweeg.
- (6) Die appèlowerheid moet 'n beslissing maak oor –
  - (a) of die appèl betyds ingedien is; en
  - (b) die appèl self, volgens die kriteria vir beslissing ingevolge artikel 99.
- (7) Die appèlowerheid kan –
  - (a) die appèl van die hand wys en die besluit waarteen geappelleer is, bekragtig;
  - (b) die appèl gedeeltelik of in die geheel handhaaf en –
    - (i) die besluit waarteen geappelleer is, wysig;
    - (ii) die besluit ter syde stel en 'n nuwe besluit neem; of
    - (iii) die besluit ter syde stel en die saak na die besluitnemer terugverwys, met of sonder instruksies aan enige persoon of liggaam om gepaste stappe te doen;
  - (c) 'n aansoek wat in artikel 103 beoog word, beslis; of
  - (d) die appèl terugverwys na die adviespaneel, indien een aangestel was, of die Departement, met instruksies om die saak te ondersoek, verdere inligting van 'n tersaaklike departement van die Stad te bekom of spesifieke feite of kwessies te oorweeg, en aan die appèlowerheid verslag te doen.

### 109 Appèlprosedure

- (1) 'n Persoon wat by magte is om te appelleer, moet die appèl by die Stadsbestuurder indien, met dien verstande dat indien die Stadsbestuurder self appelleer, die Stadsbestuurder die appèl by die appèlowerheid sal indien.
- (2) Binne hoogstens 14 dae nadat 'n appèl ingedien is, moet die Stadsbestuurder kennis gee van die appèl aan, en skriftelike kommentaar op die appèl binne 21 dae versoek van –
  - (a) die aansoeker, indien die aansoeker nie die appellant is nie; en
  - (b) enige persoon wat 'n beswaar teen, kommentaar op of verhoë oor die aansoek ingedien het.
- (3) Na ontvangs van 'n appèl –
  - (a) kan die Stad die provinsiale minister versoek om binne 60 dae skriftelik op die appèl kommentaar te lewer; en
  - (b) moet die Stad sodanige kommentaar versoek indien die appèl oor 'n aansoek handel waarna artikel 45(1)(a) tot (f) van die Wet op Grondgebruikbeplanning verwys.
- (4) Laat teenkanting teen of kommentaar op die appèl sal nie in ag geneem word nie, tensy die appèlowerheid die laat indiening toelaat indien 'n goeie rede daarvoor aangetoon word.
- (5) Die appèlowerheid mag nie die appèl beslis voordat al die partye wat daarop geregtig is om kommentaar te lewer, dit gedoen het of voordat die toegelate tydperk vir kommentaar verstryk het nie.
- (6) Die Departement moet 'n verslag opstel wat die appèl sowel as alle kommentaar ingevolge subartikel (2) of (3) beoordeel, en moet die verslag vir kommentaar aan die besluitnemer voorlê.
- (7) So gou moontlik en binne 150 dae na die indiening van die appèl moet die Stadsbestuurder die appèl by die appèlowerheid indien, tesame met alle nodige dokumente, met inbegrip van die verslag en kommentaar wat in hierdie artikel beoog word.
- (8) Die appèlowerheid moet die appèl beslis binne 90 dae nadat die Stadsbestuurder die appèl en dokumente by die appèlowerheid ingedien het.
- (9) Die appèlowerheid kan, sonder instemming deur die partye in die appèl, die tydperk wat in subartikel (8) beoog word, verleng en die partye van sodanige verlenging en die redes daarvoor in kennis stel –
  - (a) in uitsonderlike omstandighede met betrekking tot die aard of kompleksiteit van die aansoek; of
  - (b) indien die Stad in reses is.
- (10) Die Stad moet binne 30 dae ná 'n beslissing deur die appèlowerheid skriftelik kennis gee van die besluit en die redes vir die besluit aan –
  - (a) die partye in die appèl; en
  - (b) die provinsiale minister indien die appèl handel oor 'n aansoek waarna artikel 45(1)(a) tot (f) van die Wet op Grondgebruikbeplanning verwys.
- (11) Die Stad kan vereiste prosedures vir die beslissing van appèlle bepaal.

### **Deel 7**

#### **Voorgeskrewe vereistes en kennisgewing**

(art. 110-112)

### 110 Voorgeskrewe vereistes vir aansoeke

- (1) Wat aansoeke betref, kan die Stadsbestuurder voorskrifte neerlê oor –
  - (a) inligtingspesifikasies met betrekking tot aangeleenthede soos grootte, skaal, kleur, gedrukte afskrifte, getal afskrifte, elektroniese vorm en lêervorm;
  - (b) die metode van indiening by en kommunikasie met die Stad;
  - (c) die metode waarop 'n persoon kennis kan ontvang;
  - (d) ander inligtingsvereistes; en
  - (e) ander prosedurevereistes.
- (2) 'n Voorskrif wat in subartikel (1) beoog word, kan –
  - (a) op die hele aansoek of enige deel daarvan betrekking hê; en

- (b) tussen soorte aansoeke, aansoekkatégorieë of aansoekerkatégorieë onderskei.
- (3) Die bepalings van artikel 138 is van toepassing op 'n voorskrif ingevolge subartikel (1).

### 111 Metode en datum van kennisgewing

- (1) Kennis aan 'n persoon wat in hierdie verordening beoog word, kan gegee word –
  - (a) deur die Stad deur die persoon mondelings in kennis te stel; of
  - (b) in skriftelike vorm –
    - (i) met die hand afgelewer by daardie persoon self;
    - (ii) wat by daardie persoon se woon- of werkplek in die Republiek gelaat word by 'n persoon wat oënskynlik bo die ouderdom van sestien is;
    - (iii) per geregistreerde pos na daardie persoon se mees onlangse bekende woon- of sake-adres in die Republiek wat op die Stad se inligtingstelsel aangeteken is;
    - (iv) as daardie persoon se adres in die Republiek onbekend is, deur dit te beteken aan daardie persoon se agent of verteenwoordiger in die Republiek op 'n wyse waarvoor subparagraaf (i), (ii) of (iii) voorsiening maak;
    - (v) as daardie persoon se adres en agent of verteenwoordiger in die Republiek onbekend is, deur dit te vertoon op 'n opvallende plek op die eiendom of perseel waarop dit betrekking het, indien enige;
    - (vi) per e-pos;
    - (vii) per faks; of
    - (viii) deur 'n ander elektroniese kommunikasiemiddel wat in die Wet op Elektroniese Kommunikasies en Transaksies, 2002 (25 van 2002) beoog word.
- (2) Indien die Stad mondelings kennis gee, moet dit so gou moontlik daarná die inhoud van die kennisgewing en die datum waarop dit gegee is op skrif stel en die rekord ooreenkomstig subartikel (1)(b) beteken.
- (3) Tensy 'n persoon ingestem het tot kennisgewing per faks, e-pos of 'n ander vorm van elektroniese kommunikasie, of daardie kennisgewingsmetode deur die Stadsbestuurder voorgeskryf of deur hierdie verordening gemagtig word, moet die Stad, indien dit daardie kennisgewingsmetode gebruik, ook die kennisgewing beteken op die tersaaklike manier waarvoor subartikel (1)(b)(i)-(1)(b)(v) voorsiening maak.
- (4) Waar 'n eienaar 'n persoon gemagtig het om hom/haar in 'n aansoek te verteenwoordig, sal kennisgewing aan die verteenwoordiger beskou word as kennisgewing aan die eienaar.
- (5) Wanneer enige kennisgewing aan die eienaar, gebruiker of houer van enige eiendom of reg op enige eiendom óf hulle verteenwoordiger beteken moet word, is dit voldoende indien daardie persoon in die kennisgewing as die eienaar, gebruiker of houer van die betrokke eiendom of reg óf hulle verteenwoordiger beskryf word, en is dit nie nodig om daardie persoon by die naam te noem nie.
- (6) Vir die doeleindes van hierdie verordening is die datum van kennisgewing, indien kennis –
  - (a) mondelings gegee word, die datum van mondelinge kommunikasie;
  - (b) met die hand afgelewer word, die datum van aflewering of afhaling;
  - (c) per geregistreerde pos gegee word, die vierde dag na die datum wat gestempel is op die registrasiebewys wat uitgereik is deur die poskantoor wat die kennisgewing aanvaar het; of
  - (d) per e-pos, faks of 'n ander vorm van elektroniese kommunikasie gegee word, die datum waarop die e-pos, faks of elektroniese kommunikasie gestuur word, mits die betrokke persoon ingestem het om so kennis te ontvang of die Stadsbestuurder dit as die kennisgewingsmetode voorgeskryf het.

### 112 Koste van kennisgewing

Die Stad kan as deel van sy tariefstruktuur 'n tarief aanvaar vir die koste verbonde aan die uitreik en betekening van 'n kennisgewing en direktief.



**Deel 8**  
**Geïntegreerde besluite**  
(art. 113)

**113 Kennisgewing ingevolge geïntegreerde prosedure**

- (1) Die Stad kan op vooraf- skriftelike aanvraag sowel as met skriftelike motivering deur 'n aansoeker bepaal dat –
- (a) 'n openbare kennisgewing wat ingevolge 'n ander wet met betrekking tot die aansoek uitgevoer word, openbare kennisgewing vir die doel van 'n aansoek ingevolge hierdie verordening uitmaak, mits die openbare kennisgewingsprosedure aan die vereistes van hierdie verordening voldoen; of
  - (b) 'n aansoek ingevolge hierdie verordening gepubliseer mag word ooreenkomstig die kennisgewingsvereistes vir 'n verbandhoudende aansoek ingevolge 'n ander wet, wat geregleer word deur 'n skriftelike ooreenkoms tussen die Stad en die staatsorgaan belas met die toepassing van die ander wet.
- (2) Tensy die Stad bepaal dat 'n prosedure ingevolge 'n ander wet, soos wat subartikel (1)(a) beoog, as kennisgewing ingevolge hierdie verordening beskou word, of dat die bepalings van subartikel (1)(b) geld, moet die Stad ooreenkomstig die vereistes van artikel 79 optree binne 30 dae na kennisgewing aan die aansoeker dat die aansoek volledig is.
- (3) Die Stad kan 'n skriftelike ooreenkoms met ander staatsorgane aangaan om duplikasie in die indiening van inligting of die uitvoering van 'n proses te voorkom in gevalle waar 'n voorgestelde ontwikkeling 'n aansoek by die Stad en by ander staatsorgane vereis.

**HOOFSTUK 8.**  
**BESLUITNEMERS**  
(art. 114-122)

**114 Besluitnemers**

- (1) Die munisipale raad moet die aansoekkateregories voorskryf wat beslis moet word deur –
- (a) die munisipale beplanningstribunaal; en
  - (b) 'n gemagtigde amptenaar.
- (2) 'n Gemagtigde amptenaar wat in subartikel (1)(b) beoog word, kan 'n aansoek na die munisipale beplanningstribunaal verwys.
- (3) Die appèlowerheid is die burgemeester.
- (4) Indien die burgemeester nie as appèlowerheid kan optree nie, kan die burgemeester 'n waarnemende appèlowerheid aanwys.

**115 Totstandbrenging van munisipale beplanningstribunaal**

- (1) Die munisipale raad moet 'n munisipale beplanningstribunaal vir sy munisipale gebied tot stand bring.
- (2) Wanneer die munisipale raad die munisipale beplanningstribunaal ingevolge subartikel (1) tot stand bring, moet dit onderworpe aan artikel 36 van SPLUMA –
- (a) die getal lede van die munisipale beplanningstribunaal bepaal;
  - (b) die getal gemagtigde amptenare en ander persone ingevolge artikel 36 van SPLUMA bepaal;
  - (c) gemagtigde amptenare aanwys wat voltyds by die munisipaliteit in diens is en wat oor kennis en ervaring van enige van die vakrigtings van ruimtelike beplanning, grondgebruikbestuur, grondontwikkeling of die reg met betrekking daartoe beskik, om as lede van die munisipale beplanningstribunaal te dien; and
  - (d) persone aanwys wat nie amptenare is nie en wat oor kennis en ervaring van enige van die vakrigtings van ruimtelike beplanning, grondgebruikbestuur, grondontwikkeling of die reg met betrekking daartoe beskik, om as lede van die munisipale beplanningstribunaal te dien.

- (3) Die Stad moet aansoeke of benoemings van persone ingevolge subartikel (2)(d) vir aanstelling in die munisipale beplanningstribunaal versoek in 'n vorm wat die Stad bepaal en by wyse van kennisgewing in die media ooreenkomstig die vereistes van artikel 21 van die Wet op Munisipale Stelsels en SPLUMA.
- (4) Die kennisgewing wat in subartikel (3) beoog word, moet versoek dat die aansoeke of benoemings ingedien word op 'n vorm wat die Stad bepaal en tesame met die inligting wat in subartikel (5) uiteengesit word, binne 'n vasgestelde tydperk by 'n bepaalde persoon en 'n bepaalde adres, wat ook 'n elektroniese posadres kan wees.
- (5) Die aansoek of benoeming moet minstens vergesel word van –
- (a) die persoonlike besonderhede van die aansoeker of benoemde;
  - (b) voldoende inligting sodat die Stad die aansoeker of benoemde se kennis en ervaring van die gelyste sake in artikel 36(1)(b) van SPLUMA, ingevolge die vereistes van hierdie verordening en enige bykomende kriteria wat die Stad bepaal het, kan evalueer;
  - (c) in geval van 'n benoeming, 'n brief waarin die benoemde die benoeming aanvaar;
  - (d) bevestiging deur die aansoeker of benoemde dat hy of sy nie ingevolge artikel 38 van SPLUMA gediskwalifiseer is nie;
  - (e) 'n verklaring dat die benoemde verplig is om hom/haar tot 'n gedragskode te verbind en dit te handhaaf; en
  - (f) die instemming van die benoemde dat die Stad die inligting wat die benoemde voorsien, kan ondersoek en onafhanklik kan nagaan.
- (6) 'n Beoordelingspaneel wat bestaan uit gemagtigde amptenare wat in die Stad se diens is en deur die Stad aangestel is om aansoeke en benoemings te evalueer, moet –
- (a) alle benoemings wat die Stad teen die sluitingsdatum in antwoord op die uitnodiging en versoek vir benoemings ontvang, evalueer ingevolge die vereistes van SPLUMA, hierdie verordening en enige verdere kriteria wat die Stad bepaal; en
  - (b) aanbevelings oor die aanstelling by die munisipale raad doen.
- (7) Wanneer die munisipale raad aansoeke of benoemings evalueer, moet dit ag slaan op –
- (a) die aansoeker of benoemde se kennis en ervaring van die aangeleentheid waarna subartikel (2)(d) verwys;
  - (b) die behoefte aan die toepassing van die beginsels van diensbillikheid;
  - (c) die gepaste ervaring en kundigheid wat vir die doeltreffende funksionering van die munisipale beplanningstribunaal vereis word;
  - (d) enige ander kriteria wat die Stad bepaal; en
  - (e) enige ander kriteria wat SPLUMA voorskryf.
- (8) Indien geen geskikte aansoeke of benoemings na afloop van die adverteringsproses ontvang word nie, moet die Stad 'n tweede keer benoemings aanvra en versoek, en die proses in subartikel (3) tot (7) volg.
- (9) Indien geen geskikte aansoeke of benoemings na die tweede uitnodiging en versoek vir benoemings ontvang word nie, moet die uitvoerende gesag persone in die munisipale beplanningstribunaal aanwys wat aan die vereistes van artikel 36 van SPLUMA en die bykomende kriteria wat die Stad bepaal, voldoen.
- (10) Die Stadsbestuurder moet die suksesvolle aansoekers en benoemdes van hulle aanstelling as lede in kennis stel en moet binne 30 dae na die aanstelling van die lede van die munisipale beplanningstribunaal 'n kennisgewing in die *Provinsiale Koerant* publiseer wat die volgende aandui –
- (a) die naam van elke lid wat aangestel of aangewys is; en
  - (b) die ampstermyn van sodanige lid.
- (11) Die Stadsbestuurder moet binne 30 dae na die eerste aanstelling van die lede in 'n munisipale beplanningstribunaal –
- (a) skriftelike bevestiging van die munisipale raad bekom dat dit tevrede is dat die munisipale beplanningstribunaal in staat is om met sy werksaamhede te begin; en

- (b) ná ontvangs van die bevestiging waarna paragraaf (a) verwys, 'n kennisgewing in die *Provinsiale Koerant* publiseer wat die datum bepaal waarop die munisipale beplanningstribunaal met sy werksaamhede sal begin.
- (12) Die munisipale beplanningstribunaal kan eers met sy werksaamhede begin ná die publikasie van die kennisgewing wat in subartikel (11)(b) beoog word.

#### **116 Ampstermyn van lede van die munisipale beplanningstribunaal**

- (1) Die munisipale raad moet die ampstermyn bepaal van 'n gemagtigde amptenaar wat hy ingevolge artikel 37(1) van SPLUMA aanwys.
- (2) 'n Gemagtigde amptenaar mag slegs as 'n lid van die munisipale beplanningstribunaal dien terwyl hy of sy voltyds in diens van die Stad is.
- (3) Die munisipale raad moet die ampstermyn bepaal van 'n lid van die munisipale beplanningstribunaal wat nie 'n gemagtigde amptenaar is nie en wat hy ingevolge artikel 37(1) van SPLUMA aanstel.
- (4) Die ampstermyn van 'n lid van die munisipale beplanningstribunaal mag nie vyf jaar oorskry nie en mag een maal hernu word.

#### **117 Diensvoorwaardes en gedragskode van die munisipale beplanningstribunaal**

- (1) Die munisipale raad moet die diensbepalings en -voorwaardes sowel as die vergoeding bepaal van die lede van die munisipale beplanningstribunaal wat ingevolge artikel 115(2)(d) aangestel word in ooreenstemming met die norme en standaarde waarna SPLUMA en ander tersaaklike vereistes verwys.
- (2) Die munisipale raad moet 'n gedragskode vir lede van die munisipale beplanningstribunaal goedkeur, wat moet ag slaan op die minimum vereistes in SPLUMA en van lede vereis om minstens –
- (a) oor die algemeen in ooreenstemming met die beginsels van verantwoordbaarheid en deursigtigheid op te tree;
  - (b) billike, onpartydige en flinke besluite te neem;
  - (c) lede van die publiek en ander lede van die tribunaal met respek, hoflikheid, eerlikheid en billikheid te hanteer;
  - (d) al hulle persoonlike of privaat sakebelange te verklaar met betrekking tot enige besluit wat geneem moet word in die beplanningsproses waarin hulle dien of versoek is om te dien;
  - (e) hulle geheel en al te verskoon van direkte of indirekte deelname as raadgewer of besluitnemer in enige saak waarby hulle 'n persoonlike of privaat sakebelang het, en enige vertrek te verlaat waarin daar oor sodanige saak beraadslaag word, tensy die persoonlike of privaat sakebelang reeds openbaar gemaak is of hulle werkgewers, indien enige, skriftelike goedkeuring verleen het, en die openbare amptenaar of struktuur binne die Stad met die bevoegdheid om etieksake te beslis hulle deelname uitdruklik goedgekeur het;
  - (f) nie onder enige omstandighede 'n geskenk of guns te ontvang, te vra of aan te bied wanneer daar redelikerwys afgelei kan word dat die geskenk of guns veronderstel is om 'n deelnemer se objektiwiteit as raadgewer of besluitnemer in die beplanningsproses te beïnvloed, of na verwagting sodanige beïnvloeding sal veroorsaak nie;
  - (g) nie die mag van enige amptenaar te gebruik om 'n spesiale voordeel te vra of te bekom wat nie in die openbare belang of algemeen bekend is nie;
  - (h) nie vertroulike inligting te gebruik wat hulle in die loop van hulle pligte verkry om 'n persoonlike of privaat sakebelang te bevorder nie;
  - (i) nie vertroulike inligting bekend te maak wat hulle in die loop van hulle pligte verkry nie, tensy die wet so bepaal of omstandighede dit vereis om wesenlike benadeling van derde persone te voorkom; en
  - (j) nie 'n opsetlike onregmatige daad te pleeg wat die munisipale beplanningstribunaal, die Stad, die regering oor die algemeen of die

beplanningsberoep in 'n slegte lig stel deur sake te werf deur te noem of te impliseer dat hulle bereid, gewillig of in staat is om besluite op 'n onbehoorlike wyse te beïnvloed nie.

- (3) 'n Lid wat die gedragskode oortree, is skuldig aan 'n oortreding en by skuldigbevinding strafbaar met die strawwe wat in artikel 133(2) en 133(3) beoog word.

### **118 Vrywaring en regsverteenwoordiging**

(1) Wanneer 'n eis ook al ingedien of regsverrigtinge ingestel word teen 'n lid van die munisipale beplanningstribunaal of 'n gemagtigde amptenaar of die appèlowerheid as gevolg van enige doen of late van 'n lid, 'n gemagtigde amptenaar of die appèlowerheid in die uitvoering van sy of haar pligte of die uitoefening van sy of haar bevoegdhede, moet die Stad, indien dit van mening is dat die lid, gemagtigde amptenaar of appèlowerheid se optrede of gebrek aan optrede in goeie trou en sonder nalatigheid was –

- (a) in geval van 'n siviele eis of siviele verrigtinge, die lid of gemagtigde amptenaar of appèlowerheid teen sodanige eis of verrigtinge skadeloos stel; en
- (b) op die Stad se onkoste regsverteenwoordiging aan sodanige lid of gemagtigde amptenaar of appèlowerheid voorsien, of die koste van regsverteenwoordiging op belaste party-en-partygrondslag betaal.

(2) Indien 'n strafregtelike vervolging teen 'n lid van die munisipale beplanningstribunaal, 'n gemagtigde amptenaar of die appèlowerheid ingestel word, moet die Stad, indien dit van mening is dat die lid, gemagtigde amptenaar of appèlowerheid se optrede of gebrek aan optrede in goeie trou en sonder nalatigheid was, op die Stad se onkoste vir regsverteenwoordiging vir sodanige lid voorsiening maak.

(3) Die Stad moet deur middel van 'n beleid of op 'n ander manier –

- (a) die bepalinge en voorwaardes van sodanige skadeloosstelling en regsverteenwoordiging bepaal; en
- (b) die omstandighede bepaal waarin die Stad sodanige skadeloosstelling of regsverteenwoordiging kan onttrek.

(4) Vir die doeleindes van hierdie artikel beteken “skadeloos stel” 'n onderneming om die skadevergoeding-, eis- of belaste koste te betaal wat 'n hof teen 'n lid van die munisipale beplanningstribunaal, gemagtigde amptenaar of die appèlowerheid beveel of waaroor die Stad ingevolge 'n formele skikkingsproses ooreenkom.

### **119 Vakature of verwydering van 'n lid**

(1) Die amp van 'n lid word vakant indien –

- (a) die lid sonder die tribunaalvoorsitter se toestemming afwesig is van twee opeenvolgende vergaderings van die munisipale beplanningstribunaal;
- (b) die lid sy of haar bedanking skriftelik by die tribunaalvoorsitter indien;
- (c) die lid ingevolge subartikel (2) uit die tribunaal verwyder word;
- (d) die lid te sterwe kom.

(2) Die munisipale raad kan 'n lid uit die munisipale beplanningstribunaal verwyder, nadat die lid geleentheid ontvang het om aangehoor te word, indien –

- (a) daar voldoende redes vir sy of haar verwydering bestaan; of
- (b) die lid die gedragskode oortree.

(3) Die munisipale raad moet 'n lid uit die munisipale beplanningstribunaal verwyder, nadat die lid geleentheid ontvang het om aangehoor te word, indien die lid onderworpe is aan 'n diskwalifikasie ingevolge artikel 38(1) van SPLUMA.

(4) Die munisipale raad moet 'n vakature in die munisipale beplanningstribunaal ingevolge artikel 116 en 117 vul in geval van 'n lid wat nie 'n gemagtigde amptenaar is nie.

### **120 Funksionering van munisipale beplanningstribunaal**

(1) Die munisipale raad moet 'n lid van die munisipale beplanningstribunaal as voorsitter aanwys, en 'n ander lid as ondervoorsitter om as voorsitter op te tree indien die voorsitter afwesig is of nie sy of haar pligte kan nakom nie.

- (2) Indien die voorsitter en ondervoorsitter versuim om 'n vergadering van die munisipale beplanningstribunaal by te woon, moet die aanwesige lede onderling iemand kies om as voorsitter van die vergadering op te tree.
- (3) Die munisipale raad kan opdrag gee dat die munisipale beplanningstribunaal hom so saamstel dat hy uit een of meer panele bestaan, en dat elke paneel die verantwoordelikheid ontvang om aansoeke met betrekking tot grond in 'n bepaalde geografiese gebied van die stad en/of 'n bepaalde soort aansoek of aansoekskategorie te beslis.
- (4) In hierdie artikel, tensy die samehang anders aandui, sluit '**die munisipale beplanningstribunaal**' ook 'n paneel van die munisipale beplanningstribunaal in wat in subartikel (3) beoog word.
- (5) Die munisipale beplanningstribunaal moet op die tyd en plek ontmoet wat die voorsitter bepaal, met dien verstande dat die tribunaal minstens een keer per maand moet vergader indien daar 'n aansoek is om te oorweeg.
- (6) Die munisipale beplanningstribunaal moet minstens drie lede van die tribunaal aanwys om 'n aansoek te beslis.
- (7) 'n Kworum vir 'n vergadering van die munisipale beplanningstribunaal is die gewone meerderheid van sy aangestelde lede.
- (8) 'n Kworum vir 'n vergadering van 'n paneel van die munisipale beplanningstribunaal is hetsy 'n gewone meerderheid van sy aangewese lede, of drie lede, wat ook al die grootste is.
- (9) Die persoon wat as voorsitter van 'n vergadering van die munisipale beplanningstribunaal optree, het 'n beslissende stem in geval van 'n staking van stemme.
- (10) Geen persoon buiten 'n munisipale raadslid mag mondelinge voorleggings by 'n vergadering van die munisipale beplanningstribunaal lewer sonder die toestemming van die persoon wat as voorsitter van die vergadering optree nie.
- (11) 'n Persoon wat ingevolge subartikel (10) toestemming vereis, moet minstens sewe dae voor die betrokke vergadering, of nader aan die vergadering indien 'n goeie rede daarvoor aangetoon word, 'n skriftelike versoek by die munisipale beplanningstribunaal indien, en moet voldoende redes vir die versoek verstrek.
- (12) 'n Munisipale raadslid wat voornemens is om mondelinge voorleggings aan die munisipale beplanningstribunaal te maak, moet die munisipale beplanningstribunaal skriftelik van sodanige voorneme in kennis stel minstens vyf dae voor die betrokke vergadering, of nader aan die vergadering indien 'n goeie rede daarvoor aangetoon word.
- (13) Die munisipale beplanningstribunaal kan enige persoon versoek om mondelinge voorleggings oor enige aspek van 'n aansoek te maak.
- (14) Die persoon wat as voorsitter by 'n vergadering van die munisipale beplanningstribunaal optree, kan redelike voorwaardes vir mondelinge voorleggings oplê.
- (15) Die munisipale beplanningstribunaal moet enige party in die verrigtinge wat nadelig deur 'n mondelinge voorlegging geraak word, 'n geleentheid bied om op die mondelinge voorlegging te reageer.
- (16) Vergaderings van die munisipale beplanningstribunaal moet oop wees vir die publiek, buiten in soverre die munisipale beplanningstribunaal in spesiale gevalle dalk anders bepaal.
- (17) Die munisipale raad moet prosedurereëls vir die behoorlike funksionering van die munisipale beplanningstribunaal aanvaar.
- (18) Die Stad moet –
- (a) die voortgesette funksionering van die munisipale beplanningstribunaal in ooreenstemming met artikel 38 van SPLUMA verseker; en
  - (b) die munisipale beplanningstribunaal van 'n gemagtigde amptenaar voorsien wie se funksie dit is om die munisipale beplanningstribunaal met administratiewe sekretariële steun by te staan.

## 121 Adviespaneel

- (1) Die burgemeester kan by die munisipale raad 'n aanbeveling doen dat 'n adviespaneel tot stand gebring word om 'n appèl te oorweeg en aanbevelings daaroor by die appèlowerheid te doen.

(2) Die adviespaneel wat in subartikel (1) oorweeg word, kan ingevolge 'n ander wet tot stand gebring word.

(3) Die adviespaneel kan enige persoon versoek om mondelinge voorleggings oor enige aspek van 'n aansoek te doen, en is verplig om dit te versoek indien dit sou blyk dat die kwessies wat in die appèl beslis moet word, nie voldoende beslis kan word op grond van die dokumente voor die appèlowerheid sonder die aanwesigheid van die partye self nie.

(4) 'n Adviespaneel moet die kriteria vir die beslissing van aansoeke wat in artikel 99 beoog word, toepas.

## **122 Tegniese raadgewer**

Die appèlowerheid kan 'n tegniese raadgewer aanstel om die appèlowerheid te adviseer of by te staan met betrekking tot 'n saak wat deel uitmaak van die appèl.

## **HOOFSTUK 9. TOEPASSING (art. 123-135)**

### ***Deel 1***

### ***Inleidende bepalings vir hierdie hoofstuk (art. 123-124)***

## **123 Woordomskrywing vir hierdie hoofstuk**

In hierdie hoofstuk, tensy die samehang anders aandui, beteken –  
'eienaar', benewens die omskrywing in artikel 1, ook onder meer –

- (a) 'n erfgenaam indien die geregistreerde eienaar oorlede is en 'n eksekuteur nie aangestel is nie, en indien daar geen erfgenaam is nie of die Stad nie die identiteit van die erfgenaam kan bepaal nie, die persoon wat geregtig is op die voordeel van die gebruik van die grond of gebou, of wat sodanige voordeel geniet;
- (b) indien die geregistreerde eienaar 'n gederegistreerde beslote korporasie is, 'n lid van die beslote korporasie ten tyde van deregistrasie;
- (c) indien die geregistreerde eienaar nie in die Republiek aanwesig is nie of dit nie seker is waar die geregistreerde eienaar hom/haar bevind nie, 'n persoon wat hetsy as agent of op 'n ander manier die bestuur, handhawing of invordering van huur- of ander geld met betrekking tot die grond of gebou behartig of wat daarvoor verantwoordelik is; en
- (d) indien die Stad nie die identiteit van 'n persoon wat andersins as eienaar omskryf word, kan bepaal nie, 'n persoon wat geregtig is op die voordeel van die gebruik van die grond of gebou, of wat sodanige voordeel geniet; en

'oortreding' onder meer versuim om 'n plig te vervul of aan 'n vereiste te voldoen.

## **124 Keuse van toepassingsmaatreël**

Die Stad kan enigeen of meer van die toepassingsmaatreëls tref wat in hierdie hoofstuk beoog word en kan dit in enige orde of kombinasie doen, of met een as 'n alternatief vir die ander in geval van voldoeningsversuim, of opeenvolgend.

## ***Deel 2 Klagte (art. 125)***

## **125 Klagte**

(1) 'n Persoon wat deur 'n beweerde oortreding van hierdie verordening geraak word, kan skriftelik en op die voorgeskrewe vorm, of op 'n manier wat deur 'n beleid bepaal word, die Stadsbestuurder versoek om die beweerde oortreding te ondersoek en kragtens hierdie hoofstuk op te tree.



- (2) Die Stad moet die klagte ondersoek binne die tyd en ooreenkomstig die prosedures wat die aanvaarde riglyne van die Departement bepaal.
- (3) Die Stad moet die klaer binne 30 dae na afloop van die ondersoek van die uitkoms daarvan in kennis stel, sowel as van die stappe wat gedoen sal word ingeval die Stad van mening is dat hierdie verordening oortree is.

**Deel 3**  
**Burgerlike toepassing**  
(art. 126-132)

**126 Voldoeningskennisgewing**

- (1) Die Stad kan 'n kennisgewing aan 'n eienaar of ander persoon beteken indien daar redelike gronde bestaan om te glo dat die eienaar of ander persoon hierdie verordening oortree.
- (2) Die kennisgewing moet –
- (a) die grondeenheid beskryf;
  - (b) die optrede beskryf wat op 'n oortreding van hierdie verordening neerkom;
  - (c) aandui watter bepaling van hierdie verordening, goedkeuringsvoorwaarde of ander bepaling daardeur oortree word;
  - (d) indien van toepassing, meld dat die onregmatige optrede 'n oortreding uitmaak, en die strawwe of boetes daarvoor aandui;
  - (e) die eienaar of ander persoon opdrag gee om die onregmatige optrede te staak en onmiddellik of binne 'n tydperk wat die Stad bepaal aan hierdie verordening, goedkeuringsvoorwaarde of ander bepaling te voldoen, en moet, waar van toepassing, ook aandui watter stappe gedoen moet word om daaraan te voldoen;
  - (f) meld dat versuim om aan die kennisgewing te voldoen 'n oortreding uitmaak, en die strawwe daarvoor aandui; en
  - (g) meld dat in geval van versuim om aan die kennisgewing te voldoen, die Stad een of meer van die volgende maatreëls kan tref –
    - (i) indien van toepassing, stappe ingevolge artikel 127 vir die terugtrek van 'n goedkeuring vir 'n tydelike afwyking of 'n goedkeuring wat vir 'n beperkte tydperk toegestaan is;
    - (ii) stappe ingevolge artikel 128 om 'n direktief met die voorwaardes in die kennisgewing uit te reik;
    - (iii) 'n aansoek om die vasstelling van 'n administratiewe boete ingevolge artikel 129;
    - (iv) 'n aansoek by 'n bevoegde hof om gepaste verligting, met inbegrip van die koste van die aansoek; en
    - (v) die instel van strafregtelike vervolging.
- (3) Indien van toepassing, kan die kennisgewing die eienaar of ander persoon in kennis stel van hulle reg om aansoek te doen om die regstelling van die oortreding soos wat artikel 130 beoog, en kan die kennisgewing meld dat die Stad voornemens is om die maatreëls ingevolge subartikel (2)(g) te tref ingeval die eienaar of ander persoon in gebreke bly om binne 'n vasgestelde tydperk om regstelling van die oortreding aansoek te doen.
- (4) Die kennisgewing kan die eienaar of ander persoon versoek om die Stad binne 'n vasgestelde tydperk in te lig van die stappe wat gedoen is om aan die kennisgewing te voldoen.
- (5) Daar is geen reg van appèl teen 'n besluit om 'n voldoeningskennisgewing ingevolge hierdie artikel uit te reik of nie uit te reik nie.

**127 Terugtrek van goedkeuring**

- (1) Indien die Stad van mening is dat 'n eienaar of ander persoon nie aan 'n goedkeuring vir 'n tydelike afwyking of 'n goedkeuring wat vir 'n beperkte tydperk toegestaan is, voldoen nie, kan die Stad 'n kennisgewing aan die eienaar of ander persoon beteken –
- (a) wat die inligting uiteensit wat in artikel 126(2)(a)-126(2)(c) beoog word; en

- (b) wat die eienaar of ander persoon versoek om binne 'n vasgestelde tydperk skriftelike verhoë oor die kennisgewing te rig en redes te verstrek waarom die goedkeuring nie teruggetrek behoort te word nie.
- (2) Nadat die Stad enige verhoë en redes wat ingedien is, oorweeg het en tevrede is dat hierdie verordening wel oortree word, kan dit besluit om die goedkeuring wat in subartikel (1) beoog word terug te trek.
- (3) Indien die Stad besluit om die goedkeuring terug te trek –
  - (a) moet die Stad die eienaar of ander persoon wat in artikel 104(2) beoog word, in kennis stel; en
  - (b) word die goedkeuring teruggetrek vanaf die intreedatum van die besluit wat in artikel 105(2) beoog word.
- (4) Sodra die terugtrek van 'n goedkeuring in werking tree, moet die Stad –
  - (a) die eienaar of ander persoon daarvan in kennis stel en die eienaar of ander persoon opdrag gee om die betrokke aktiwiteit te staak en enige ander stappe te doen wat die Stad nodig kan ag om onmiddellik of binne 'n tydperk wat die Stad bepaal aan hierdie verordening te voldoen; en
  - (b) die soneringsregister bywerk.

## 128 Direktief

- (1) Indien die Stad van mening is dat 'n eienaar of ander persoon hierdie verordening oortree, kan dit 'n kennisgewing aan die eienaar of ander persoon beteken –
  - (a) wat die inligting uiteensit wat in artikel 126(2)(a)-126(2)(c) beoog word; en
  - (b) wat die eienaar of ander persoon versoek om binne 'n vasgestelde tydperk skriftelike verhoë oor die kennisgewing te rig en redes te verstrek waarom die Stad nie die eienaar of ander persoon behoort opdrag te gee om binne 'n vasgestelde tydperk –
    - (i) dokumente, met inbegrip van 'n diagram of plan, by die Stad in te dien of 'n professionele persoon aan te stel wat deur die Stad gekies word om 'n ondersoek te onderneem en aan die Stad oor die aard en omvang van die oortreding verslag te doen nie;
    - (ii) 'n gebou of deel daarvan wat hierdie verordening oortree, te sloop en, na gelang van die geval, die gebou te herstel of die grond te rehabiliteer tot 'n vorm en binne die tydperk wat in die direktief bepaal word nie; of
    - (iii) 'n ander impak van die oortreding te hanteer nie.
- (2) Nadat die Stad enige verhoë en redes wat ingedien is, oorweeg het en tevrede is dat hierdie verordening oortree word, kan dit 'n direktief uitreik met dieselfde, wesenlik soortgelyke of minder streng voorwaardes as dié in subartikel (1)(b).
- (3) 'n Direktief moet –
  - (a) die instruksies uiteensit;
  - (b) die inligting insluit wat in artikel 104(2) beoog word;
  - (c) meld dat versuim om 'n plig na te kom wat die direktief opleë, 'n oortreding uitmaak, en die strawwe daarvoor aandui; en
  - (d) meld dat in plaas van of benewens die vervolging van die eienaar of ander persoon, die Stad sonder verdere kennisgewing by 'n bevoegde hof kan aansoek doen om die afdwinging van die direktief sowel as ander gepaste verligting, met inbegrip van die koste van die aansoek.
- (4) Die eienaar of ander persoon moet aan 'n direktief voldoen vanaf die intreedatum van die besluit wat in artikel 105(2) beoog word.

## 129 Administratiewe boete

- (1) 'n Persoon wat hierdie verordening oortree en wat die oortreding ingevolge artikel 130 wil regstel, kan by die Stad aansoek doen om die vasstelling van 'n administratiewe boete indien die Stad nog nie ingevolge artikel 128 'n slopingsdirektief met betrekking tot die betrokke grond of gebou of deel daarvan uitgereik het nie.

- (2) 'n Persoon wat ingevolge subartikel (1) aansoek doen, moet –
- 'n aansoek indien;
  - die voorgeskrewe fooi betaal;
  - die inligting voorsien wat in subartikel (7) en (8) beoog word; en
  - die pligte van 'n aansoeker in artikel 78 nakom.
- (3) Die Stadsbestuurder kan by die munisipale beplanningstribunaal aansoek doen om 'n bevel dat 'n persoon wat hierdie verordening oortree het 'n administratiewe boete moet betaal van 'n bedrag wat die munisipale beplanningstribunaal vasstel, en moet die inligting wat in subartikel (7) en (8) beoog word, voorsien in soverre dit aan die Stadsbestuurder bekend is.
- (4) Indien die Stadsbestuurder ingevolge subartikel (3) optree, moet die munisipale beplanningstribunaal die betrokke persoon versoek om binne 'n vasgestelde tydperk skriftelike verhoë oor die Stadsbestuurder se aansoek te rig.
- (5) Die Departement moet 'n skriftelike verslag aan die munisipale beplanningstribunaal voorsien.
- (6) Die munisipale beplanningstribunaal kan –
- bykomende inligting aanvra om 'n aansoek ingevolge hierdie artikel te beslis; en
  - 'n ongunstige afleiding maak oor 'n persoon wat versuim of weier om inligting wat in subartikel (2)(c) of paragraaf (a) beoog word, tot die bevrediging van die munisipale beplanningstribunaal te voorsien.
- (7) Indien die munisipale beplanningstribunaal ná oorweging van die Departement se verslag, die Stadsbestuurder se verhoë en enige verhoë van die betrokke persoon besluit om 'n administratiewe boete op te lê aan 'n persoon wat hierdie verordening oortree het, moet dit 'n bedrag vasstel wat –
- met betrekking tot bouwerk in stryd met hierdie verordening, minstens 10% en hoogstens 100% van die waarde van die onregmatige bou-, konstruksie- en ingenieurswerk wat uitgevoer is, mag beloop, soos wat die Stad bepaal;
  - met betrekking tot grondgebruik in stryd met hierdie verordening, minstens 10% en hoogstens 100% van die munisipale waardasie van die gebied wat onregmatig gebruik word, mag beloop, soos wat die Stad bepaal; en
  - met betrekking tot bouwerk en grondgebruik in stryd met hierdie verordening, die boetes in sowel paragraaf (a) as (b) moet behels.
- (8) Wanneer die munisipale beplanningstribunaal 'n gepaste administratiewe boete vasstel, moet dit op minstens die volgende faktore ag slaan –
- die aard, duur, erns en omvang van die oortreding;
  - die optrede van die persoon wat by die oortreding betrokke is;
  - of die onregmatige optrede gestaak is; en
  - of 'n persoon wat by die oortreding betrokke is, voorheen hierdie verordening of 'n vorige beplanningswet oortree het.
- (9) Die munisipale beplanningstribunaal moet die persoon wat hierdie verordening oortree het van sy besluit in kennis stel, en indien die tribunaal besluit om 'n administratiewe boete op te lê, moet die kennisgewing –
- die administratiewe boete uiteensit;
  - die inligting insluit wat in artikel 104(2) beoog word;
  - meld dat die persoon die administratiewe boete aan die Stad moet betaal binne 30 dae na die intreedatum van die besluit wat in artikel 105(2) beoog word, of binne sodanige verdere tydperk wat die munisipale beplanningstribunaal dalk kan vasstel;
  - meld dat die betaling van 'n administratiewe boete ingevolge hierdie artikel nie die Stad se bevoegdheid beperk om 'n oortreding te ondersoek of strafregtelike vervolging in te stel nie; en
  - meld dat die Stad sonder verdere kennisgewing by 'n bevoegde hof kan aansoek doen om 'n bevel ter bekragtiging van die administratiewe boete en ander gepaste verligting, met inbegrip van die koste van die aansoek.
- (10) Die Stad kan by die hooggeregshof aansoek doen om 'n bevel ter bekragtiging van die bevel deur die munisipale beplanningstribunaal vir die betaling van 'n administratiewe boete.

### 130 Regstelling van oortreding

- (1) 'n Persoon wat hierdie verordening oortree, kan ingevolge hierdie verordening by die Stad om die nodige goedkeuring aansoek doen.
- (2) Onderworpe aan subartikel (3), moet 'n persoon wat in subartikel (1) beoog word, aansoek doen om 'n administratiewe boete wat ingevolge artikel 129 vasgestel word én sodanige boete betaal voordat die Stad 'n aansoek ingevolge subartikel (1) kan oorweeg.
- (3) Indien 'n aansoek om 'n administratiewe boete wat in artikel 129 beoog word, ingedien dog die boete nog nie vasgestel is nie, of 'n administratiewe boete wat ingevolge artikel 129 vasgestel is nog nie betaal is nie, kan die Stad in uitsonderlike omstandighede 'n aansoek kragtens subartikel (1) oorweeg, mits die Stad wanneer dit 'n goedkeuring toestaan of 'n aanwysing maak, toepaslike voorwaardes oplê om die betaling van enige administratiewe boete te verseker.
- (4) Die indiening van 'n aansoek om, of die vasstelling of betaling van, 'n administratiewe boete ingevolge artikel 129, of die goedkeuring van 'n aansoek wat in hierdie artikel beoog word, beperk nie die Stad se bevoegdheid om 'n oortreding te ondersoek of strafregtelike vervolging in te stel nie.

### 131 Toepassingslitigasie

Nieteenstaande enige alternatiewe remedie wat hierdie hoofstuk dalk aan die Stad bied, kan die Stad by die hooggeregshof om gepaste verligting aansoek doen, met inbegrip van bevele wat die eienaar of ander persoon verplig om –

- (a) enige gebou, struktuur of werk wat in stryd met hierdie verordening opgerig is, te sloop, te verwyder of te wysig en die betrokke grond te rehabiliteer; en
- (b) optrede in stryd met hierdie verordening te staak of te wysig ten einde aan hierdie verordening te voldoen of om 'n ander impak van die oortreding te hanteer.

### 132 Dringende aangeleentheid

Indien die Stad glo dat dringende stappe vereis word om optrede in stryd met hierdie verordening te staak of te wysig ten einde aan hierdie verordening te voldoen of om 'n impak van die oortreding te hanteer, kan die Stad –

- (a) 'n gepaste voldoeningskennisgewing aan die eienaar of ander persoon beteken oor die telefoon, per e-pos of deur middel van 'n ander vorm van elektroniese kommunikasie wat in die Wet op Elektroniese Kommunikasies en Transaksies, 2002 (25 van 2002) beoog word, of deur die kennisgewing op die grondeenheid te vertoon, of deur 'n kombinasie van hierdie metodes; of
- (b) op 'n dringende grondslag by die hooggeregshof aansoek doen om gepaste verligting, met inbegrip van 'n interdik.

## **Deel 4** **Strafregtelike toepassing** (art. 133-134)

### 133 Oortreding en strawwe

- (1) 'n Persoon is skuldig aan 'n oortreding indien die persoon –
  - (a) 'n oortreding begaan van –
    - (i) 'n besluit wat ingevolge hierdie verordening geneem is of 'n voorwaarde wat ingevolge hierdie verordening opgelê is of as opgelê beskou word;
    - (ii) 'n bepaling van die ontwikkelingsbestuurskema;
    - (iii) die toegelate grondgebruik ingevolge die ontwikkelingsbestuurskema;
    - (iv) 'n voldoeningskennisgewing wat ingevolge artikel 126 uitgereik word; of
    - (v) 'n direktief wat ingevolge artikel 128 uitgereik word;
  - (b) grond dermate wysig of vernietig dat die eiendom nie gebruik kan word vir die doel waarvoor die ontwikkelingsbestuurskema dit bestem het nie;
  - (c) 'n gemagtigde amptenaar of enige ander persoon wat sodanige gemagtigde amptenaar vergesel in die uitvoering van die bevoegdheid wat ingevolge artikel

- 135 toegestaan word, dreig, verhinder, keer of toegang ontsê, of skeltaal teenoor sodanige persoon of persone gebruik;
- (d) vals of misleidende inligting voorsien indien 'n gemagtigde amptenaar die persoon vra om inligting te verstrek; of
  - (e) in 'n aansoek of appèl besonderhede, inligting of antwoorde voorsien in die wete dat dit vals, verkeerd of misleidend is of in die oortuiging dat dit nie korrek is nie.
- (2) 'n Persoon wat aan 'n oortreding ingevolge hierdie verordening skuldig bevind word, is strafbaar met 'n boete of gevangenisstraf van hoogstens 20 jaar, of 'n boete sowel as sodanige gevangenisstraf.
- (3) 'n Persoon wat aan 'n oortreding van hierdie verordening skuldig bevind word en ná skuldigbevinding voortgaan met die optrede met betrekking waartoe hy of sy skuldig bevind is, is skuldig aan 'n voortgesette oortreding en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens drie maande, of sowel sodanige boete as gevangenisstraf, met betrekking tot elke dag waarop hy of sy met daardie optrede voortgaan.
- (4) 'n Eienaar –
- (a) wat toelaat, of nalaat om redelike stappe te doen om te keer, dat sy of haar grond gebruik word op 'n manier wat 'n oortreding ingevolge hierdie verordening uitmaak, is skuldig aan 'n oortreding en by skuldigbevinding strafbaar met die strawwe wat in subartikel (2) beoog word;
  - (b) wat skuldig bevind word aan 'n oortreding wat in paragraaf (a) beoog word en wat ná skuldigbevinding voortgaan met die optrede met betrekking waartoe hy of sy skuldig bevind is, is skuldig aan 'n voortgesette oortreding en by skuldigbevinding strafbaar met die strawwe wat in subartikel (3) beoog word.

#### **134 Vervolg van korporatiewe liggaam en vennootskap**

'n Persoon is persoonlik skuldig aan 'n oortreding wat ingevolge hierdie verordening beoog word indien –

- (a) die oortreding begaan is deur –
  - (i) 'n korporatiewe liggaam wat kragtens enige wet tot stand gebring is; of
  - (ii) 'n vennootskap;
- (b) die persoon ten tyde van die oortreding 'n vennoot in die vennootskap, of 'n lid van die direksie, uitvoerende komitee of ander bestuursliggaam van die korporatiewe liggaam was; en
- (c) die persoon geweet het of redelikerwys moes geweet het dat 'n oortreding begaan word en versuim het om redelike stappe te doen om die oortreding te voorkom.

#### **Deel 5**

#### **Ondersoekende en toepassingsbevoegdhede van gemagtigde amptenaar (art. 135)**

#### **135 Magte en bevoegdhede van 'n gemagtigde amptenaar**

- (1) Die Stad kan 'n amptenaar of enige ander persoon magtig om ingevolge hierdie artikel op te tree ten einde enige aangeleentheid in verband met hierdie verordening te ondersoek.
- (2) 'n Wetstoepassingsbeampte wat deur die Stad aangestel is, word as 'n gemagtigde amptenaar vir die doeleindes van subartikel (1) beskou.
- (3) 'n Gemagtigde amptenaar kan, onderworpe aan subartikel (4) en (5), op enige redelike tydstip en sonder voorafkennisgewing enige grond, gebou of perseel betree en inspekteer ten einde voldoening aan hierdie verordening te verseker.
- (4) 'n Gemagtigde amptenaar kan op enige redelike tydstip, na redelike kennisgewing aan die eienaar of gebruiker van die grond of gebou, en na die verkryging van toestemming van die eienaar of regmatige gebruiker of persoon in beheer van die gebou, 'n privaat woning sonder 'n lasbrief betree en inspekteer ten einde voldoening aan hierdie verordening te verseker.

(5) Indien toestemming nie ingevolge subartikel (4) bekom word nie, kan 'n gemagtigde amptenaar 'n privaat woning met 'n lasbrief betree en inspekteer ten einde voldoening aan hierdie verordening te verseker.

(6) Die gemagtigde amptenaar hoef nie redelike of enige kennis te gee om grond of 'n gebou buiten 'n privaat woning te betree nie, en kan 'n inspeksie of toepassingsaksie uitvoer sonder die toestemming van die eienaar of gebruiker van sodanige grond of gebou, sowel as sonder 'n lasbrief, indien –

- (a) hy of sy redelike gronde het om te glo dat 'n lasbrief aan hom of haar uitgereik sal word; en
- (b) die vertraging om die lasbrief te bekom die doel van die inspeksie en toepassingsaksie sou veryd.

(7) 'n Gemagtigde amptenaar moet in besit wees van 'n sertifikaat wat deur die Stadsbestuurder onderteken is en wat bepaal dat hy of sy as 'n gemagtigde amptenaar vir die doeleindes van hierdie verordening aangewys is, of moet bewys lewer dat hy of sy 'n wetstoepassingsbeampte is.

(8) 'n Gemagtigde amptenaar moet 'n sertifikaat toon op versoek van enige persoon wat deur die uitoefening van 'n bevoegdheid ingevolge hierdie artikel geraak word.

(9) 'n Gemagtigde amptenaar mag nie 'n aangeleentheid ondersoek waarby hy of sy 'n direkte of indirekte persoonlike of privaat belang het nie.

(10) Wanneer 'n gemagtigde amptenaar voldoening aan hierdie verordening ondersoek, kan hy of sy –

- (a) vergesel word van 'n tolk, 'n polisiebeampte of enige ander persoon wat met die inspeksie kan help;
- (b) enige persoon ondervra wat op daardie grond is of was en wat, na die gemagtigde amptenaar se mening, dalk inligting kan voorsien oor 'n aangeleentheid waarop hierdie verordening betrekking het;
- (c) enige persoon ondervra oor enige doen of late met betrekking waartoe 'n redelike vermoede bestaan dat dit dalk 'n oortreding van hierdie verordening uitmaak;
- (d) 'n persoon ondervra oor enige struktuur, voorwerp, dokument, boek of rekord, of kan enige skriftelike of elektroniese inligting of voorwerp inspekteer, wat dalk op die ondersoek van toepassing kan wees;
- (e) enige boek, rekord of ander skriftelike of elektroniese inligting ondersoek en 'n afskrif daarvan maak of 'n uittreksel daaruit neem, en sodanige dokument, boek, rekord of skriftelike of elektroniese inligting vir die doel van sodanige afskrifte of uittreksels verwyder;
- (f) 'n persoon versoek om enige dokument, boek, rekord of enige skriftelike of elektroniese inligting waarna paragraaf (e) verwys vir inspeksie te oorhandig of af te lewer by 'n plek wat die gemagtigde amptenaar bepaal;
- (g) sodanige persoon vra vir 'n verduideliking van enige inskrywing in sodanige dokument, boek, rekord of skriftelike of elektroniese inligting;
- (h) enige artikel, stof, aanleg of masjinerie wat op die grond is of was, of enige werk wat op die grond uitgevoer is, of enige toestand wat op die grond heers, inspekteer, of kan enige artikel, stof, aanleg of masjinerie of 'n deel of monster daarvan vir ondersoek of ontleding verwyder;
- (i) op enige boek, rekord of ander dokument, besonderhede of enige artikel, stof, aanleg of masjinerie of 'n deel of monster daarvan beslag lê wat na sy of haar mening as bewys kan dien by die verhoor van enige persoon wat van 'n oortreding ingevolge hierdie verordening aangekla word, mits die gebruiker van die betrokke artikel, stof, aanleg of masjinerie, na gelang van die geval, voor die beslaglegging afskrifte van sodanige boek, rekord of dokument mag maak;
- (j) enige persoon opdrag gee om voor hom of haar te verskyn op sodanige tyd en plek as wat die gemagtigde amptenaar kan bepaal, en sodanige persoon hetsy alleen of in die teenwoordigheid van enige ander persoon ondervra oor enige aangeleentheid waarop hierdie verordening betrekking het; en



- (k) foto's neem of oudiovisuele opnames of bandopnames maak van enige persoon of enigiets vir die doel van sy of haar ondersoek.
- (11) Wanneer 'n gemagtigde amptenaar enige artikel, stof, aanleg of masjinerie, boek, rekord of ander dokument verwyder of daarop beslag lê, soos wat hierbo beoog word, moet hy of sy 'n ontvangsbewys aan die eienaar of persoon in beheer daarvan uitreik, en dit terugbesorg so gou prakties moontlik ná die bereiking van die doel waarvoor dit verwyder of op beslag gelê is.
- (12) Waar 'n gemagtigde amptenaar enige grond ingevolge subartikel (3) betree, moet 'n persoon wat die grond beheer of bestuur te alle tye sodanige fasiliteite beskikbaar stel wat die gemagtigde amptenaar redelikerwys kan nodig kry om sy of haar bevoegdhede ingevolge hierdie verordening doeltreffend en veilig uit te voer.
- (13) 'n Gemagtigde amptenaar wat enige grond of privaat woning ingevolge hierdie artikel betree en deursoek, moet sodanige soektog of beslaglegging uitvoer met deeglike inagneming van ordentlikheid en orde sowel as van elke persoon se reg op menswaardigheid, vryheid, sekuriteit en privaatheid.

## **HOOFSTUK 10.**

### **STRAATNAME EN -NOMMERS**

*(art. 136)*

#### **136 Straatname en -nommers**

- (1) Indien 'n straat as gevolg van die goedkeuring van 'n aansoek geskep word, moet die Stad die straatnaam goedkeur en 'n straatnommer aan elke grondeenheid in die straat toeken.
- (2) Die voorgestelde straatnaam en -nommers moet as deel van die aansoek om onderverdeling ingedien word.
- (3) Wanneer die Stad 'n straatnaam oorweeg, moet dit die tersaaklike beleide oor straatname en -nommers in ag neem.
- (4) Die aansoeker moet naamborde met die straatnaam volgens die Stad se standarde oprig.
- (5) Geen persoon mag 'n straatnaam wat ingevolge subartikel (1) goedgekeur is, sonder die Stad se goedkeuring verander of wysig nie.
- (6) Geen persoon mag 'n straatnaam vertoon tensy die Stad die naam goedgekeur het nie.
- (7) Die Stad kan op eie inisiatief 'n straatnaam verander of wysig nadat dit aan die bepalings in deel 2 van hoofstuk 7 voldoen het.
- (8) Die Stad kan 'n naam gee aan enige naamlose straat wat spruit uit die goedkeuring van 'n aansoek ingevolge hierdie verordening of 'n ander beplanningswet.
- (9) Die prosedure in hoofstuk 7 is van toepassing.
- (10) 'n Persoon wat 'n straatnaam sonder die Stad se goedkeuring verander, wysig of vertoon, is skuldig aan 'n oortreding en by skuldigbevinding strafbaar met die strawwe wat in artikel 133(2) en 133(3) beoog word.

## **HOOFSTUK 11.**

### **OODRAGSERTIFIKAAT**

*(art. 137)*

#### **137 Oordragcertifikaat**

- (1) 'n Oordraer wat voornemens is om uitvoering te gee aan die eerste registrasie van oordrag van 'n grondeenheid wat uit 'n goedgekeurde onderverdeling binne die geografiese gebied van die Stad spruit, moet tot die Stad se bevrediging bewys lewer dat daar voldoen is aan alle verdere vereistes wat artikel 54(1) beoog.
- (2) 'n Oordraer wat voornemens is om uitvoering te gee aan die registrasie van oordrag van 'n grondeenheid binne die geografiese gebied van die Stad wat volgens die stelsel onderworpe is aan die handeling waarna paragraaf (a) en (b) verwys, moet tot die Stad se bevrediging bewys lewer –

- (a) in gevalle waar 'n oortredingsheffing ingevolge die Ordonnansie en/of 'n administratiewe boete ingevolge artikel 129 opgelê is, dat die heffing of boete betaal is;
  - (b) in gevalle waar 'n direktief ingevolge artikel 128 uitgereik is, dat daar aan die direktief voldoen is.
- (3) Indien die Stadsbestuurder tevrede is dat daar voldoen is aan die vereistes van subartikel (1) en (2), moet die Stadsbestuurder 'n sertifikaat uitreik wat die oordrag magtig, en indien die grondeenheid uit 'n goedgekeurde onderverdeling spruit, moet die Stadsbestuurder 'n sertifikaat vir elke grondeenheid uitreik. Die Stadsbestuurder mag slegs 'n sertifikaat uitreik vir 'n grondeenheid binne 'n fase wat deur die Stad goedgekeur is.
- (4) Geen persoon mag by die registrateur van aktes aansoek doen om die registrasie van 'n grondeenheid, en die registrateur van aktes mag nie sodanige registrasie verleen, sonder die sertifikaat wat subartikel (3) beoog nie.
- (5) Indien 'n sertifikaat ingevolge subartikel (3) verkeerdelik uitgereik word –
- (a) moet die nuwe eienaar steeds aan alle uitstaande vereistes in subartikel (1) voldoen, ongeag of 'n ander persoon ook verplig is om dit te doen; en
  - (b) is die Stad vrygestel van aanspreeklikheid vir enige skade wat as gevolg daarvan kan ontstaan.

## **HOOFSTUK 12.**

### **ALGEMENE ADMINISTRATIEWE BEPALINGS**

*(art. 138-143)*

#### **138 Beleide, prosedures, voorskrifte, standaarde, vereistes en riglyne**

- (1) Die Stad kan 'n beleid, prosedure, standaard, vereiste of riglyn vir die doeltreffende administrasie van hierdie verordening aanvaar.
- (2) Tensy die bevoegdheid om 'n voorskrif neer te lê aan 'n ander persoon of liggaam toevertrou is, mag die Stadsbestuurder enigiets voorskryf wat ingevolge hierdie verordening voorgeskryf kan word.
- (3) Die Stad moet enige voorskrif wat in subartikel (2) beoog word op die Stad se webtuiste beskikbaar stel, en kan enige beleid, prosedure, standaard, vereiste of riglyn wat in subartikel (1) beoog word op die Stad se webtuiste beskikbaar stel.
- (4) 'n Toepaslike beleid, prosedure, standaard, vereiste of riglyn is van toepassing op 'n aansoek ingevolge hierdie verordening.

#### **139 Delegasies**

- (1) Die Stadsbestuurder kan –
- (a) enige bevoegdheid, mag of plig wat ingevolge hierdie verordening aan die Stadsbestuurder verleen word, aan 'n amptenaar delegeer; of
  - (b) 'n amptenaar opdrag gee om enige van die Stadsbestuurder se pligte kragtens hierdie verordening na te kom.
- (2) Die burgemeester kan die bevoegdheid vir die beslissing van 'n appèl wat spruit uit 'n besluit van 'n gemagtigde amptenaar, of uit die versuim om 'n besluit te neem (artikel 103), aan 'n politieke ampsdraer of 'n gemagtigde amptenaar delegeer.

#### **140 Vrstelling**

Onderworpe aan artikel 60 van die Wet op Grondgebruikbeplanning, kan die Stad 'n aansoek skriftelik vrystel van voldoening aan die bepalinge van hierdie verordening ten einde die finansiële of administratiewe las te verlig van –

- (a) die voorsiening van behuising met behulp van 'n staatsubsidie; of
- (b) die inkrementele opknapping van 'n bestaande nedersetting.

#### 141 Aanspreeklikheid van die Stad

Die Stad is nie aanspreeklik vir enige verlies of skade wat enige persoon ly as gevolg van enige doen of late in goeie trou met betrekking tot die nakoming van enige plig ingevolge hierdie verordening nie, tensy growwe nalatigheid bewys word.

#### 142 Voorbehoud- en oorgangsbepalings

(1) Enige goedkeuring, aanwysing, bepaling, toestemming, reg, magtiging, bevestiging of instruksie wat uitgereik, toegestaan of van krag is ingevolge 'n wet wat deur die Wet op Grondgebruikbeplanning herroep is en wat onmiddellik voor die inwerkingtreding van die Wet op Grondgebruikbeplanning bestaan het, bly van krag en word, waar van toepassing, beskou asof dit ingevolge hierdie verordening uitgereik, toegestaan of plaasgevind het, onderworpe aan die voorwaardes waaronder dit uitgereik is, en geld vir die tydperk waarvoor dit ingevolge die herroepe wet toegestaan is.

(2) Ondanks die herroeping van die Ordonnansie, moet enige handeling of aansoek wat uitgevoer of gedoen is voor die inwerkingtreding van hierdie verordening, ingevolge 'n wet wat deur die Wet op Grondgebruikbeplanning herroep is, met inbegrip van 'n vorige soneringskema, en wat nog nie onmiddellik voor die inwerkingtreding van hierdie verordening afgehandel is nie, afgehandel word asof die Wet op Grondgebruikbeplanning en hierdie verordening nie van krag is nie en asof die vorige soneringskema nie herroep is nie.

(3) Optrede in stryd met 'n wet wat deur die Wet op Grondgebruikbeplanning herroep is, word beskou as 'n oortreding van hierdie verordening, en die strawwe ingevolge hierdie verordening is van toepassing waar die optrede 'n oortreding ingevolge hierdie verordening sou uitmaak.

(4) Wanneer 'n goedkeuring uitgevoer word, sal daar aanvaar word dat 'n ooreenstemmende sonering in die ontwikkelingsbestuurskema, soos wat die Stad bepaal, aan 'n grondeenheid toegeken is indien –

(a) 'n hersoneringsaansoek of vervangingskema goedgekeur dog nog nie uitgevoer is voor die inwerkingtreding van hierdie verordening nie; of

(b) 'n hersoneringsaansoek of vervangingskema ná die inwerkingtreding van hierdie verordening goedgekeur word ooreenkomstig die bepaling van 'n vorige soneringskema (soos wat subartikel (2) bepaal).

(5) 'n Bouplanaansoek wat formeel ingedien en aanvaar is –

(a) voor 1 Maart 2013 en wat nog verwerk word; of

(b) op of na 1 Maart 2013 met die doel om uitvoering te gee aan 'n goedkeuring ingevolge 'n vorige beplanningswet,

moet ooreenkomstig daardie goedkeuring beoordeel word, mits die bouplanaansoek teen 31 Augustus 2017 goedgekeur word.

(6) 'n Eienaar wie se grond op 1 Maart 2013 as algemene sakesubsone GB3 tot GB7 of gemengdegebruiksone MU2 en MU3 gesoneer was, kan tot 28 Februarie 2023 kies om te val onder die soneringsbepalings van hetsy die ontwikkelingsbestuurskema of die soneringskema wat op 28 Februarie 2013 in werking was.

(7) Waar 'n eienaar wat in subartikel (6) beoog word, kies om te val onder die soneringsbepalings van 'n soneringskema wat op 28 Februarie 2013 in werking was, sal al die bepaling van toepassing op daardie sonering geld en mag geen afwyking van daardie sonering toegestaan word nie.

(8) Waar 'n administrateur of dorpsraad in 'n beperkende voorwaarde verwys na goedkeuring in die bevoegdheidsgebied van die Stad, wat uitsluit 'n voorwaarde ingevolge waarvan die provinsiale regering privaatreg-regte bekom, word dit as 'n verwysing na goedkeuring deur die Stad beskou.

#### 143 Kort titel en inwerkingtreding

(1) Hierdie verordening is bekend as die Stad Kaapstad Verordening op Munisipale Beplanning, 2015, en tree in werking op 'n datum wat die burgemeester by wyse van afkondiging in die *Provinsiale Koerant* vasstel.

(2) Die burgemeester kan verskillende datums vasstel waarop verskillende bepalings van hierdie verordening in werking kan tree.

**BYLAE 1**  
**STRUKTUURPLANNE WAT AS 'N DISTRIKSRAAMWERK VIR RUIMTELIKE ONTWIKKELING**  
**BESKOU WORD**  
**(art. 20(1))**

	<b>Naam van struktuurplan</b>
1.	Blaauwberg-distriksplan: Tegniese verslag
2.	Kaapse Vlakte-distriksplan: Tegniese verslag
3.	Helderberg-distriksplan: Tegniese verslag
4.	Distriksplan vir Khayelitsha, Mitchells Plain, en Blue Downs en omgewing: Tegniese verslag
5.	Noord-distriksplan: Tegniese verslag
6.	Suid-distriksplan: Tegniese verslag
7.	Tafelbaai-distriksplan: Tegniese verslag
8.	Tygerberg-distriksplan: Tegniese verslag

**BYLAE 2**  
**STRUKTUURPLANNE WAT AS 'N PLAASLIKE RAAMWERK VIR RUIMTELIKE**  
**ONTWIKKELING BESKOU WORD**  
**(art. 20(2))**

	<b>Naam van struktuurplan</b>
1.	Plaaslike struktuurplan vir Constantia-driehoek
2.	Ontwikkelingsraamwerk vir Elsieskraalriviervallei
3.	Bestuursplan vir Victorialaan, Houtbaai: Oxfordstraat tot Princessstraat
4.	Struktuurplan vir Scarborough en Misty Cliffs
5.	Struktuurplan vir Simonstad
6.	Struktuurplan vir plaaslike gebied Sunnydale
7.	Stedelike-ontwerpraamwerk vir Durbanville-stadskern

**BYLAE 3**  
**STAD KAAPSTAD ONTWIKKELINGSBESTUURSKEMA**  
**(art. 25(1)(a))**

**AFDELING I: VERTOLKING EN PROSEDURES**  
*(items 1-7)*

**HOOFSTUK 1.: WOORDOMSKRYWING EN VERTOLKING**  
*(items 1-6)*

**1 Woordoms krywing in hierdie ontwikkelingsbestuurskema**

In hierdie ontwikkelingsbestuurskema, tensy die samehang anders aandui, beteken –

**‘aanvullend’** ’n grondgebruik, doel, gebou, struktuur of aktiwiteit wat direk verband hou met, en ondergeskik is aan, die regmatige, oorwegende gebruik van die eiendom;

**‘advertensie’**, wanneer dit in verband met buitereklaame gebruik word, dieselfde as in die Stad se Verordening op Buitereklaame en Advertensietekens;

**‘afdak’** ’n vrydraende of hangdak, -blad of -bedekking (wat nie die vloer van ’n balkon is nie) wat van die muur van ’n gebou uitsteek;

**‘akwakultuur’** die verbouing of teel van waterplante of -diere vir kommersiële doeleindes in kunsmatig geboude damme of houertenks of in dryfnette wat vanaf vlotte in natuurlike watermassas hang;

**‘antenna’** enige stelsel van drade, pale, stawe, weerkaatsingsoppervlakke of soortgelyke toestelle wat gebruik word om elektroniese kommunikasiesêne of elektromagnetiese golwe te stuur of te ontvang;

**‘atrium’** ’n oordekte binnehof wat bestaan uit ’n oop ruimte binne-in ’n gebou wat oor meer as een vlak in hoogte strek, maar nie oor ’n vlak beskik wat die oop ruimte binnedring nie. ’n Atrium bevat ’n vloer en ’n dak of plafon;

**‘balkon’** ’n vloer wat buite ’n gebou op ’n hoër vlak as dié van die grondvloer uitsteek en wat slegs deur lae mure of traliewerk of die hoofinsluitingsmure van vertrekke direk langs sodanige uitsteekvloer ingesluit word, en wat ’n dak oor sodanige vloer sowel as steunpilare vir sodanige dak kan insluit;

**‘basisvlak’** van ’n gebou ’n denkbeeldige vlak wat horisontaal op die gemiddelde grondvlak van die gebou of vertikale verdeling van die gebou getrek word, en wat onder die grondvloer en direk bo of bo-op die plafon van enige kelder is;

**‘bed-en-ontbytonderneming’** ’n woonhuis of tweede woning waarin die eienaar van die woning teen vergoeding losies en etes voorsien aan verbygaande gaste wat permanent elders woon, mits –

- (a) die oorwegende gebruik van die betrokke woonhuis steeds die residensiële huisvesting van ’n enkele familie is; en
- (b) die eiendom aan die vereistes vir ’n bed-en-ontbytonderneming ingevolge hierdie ontwikkelingsbestuurskema voldoen;

**‘begraafplaas’** ’n plek vir die teraardebestelling van menslike of troeteldieroorskot en wat aanvullende geboue soos ’n kantoor en kapel kan insluit, maar ’n krematorium uitsluit;

**‘begrafnisonderneming’** ’n eiendom waar gestorwenes voorberei word vir teraardebestelling of verassing, wat fasiliteite vir aanvullende administratiewe en godsdienstige funksies insluit, maar ’n krematorium uitsluit;

**‘beleidsplan’** ’n beleid wat die Stad aanvaar het, of ’n struktuurplan, raamwerk vir ruimtelike ontwikkeling of ander plan wat ingevolge hierdie verordening goedgekeur is;

**‘beskermde gebied’** dieselfde as ingevolge die Wet op Nasionale Omgewingsbestuur: Beskermde Gebiede, 2003 (Wet 57 van 2003);

**‘bestaande grondvlak’** die vlak van die grondoppervlak op ’n grondeenheid –

- (a) in ’n onversteurde toestand voordat enige gebou daarop opgerig of wysigings aan vlakke daarop gemaak is; of
- (b) ingevolge ’n plan wat die kontoere van die grond aandui en wat ingedien is by en aanvaar is deur ’n amptelike agentskap soos die munisipaliteit of ’n



- staatsdepartement, wat die bestaande vlak van die grond voor of op die inwerkingtreddingsdatum toon; of
- (c) in 'n toestand wat met die Stad se goedkeuring vir die doel van ontwikkeling verander is; of
  - (d) soos wat die Stad bepaal indien onreëlmatighede of versteurings van die grond dit na die Stad se mening onmoontlik maak om die bestaande vlak van die grond te bepaal; en

kan die Stad die eienaar of aansoeker versoek om 'n geregistreerde landmeter opdrag te gee om die grondvlakke op te meet of vlakke te interpoleer wat aan die nasionale beheernetwerk gekoppel sal word of, waar dít nie moontlik is nie, om minstens twee blywende, toepaslik geleë verwysingsmerke te voorsien, ten einde die Stad van voldoende inligting te voorsien om die mees toepaslike bestaande grondvlak vir die administrasie van die ontwikkelingsbestuurskema te bepaal;

**'bewoner'** enige persoon wat fisies 'n eiendom bewoon;

**'bewoonbare ruimte'** 'n ruimte wat gebruik word of ontwerp, aangepas of bedoel is vir persone om in te slaap, te woon, kos of drank te berei of te verbruik, sake te doen, enige dienste te lewer, die vervaardiging, verwerking of verkoop van goedere, die verrigting van werk, die vergadering van persone of vir ontspanningsdoeleindes;

**'bopunt van die dak'**, vir die doeleinde van hoogtebeheer, die bopunt van die dakrug in geval van 'n spitsdak, of die bopunt van die borswering waar 'n borswering bo die dak uitsteek;

**'borswering'** 'n lae uitsteeksel, muur of lyswerk wat die heel boonste rand van 'n gebou met 'n plat of laehellingdak afrond;

**'bouerswerf'** 'n eiendom wat gebruik word vir die berging van materiaal en toerusting wat –

- (a) vereis word of gewoonlik gebruik word vir bouwerk;
- (b) uit die sloping van strukture of die uitgraving van grond verkry is; of
- (c) nodig is vir of gewoonlik gebruik word vir grondontwikkeling, soos die berging van materiaal vir die bou van paaie, die installering van noodsaaklike dienste of vir enige ander bouwerk, hetsy vir openbare of privaat doeleindes;

**'boulyn'** 'n denkbeeldige lyn op 'n grondeenheid wat 'n afstand vanaf 'n bepaalde kadastrale grens aandui waarbinne die oprigting van geboue of strukture hetsy geheel en al of gedeeltelik verbode is;

**'braaikamer'** 'n vertrek wat deel is van die hoofwoning of buitegeboue en wat hoofsaaklik vir vermaakdoeleindes gebruik word en waar kos en drank voorberei kan word, maar wat 'n kombuis uitsluit;

**'bruto digtheid'** 'n maatstaf vir die getal wooneenhede in 'n bepaalde gebied, wat soos volg bereken word –

Bruto woondigtheid

$$(\text{eenhede per hektaar}) = \frac{\text{Totale getal wooneenhede in 'n bepaalde gebied}}{\text{Grootte van gebied in hektaar}}$$

**'bruto verhuurbare oppervlakte'** of **'BVO'** die oppervlakte van 'n gebou wat ontwerp of geskik is vir besetting en/of beheer deur huurders, wat gemeet word vanaf die middellyn van gemeenskaplike afskortings tot die binnekant van die afgewerkte oppervlak van die buitemure, maar wat die volgende uitsluit –

- (a) alle uitsluitings van die omskrywing van vloerruimte;
- (b) toilette;
- (c) hyserskagte, diensskagte, vertikale binnedringing van vloere;
- (d) hysermotorkamers en kamers vir ander meganiese toerusting wat vir die behoorlike funksionering van die gebou vereis word;
- (e) gebiede wat redelikerwys in verband met die skoonmaak, instandhouding en versorging van die gebou gebruik word, wat wooneenhede vir opsigters, toesighouers, skoonmakers of instandhoudingspersoneel uitsluit; en
- (f) binneparkeerruimte en binnelaaiesones;

**'buitegebou'** 'n struktuur wat hetsy vas aan of los van die hoofgebou is, wat gewoonlik aanvullend tot en ondergeskik aan die hoofgebou op 'n grondeenheid is, en wat 'n gebou insluit wat ontwerp is vir gebruik as 'n motorhuis vir motorvoertuie en vir enige ander gewone aktiwiteit in soverre dit

gewoonlik en redelikerwys in verband met die hoofgebou vereis word, sowel as huishoudelike personeelkwartiere in geval van 'n woonhuis, maar wat 'n tweede woning uitsluit;

**'buiteontwerp'** die plasing van plante, kontoerfokuspunte, waterfokuspunte, plaveisel, straatmeubels en ander sagte en harde elemente ten einde die estetiese aantreklikheid, omgewingsbestuur, gerief en waarde van 'n eiendom of gebied te verbeter;

**'buiteportaal'** 'n dak (wat nie die vloer van 'n balkon is nie) wat van bo 'n ingang aan die buitekant van 'n gebou uitsteek en 'n oordekte ingang van die gebou vorm, en wat enige geplaveide gebied daaronder, enige lae mure of traliewerk om sodanige geplaveide gebied, sowel as enige steunpilare vir sodanige dak insluit;

**'buitereklame'** die handeling of proses van kennisgewing, waarskuwing, inligting, bekendmaking of enige ander handeling van inligtingsoordrag op 'n sigbare manier en buitenshuis;

**'bykomende gebruikreg'** 'n grondgebruik wat in hierdie ontwikkelingsbestuurskema aangedui word as 'n toegelate aktiwiteit of gebruik in 'n sonering, mits daar voldoen word aan enige voorwaardes of verdere bepalings met betrekking tot sodanige aktiwiteit of gebruik;

**'bykomende wooneenheid'** 'n wooneenheid wat met die goedkeuring van die Stad in 'n landbousonering opgerig mag word benewens 'n tweede woning, woning of residensiële huisvesting vir bona fide-landbouwerkers;

**'dakgemonteerde basistelekommunikasiestasie'** 'n steunstruktuur wat aan die dak, kant of enige ander deel van 'n gebou geheg word en gebruik word om telekommunikasie-infrastruktuur vir die versending of ontvangs van elektroniese kommunikasiesene te hou;

**'dakrand'** 'n gedeelte van 'n dak wat by die aansigmuur van 'n gebou verbysteek, met inbegrip van enige geute;

**'dekking'** die totale oppervlakte van 'n grondeenheid wat deur geboue bedek mag word, as 'n persentasie van die oppervlakte van sodanige grondeenheid, wat alle oordekte gebiede insluit, met dien verstande dat die volgende gedeeltes van geboue nie in die berekening van dekking in ag geneem word nie –

- (a) stoepe, ingangstrappe en -trapportale;
- (b) oop balkonne en afslaansonkappe;
- (c) kroonlyste, skoorsteenborste, priële, blombakke, waterpype, afvoerpipe en kleiner siervoorwerpe wat nie meer as 500 mm van die muur van die gebou uitsteek nie;
- (d) dakrande wat nie meer as 1 m van die aansigmuur van die gebou uitsteek nie; en
- (e) 'n kelder, mits die afgewerkte vlak van die bokant van die kelder nie bo die bestaande grondvlak uitsteek nie;

**'die reg oor beroepsgesondheid en -veiligheid'** die Wet op Beroepsgesondheid en -veiligheid, 1993 (Wet 85 van 1993) of munisipale verordeninge waaronder beroepsgesondheid en -veiligheid val, wat ook al van toepassing is;

**'diensbedryf'** 'n onderneming wat –

- (a) hoofsaaklik betrokke is by die lewering van 'n diens aan die plaaslike gemeenskap, soos die herstel van huishoudelike en elektriese toestelle of die lewering van huishoudelike dienste;
- (b) waarskynlik nie 'n bron van steurnis vir omliggende eiendomme sal wees nie;
- (c) hoogstens 10 mense in diens het;
- (d) waarskynlik nie in geval van 'n brand oormatige ontbranding sal veroorsaak, giftige dampe tot gevolg sal hê of tot ontploffings sal lei nie; en

wat 'n bouerswerf en verwante ambagte, 'n monteringsentrum vir bande, skokbrekers of uitlaatstelsels en soortgelyke tipes gebruike kan insluit, maar 'n slagpale, steenmakery, rioolwerke, diensstasie of motorherstelhawe uitsluit;

**'diensstasie'** 'n eiendom vir die kleinhandelverskaffing van brandstof, wat handel in motorvoertuie, olie, bande of motoronderdele, algemene motorvoertuigherstelwerk, uitlaattypmontering, skokbrekermontoring, die was van voertuie en 'n aanvullende winkel insluit, maar spuitverf, paneelklopwerk of bakwerk uitsluit;

**'dieresorgsentrum'** 'n plek vir die versorging van troeteldiere en diere wat op hetsy 'n kommersiële of welsynsgrondslag bedryf word, met inbegrip van hondehotelle en troeteldierafrigtingsentrums;

**'eiendom'** dieselfde as 'grond';

**‘ekosisteem’** ’n selfstandige en selfregulerende gemeenskap van organismes en die wisselwerking tussen die organismes self en met hulle omgewing;

**‘ekspo-sentrum’** ’n plek vir groot uitstallings, veral van ’n kommersiële aard, waar produkte vertoon word om handel te bevorder, of ’n plek vir groot konferensies, met inbegrip van ’n konferensiefasiliteit;

**‘elektroniese of meganiese speeltoestelle’** enige elektroniese of meganiese of soortgelyke toestelle wat ontwerp is of gebruik word vir die speel van enige speletjie, of vir ontspannings- of vermaakdoeleindes, of waar die operateur of speler geregtig is op ’n beperkte uitbetaling wat die wet bepaal, en die werking van die toestel die betaling van enige waardevolle teenprestasie behels, hetsy deur die invoeging van ’n munt, tekenmunt, skyf of iets anders;

**‘erf’** dieselfde as ‘grondeenheid’;

**‘erfenisbestuursplan’** ’n plan wat ’n uiteensetting bied van ’n erfenishulpbron, sy erfeniswaardes en bestuursvereistes. So ’n erfenisbestuursplan moet onderworpe wees aan openbare oorlegpleging en moet deur die Stad goedgekeur word voordat dit in werking gestel mag word;

**‘erfenisgebied’** dieselfde as in artikel 31 van die Wet op Nasionale Erfenishulpbronne;

**‘erfenishulpbron’** dieselfde as in die Wet op Nasionale Erfenishulpbronne;

**‘erfenisplek’** ’n eiendom, terrein, gebied, streek, struktuur, groep strukture, oop ruimte, openbare plein, straat, park, veld of natuurlike kenmerk wat weens die erfeniswaarde daarvan bewarenswaardig is;

**‘erfenisregister’** dieselfde as in die Wet op Nasionale Erfenishulpbronne;

**‘fabriek’** ’n eiendom wat ’n nywerheidsvervaardigingsaanleg vir die vervaardiging van goedere bevat;

**‘fabriekswinkel’** ’n eiendom wat vir die kleinhandelverkoop van goedere aan die publiek gebruik word en waar die betrokke goedere in die geheel of oorwegend in ’n fabriek op die betrokke eiendom vervaardig is;

**‘familie’** –

- (a) een persoon wat ’n onafhanklike huishouding onderhou; of
- (b) twee of meer persone wat bloed-, huweliks- of burgerlikesamevoegingsbande deel en wat ’n gemeenskaplike huishouding onderhou; of
- (c) hoogstens vyf nieverwante persone sonder afhanklikes wat ’n gemeenskaplike huishouding onderhou; maar

kan dit ook tot en met ses pleegkinders of afhanklikes onder wettige voogdyskap as deel van ’n huishouding insluit;

**‘gastehuis’** ’n woonhuis of tweede woning wat gebruik word om teen vergoeding losies en etes aan verbygaande gaste te voorsien in ’n onderneming wat die beperkings van ’n bed-en-ontbytonderneming oorskry, en wat sakevergaderings of opleidingssessies deur en vir gaste op die eiendom kan insluit;

**‘gebiedsplan’** ’n plan wat die Stad goedgekeur het en wat in item 136(4)(c) van hierdie ontwikkelingsbestuurskema beoog word;

**‘gebou’**, sonder om enigsins die gewone betekenis daarvan te beperk, onder meer –

- (a) enige struktuur met ’n dak;
- (b) enige buitetrappe of -trapportale van ’n gebou en enige galery, afdak, balkon, stoep, veranda, buiteportaal of soortgelyke kenmerk van ’n gebou;
- (c) enige mure of traliewerk rondom enige kenmerk in paragraaf (b) hierbo; en
- (d) enige ander gedeelte van ’n gebou;

**‘gebruik’**, benewens die gewone betekenis daarvan, onder meer ‘aangewys of bedoel vir gebruik’;

**‘gemeenskaplike grens’** met betrekking tot ’n grondeenheid, ’n grens wat met ’n aangrensende grondeenheid gedeel word, buiten ’n straatgrens;

**‘gemiddelde grondvlak’** die gemiddelde van die hoogste en laagste bestaande grondvlakke wat direk grens aan die buiteaansigfasade van ’n gebou of ’n muur wat in die grond van ’n gebou insny of ’n vertikale verdeling van ’n gebou, en kan die Stad –

- (a) die gemiddelde grondvlak bepaal op grond van afmetings wat op ’n bouplan voorsien word; of

- (b) 'n vlak as die gemiddelde grondvlak beskou op grond van afmetings wat van 'n kontoerplan afgelei word, 'n plaaslike hoogtemaatstaf of ander inligting waaroor die Stad beskik; of
- (c) die eienaar of aansoeker versoek om 'n geregistreerde landmeter opdrag te gee om die grondvlakke op te meet of vlakke te interpoleer ten einde die Stad van voldoende inligting te voorsien om die gemiddelde grondvlak vir die doel van die administrasie van hierdie ontwikkelingsbestuurskema te bepaal;

**'geraasvlak'** 'n lesing wat ooreenkomstig aanvaarde wetenskaplike beginsels met 'n geïntegreerde impulsklankmeter geneem is, soos wat beskryf word in die Regulasies oor Geraasbeheer wat ingevolge artikel 25 van die Wet op Omgewingsbewaring, 1989 (Wet 73 van 1989) uitgevaardig en in PK 200/2013 in *Provinsiale Koerant* 7141 van 20 Junie 2013 gepubliseer is, of enige sodanige daaropvolgende vervangende regulasies of wetgewing;

**'geregistreerde landmeter'** iemand wat ingevolge die Wet op Professionele en Tegniese Landmeters, 1984 (Wet 40 van 1984) as hetsy 'n professionele landmeter, 'n professionele opmeter of 'n opmeter geregistreer is;

**'gevaarlike stof'** of **'gevaarlike stowwe'** dieselfde as die omskrywing van 'gegroepeerde gevaarhoudende stof' in die Wet op Gevaarhoudende Stowwe, 1973 (Wet 15 van 1973);

**'grens'** met betrekking tot 'n grondeenheid, een of meer kadastrale lyne wat sodanige grondeenheid van 'n ander grondeenheid of 'n padreserwe skei;

**'grensmuur'** enige muur, omheining of insluitingstruktuur wat op of langs 'n kadastrale eiendomsgrens opgerig word, en enige ander struktuur, met inbegrip van sekuriteitstoestelle, soos spykers, doringdraad, lemmetjiesdraad of elektriese draad, wat aan of op 'n grensmuur aangebring word;

**'groepsbehuising'** en **'groepsbehuisingskema'** 'n groep afsonderlike en/of skakelwooneenhede wat onderverdeel kan word, maar as 'n harmoniese argitektoniese entiteit beplan, ontwerp en gebou is en waarby oop ruimte op 'n ordelike wyse geïntegreer is;

**'groepsbehuisingssterrein'** een of meer grondeenhede waarop 'n groepsbehuisingskema opgerig kan word;

**'groepshuis'** 'n wooneenheid wat deel uitmaak van 'n groepsbehuisingskema;

**'grondvlak'**: sien 'gemiddelde grondvlak' en 'bestaande grondvlak';

**'grondvloer'** die laagste vloer van 'n gebou wat nie 'n kelder is nie en wat op die basisvlak van 'n gebou of vertikale verdeling geleë is;

**'grondwal'** grond wat gevorm is om grond of los klippe terug te hou;

**'halfweghuis'** 'n fasiliteit wat tydelike huisvesting bied aan inwoners wat 'n formele behandelingsprogram vir middelmisbruik voltooi het, maar wat binnepasiëntbehandeling- of soortgelyke fasiliteite uitsluit;

**'hawe'** dieselfde as in die Wet op Nasionale Hawens, 2005 (Wet 12 van 2005);

**'helikopterlandingsplek'** enige grondgedeelte of gedeelte van 'n gebou, struktuur of deel daarvan wat afgebaken is vir helikopters of vliegtuie wat vertikaal opstyg, om daar te land of op te styg;

**'hinderbedryf'** 'n aanstootlike, giftige of moontlik skadelike bedryf, gebruik of aktiwiteit wat die Stad weens dampe, vrystellings, reuke, vibrasie, geraas, afvalprodukte, die aard van die materiaal wat gebruik word, die werksprosesse of 'n ander rede as 'n moontlike bron van gevaar, steurnis of aanstoot vir die algemene publiek of persone in die omliggende gebied beskou;

**'hoogte'**, van 'n gebou, 'n vertikale dimensie in meter vanaf 'n bepaalde vlak tot 'n ander bepaalde vlak, soos dit in die ontwikkelingsreëls van 'n sonering uiteengesit word, met dien verstande dat skoorstene, skoorsteenpype, maste, antennes, satellietskottels met 'n deursnee van hoogstens 1,5 m, en eksterne warmwatertoestelle en verbandhoudende toerusting wat nie meer as 1,5 m bo die bopunt van die dak uitsteek nie, nie vir die doeleindes van hoogtebeheer in ag geneem word nie;

**'hospitaal'** 'n plek vir die diagnose en behandeling van menslike siekte, met geïntegreerde fasiliteite soos operasiesale en inwoonverblyf vir pasiënte, met inbegrip van 'n kliniek en mediese spreekkamers;

**'hotel'** 'n eiendom wat as 'n tydelike woonplek vir verbygaande gaste dien en waar losies en etes voorsien word, en wat kan insluit –

- (a) 'n restaurant of restaurante;

- (b) konferensie- en vermaakfasiliteite wat ondergeskik is aan en aanvullend is tot die oorwegende gebruik van die eiendom as 'n hotel; en
- (c) 'n perseel wat gelisensieer is om alkoholiese drank vir verbruik op die eiendom te verkoop;

dog 'n buiteverkoopdrankwinkel, woonhuis of wooneenheid uitsluit;

**'houerterrein'** 'n eiendom wat vir die berging van skeep- of vragvervoerhouers gebruik word;

**'huishoudelike personeelkwartiere'** 'n buitegebou met 'n vloerruimte van nie meer as 50 m<sup>2</sup> nie, met inbegrip van sanitêre en kosbereidingsfasiliteite, en wat gebruik word vir die huisvesting van huishoudelike personelede wat by die betrokke woonhuis in diens is;

**'huiswinkel'** die bedryf van 'n kleinhandelsaak vanaf 'n woonhuis, tweede woning of buitegebou deur een of meer bewoners wat op die eiendom woon;

**'informele handel'** die wettige verkoop van produkte in gebiede wat die Stad bepaald vir hierdie doeleindes afgebaken het, soos markte en ander afgebakende gebiede;

**'ingangstrappe en -trapportale'** trappe en trapportale van 'n gebou, met inbegrip van enige lae mure en traliewerk, indien sodanige trappe en trapportale nie binne die hoofinsluitingsmure van die gebou is nie;

**'instelling'** 'n eiendom wat as 'n welsynsfasiliteit soos 'n ouetehuis, 'n tehuis vir afgetredenes, behoeftiges of persone met gestremdhede, of 'n maatskaplike fasiliteit soos 'n beradingsentrum, weeshuis of verbeteringskool gebruik word, en wat aanvullende administratiewe, gesondheidsorg- en steundienste vir hierdie fasiliteite insluit, maar 'n hospitaal, kliniek of gevangenis uitsluit;

**'intensiewe tuinbou'** die kweek van plante op 'n intensiewe grondslag, met inbegrip van die kweek van plante onder dak of in kweekhuise, sowel as die verkoop van selfgekweekte plante op 'n eiendom;

**'intensiewe veeboerdery'** die teel, voer en aanhou van diere of pluimvee op 'n intensiewe grondslag, maar wat die teel, voer en aanhou van wild uitsluit;

**'kadastrale lyn'** 'n lyn wat die amptelike grens van 'n grondeenheid voorstel soos dit aangedui is op 'n diagram of algemene plan wat deur die landmeter-generaal goedgekeur en in die akteskantoor geregistreer is;

**'kampterrein'** 'n eiendom waarin tente of karavane vir besoekersverblyf gebruik word, met inbegrip van ablusie-, kosbereidings- en ander fasiliteite vir sodanige besoekers se gebruik;

**'kantoor'** 'n eiendom wat gebruik word vir die bedryf van 'n onderneming wat hoofsaaklik met administratiewe, klerklike, finansiële of professionele pligte gemoeid is, en wat mediese spreekkamers insluit;

**'karavaan'** 'n voertuig wat vir woon- en slaapdoeleindes toegerus of omskep is en geredelik verskuif kan word;

**'keerstruktuur'** 'n muur of struktuur wat gebou is om grond of los klip terug te hou;

**'kelder'** daardie ruimte in 'n gebou tussen 'n vloer en 'n plafon, met inbegrip van sodanige vloer of plafon, wat nie as bewoonbare ruimte bedoel is nie en wat geheel en al onder die bestaande grondvlak geleë is en ondergronds bly, buiten dat dit voertuigtoegang vanaf 'n pad kan insluit, mits sodanige toegang slegs teen 'n afwaartse hoek of vanaf 'n gelyk vlak verkry word;

**'kliniek'** 'n plek vir die diagnose en behandeling van menslike siekte of die verbetering van menslike gesondheid en wat oor beperkte fasiliteite beskik en op buitepasiënte konsentreer, met dien verstande dat 'n kliniek inwoongeriewe vir hoogstens twintig persone, onder meer pasiënte en personelede, kan bevat en mediese spreekkamers, 'n operasiesaal, 'n buitepasiëntesentrum en 'n welstandsentrum met aanvullende gebruike kan insluit;

**'kombuis'** 'n vertrek of deel van 'n vertrek wat toegerus is vir die bereiding en kook van maaltye, maar wat 'n braaikamer, kos- en drankbereidingsgebied of kroegfasiliteite in 'n vermaakgebied uitsluit;

**'kommersieel'** in kombinasie met 'n gebruik, soos 'kommersiële vermaak', 'kommersiële konferensiefasiliteit', ensovoorts, 'n onderneming wat bedryf word met die uitdruklike oogmerk om 'n wins te maak, met geen of beperkte maatskaplike of liefdadigheidsdoelmerke;

**'konferensiefasiliteit'** 'n plek van 'n kommersiële aard waar inligting aangebied en idees of inligting uitgeruil kan word tussen groepe mense of afgevaardigdes wie se gewone werkplek elders is, en wat oornagverblyf en die voorsiening van etes aan afgevaardigdes kan insluit;



**'kontekstuele raamwerk'** 'n plan of skriftelike strategie wat die Stad ingevolge item 136(4)(a) goedgekeur het;

**'krematorium'** 'n plek vir die verassing van liggame in 'n brandoond, met inbegrip van aanvullende fasiliteite soos 'n kapel en kantore;

**'kulturele en sosiale plegtighede'** die beoefening van kulturele en sosiale plegtighede deur enige persoon wat tot 'n kultuur-, geloofs- of taalgemeenskap behoort, mits sodanige plegtighede wettig is;

**'kweekhuis'** 'n struktuur waarvan die kante hoofsaaklik uit 'n deursigtige materiaal soos glas, perspex of plastiek gemaak is vir die kweek van plante of die versnelde kweek van plante in 'n beheerde omgewing;

**'kwekery'** 'n eiendom wat vir die verbouing en verkoop van plante, tuinmaakprodukte en tuinmaaktoerusting as 'n kommersiële onderneming gebruik word;

**'laaisone'** 'n gebied wat duidelik vir die op- en aflaai van goedere op/van kommersiële voertuie afgebaken is en wat tot die Stad se bevrediging oor voertuigtoegang tot 'n openbare straat beskik;

**'landbou'** die bewerking van grond vir gewasse en plante, die aanhou en teel van diere, byeboerdery of die bedryf van 'n wildsplas, wat sodanige aktiwiteite en geboue insluit as wat redelik verband hou met die hoofboerderybedrywighede, soos wooneenhede vir die boer, plaasbestuurder en plaaswerkers, die verpakking van landbouprodukte wat op die eiendom verbou word vir lewering aan die mark, en 'n kwekery, maar wat intensiewe tuinbou, intensiewe veeboerdery, 'n plaaswinkel, die oesting van natuurlike hulpbronne en 'n landbounywerheid uitsluit;

**'landbounywerheid'** 'n onderneming vir die verwerking van landbouprodukte op of naby die grondeenheid waar hierdie landbouprodukte verbou word en waar sulke nabygeleë verwerking nodig is weens die aard, bederfbaarheid en breekbaarheid van die landbouprodukte, wat 'n wynmakery en distilleerderij insluit, maar 'n diensbedryf of slagpale uitsluit;

**'losies'** slaapkamerverblyf (of, in die geval van rugsakstappersverblyf, 'n bed) wat teen betaling beskikbaar gestel word, sowel as die dienste wat gewoonlik met sulke verblyf verband hou, en het **'loseerder'** 'n ooreenstemmende betekenis;

**'losieshuis'** 'n gebou waar losies voorsien word, wat kosbereiding-, eet- en gemeenskaplike fasiliteite vir loseerders se gebruik kan insluit, tesame met sodanige buitegeboue as wat gewoonlik daarmee saam gebruik word, wat 'n gebou waarvan vertrekke vir residensiële doeleindes verhuur word, 'n jeughostel, rugsakstappersverblyf, gastehuis, ouetehuis, 'n tehuis vir persone met gestremdhede, weeshuis en residensiële klub insluit, maar 'n hotel, woonhuis, tweede woning of groepshuis uitsluit;

**'lug- en ondergrondse regte'** die ontwikkeling van 'n vasgestelde ruimte bo of onder 'n openbare straat, oop ruimte, spoorweglyn of 'n ander vervoergebruik, en die toekenning van gebruikregte vir sodanige doel, wat enige gebruik wat deur die Stad goedgekeur is, kan insluit;

**'lughawe'** 'n kompleks wat bestaan uit vliegtuigaanloopbane en verbandhoudende geboue vir die opstyg en landing van burgerlike vliegtuie, sowel as fasiliteite vir die hantering en berging van lugvrag;

**'maksimum vloerruimte'** die grootste totale vloerruimte wat vir 'n gebou of geboue op 'n grondeenheid toegelaat word en wat bereken word deur die vloerfaktor met die oppervlakte van die grondeenheid of daardie gedeelte van die grondeenheid wat binne 'n bepaalde sonering geleë is te vermenigvuldig, met dien verstande dat waar die grondeenheid geleë is in twee of meer sonerings waarop verskillende vloerfaktore van toepassing is, die maksimum vloerruimte vir die hele grondeenheid die som van die maksimum vloerruimte vir elke gesoneerde gedeelte van die grondeenheid is;

**'mediese spreekkamer'** 'n kantoor of kantore en aanvullende vertrekke wat 'n geregistreerde mediese beroepspersoon vir menslike mediese of medies verwante konsultasie gebruik, waar sodanige kantoor nie aan 'n hospitaal of kliniek verbind is nie;

**'metropolitaanse pad'** enige openbare straat of pad wat die Stad tot 'n pad van metropolitaanse belang verklaar ingevolge 'n lys van sodanige paaie wat gepubliseer en op 'n plan aangetoon word, soos wat die Stad dit van tyd tot tyd kan wysig;

**'mobiele huis'** 'n vervoerbare struktuur met die nodige diensaansluitings wat ontwerp is om as 'n permanente woning gebruik te word;



**‘motorafdak’** ’n struktuur met ’n dak vir die berging van een of meer voertuie, mits nie meer as twee kante van die struktuur permanent ingesluit is nie;

**‘motorherstelhawe’** ’n kommersiële onderneming waar motorvoertuie van brandstof en/of omvangryke dienste soos enjinopknapping, spuitverf, paneelklopwerk, grofsmedery, uitlaatpypmontering, skokbrekermontering of bakwerk voorsien word, en wat ’n diensstasie insluit;

**‘motorhuis’** ’n gebou vir die berging van een of meer motorvoertuie, wat ’n motorafdak insluit, dog ’n motorherstelhawe of diensstasie uitsluit;

**‘motorvoertuig’** ’n voertuig met wiewe wat ontwerp is of gebruik word vir voortdrywing deur ’n binnebrand- of elektriese enjin, en wat ’n motorfiets, sleepwa of karavaan insluit, dog ’n voertuig wat uitsluitlik op spore beweeg, uitsluit;

**‘muurplaat’** die laagste punt van ’n longitudinale raam, dakkap, klamp, pilaar, paal, struktuur of enige ander soortgelyke toestel wat ’n dak ondersteun, soos wat die Stad bepaal;

**‘myn’** dieselfde as in die Wet op Ontwikkeling van Minerale- en Petroleumhulpbronne, 2002 (Wet 28 van 2002), met inbegrip van prospekterwerk of prospekteerverwante aktiwiteite;

**‘Nasionale Haweowerheid’** ’n owerheid wat hetsy ’n sake-eenheid of -afdeling binne Transnet of ’n openbare maatskappy of onderneming is wat ingevolge die bepalings van die Wet op Nasionale Hawens, 2005 (Wet 12 van 2005) geskep is;

**‘natuurlike grondvlak’**: sien ‘gemiddelde grondvlak’ en ‘bestaande grondvlak’;

**‘nutsdiens’** ’n gebruik of infrastruktuur wat vereis word vir die voorsiening van ingenieurs- en verbandhoudende dienste vir die behoorlike funksionering van stedelike ontwikkeling, wat ’n wateropgaardam en -suiweringsaanleg, elektrisiteitsubstasie en -transmissielyne, stormwaterretensiefasiliteite en ’n afvalwaterpompstasie en -behandelingsaanleg insluit, maar padinfrastruktuur, windturbine-infrastruktuur of vervoergebruik uitsluit;

**‘nywerheid’** ’n eiendom wat as ’n fabriek of vir sodanige doeleindes gebruik word en waarin of waarop ’n artikel of deel daarvan gemaak, vervaardig, geproduseer, gebou, gemonteer, saamgestel, gedruk, versier, verwerk, behandel, aangepas, herstel, opgeknop, herbou, gewysig, gevef (waaronder gespuiteverf), gepoleer, afgewerk, skoongemaak, gekleur, gewas, opgebreek, uitmekaargehaal, gesorteer, verpak, verkoel, gevries of in koelbewaring geberg word, met inbegrip van kantore, opsigterskwartiere of ander gebruike wat ondergeskik is aan en aanvullend is tot die gebruik van die eiendom as ’n fabriek, en wat ’n pakhuis insluit, maar ’n hinderbedryf of risikoaktiwiteit uitsluit;

**‘oesting van natuurlike hulpbronne’** die versameling van plante en/of diere in ’n bewarenswaardige gebied vir verkoop aan of gebruik deur ’n persoon of agentskap buiten ’n erkende omgewingsagentskap, mits sodanige oesting –

- (a) volhoubaar is;
- (b) nie die hulpbronne tot onder aanvaarbare vlakke uitput nie; en
- (c) nie skadelik is vir die ekosisteem nie;

**‘omgewingsbewaringsgebruik’** die gebruik of instandhouding van grond in ’n wesenlik natuurlike toestand ten einde die biofisiese en erfeniskenmerke van daardie grond, sowel as die plante en diere op die grond, te bewaar, met inbegrip van verbandhoudende infrastruktuur wat vir sodanige gebruik vereis word;

**‘omgewingsfasiliteite’** fasiliteite vir die bestuur, bestudering, vertolking en openbare waardering van, en opvoeding oor, ’n oorwegend natuurlike gebied of erfenisterrein, wat huisvesting vir personeel, steundienste en verbandhoudende infrastruktuur insluit, maar toeristefasiliteite of toeristeverblyf uitsluit;

**‘omgewingsterrein- of aktiwiteitsbestuursplan’** ’n plan wat ’n uiteensetting bied van die bestuur van terreinvoorbereiding, -konstruksie en/of -werkzaamhede wat ’n omgewingshulpbron raak, of van ’n plek van omgewingsbelang, sy omgewingswaardes en bestuursvereistes, of albei;

**‘ontwikkelingsraamwerk’** ’n ontwikkelingsraamwerk wat in item 136(4)(b) beoog word;

**‘oop ruimte’** grond wat nie as openbare oop ruimte aangewys is of as ’n aanvullende gebruik beskou word nie, wat hoofsaaklik as ’n terrein vir buitenshuise sport, spel, rus of ontspanning, of as ’n park of natuurgebied gebruik word, en wat aanvullende geboue, infrastruktuur en gebruike insluit, maar winkels, restaurante en gimnasiums uitsluit;

**‘oorskrydingsooreenkoms’** ’n ooreenkoms tussen ’n eienaar en die Stad met betrekking tot die uitsteek of oorhang van gedeeltes van ’n gebou of struktuur van die eienaar se eiendom op of oor die Stad se eiendom;

**‘oorwegende gebruik’** die oorheersende of hoofgebruik van ’n eiendom, en kan dit bestaan uit primêre gebruike, vergunningsgebruike of ander regmatige gebruike wat op die eiendom toegelaat word;

**‘openbare oop ruimte’** grond wat as openbare oop ruimte aangewys en in die Stad of ’n ander staatsorgaan se besit is, met of sonder toegangsbeheer, en wat vir die publiek opsygesit is as ’n oop ruimte vir ontspanning of buitesport, met inbegrip van ’n park, speelterrein, openbare of stadsplein, piekniektrein, openbare tuin en natuurgebied, sowel as aanvullende geboue, infrastruktuur en gebruike;

**‘openbare pad’** enige snelweg, deurpad, laning, voetpad, sygaardjie, steeg, deurgang, brug of enige ander plek van ’n soortgelyke aard of enige gedeelte daarvan wat aan hetsy voertuie of voetgangers ’n openbare deurgangsreg bied en wat ingevolge die voormalige Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974) of enige gelykstaande huidige munisipale verordening en/of nasionale wetgewing tot stand gebring of geproklameer is, met inbegrip van ’n openbare straat;

**‘openbare steurnis’** enige doen, late of toestand wat na die Stad se mening aanstootlik, skadelik of gevaarlik is vir gesondheid, wesenlik met die gewone gerief, gemak, rus of vrede van die publiek inmeng, of wat die publiek se veiligheid nadelig raak, met inagneming van –

- (a) die redelikheid van die betrokke aktiwiteite in die betrokke gebied, en die impak wat hierdie aktiwiteite het; en
- (b) die omringende geraasvlak van die betrokke gebied;

**‘openbare straat’** enige grond wat ingevolge ’n goedgekeurde algemene plan, diagram of kaart opsygesit is om aan hetsy voertuie of voetgangers ’n openbare deurgangsreg te bied, of openbare of stadspleine waarvan die eienaarskap geregistreer is ten voordele van of setel in die munisipaliteit ingevolge hierdie verordening of enige ander wet;

**‘oprigting’**, in verband met ’n gebou of struktuur, onder meer –

- (a) die bou van ’n nuwe gebou of struktuur;
- (b) die verbouing of omskepping van, of aanbouing by, ’n gebou of struktuur; en
- (c) die herbou van ’n gebou of struktuur wat geheel en al of gedeeltelik gesloop is;

en het ‘oprig’ ’n ooreenstemmende betekenis;

**‘owerheidsgebruik’** ’n gebruik deur of namens ’n staatsorgaan waarvan die kenmerke nie onder ander gebruike in hierdie ontwikkelingsbestuurskema geklassifiseer of omskryf kan word nie, met inbegrip van ’n gebruik deur –

- (a) die nasionale regering, soos ’n militêre basis en installasie, polisiestasie of gevangenis;
- (b) die provinsiale regering, soos ’n padstasie of padkamp;
- (c) die Stad, soos brandweerdienste of ’n munisipale depot met verbandhoudende gebruike, waaronder beperkte huisvesting vir personeellede wat vir noodgevalle op gereedheidsgrondslag moet wees;
- (d) ’n buitelandse regering, soos ’n ambassade of konsulaat, dog nie ’n woonhuis wat oorwegend vir die residensiële huisvesting van buitelandse diplomatieke personeel gebruik word nie.

**‘pakhuis’** ’n gebou wat hoofsaaklik vir die berging van goedere gebruik word, buiten dié wat aanstootlik of gevaarlik is, wat eiendom vir sakegebruik van ’n oorwegend groothandelaard insluit, maar eiendom vir sakegebruik van ’n oorwegend kleinhandelaard uitsluit;

**‘parkade’** ’n plek, buiten ’n pad, ’n straat of terreinparkering wat met ’n primêre of vergunningsgebruik verband hou, wat gebruik word vir die parkering van motorvoertuie deur die publiek met of sonder ’n fooi, en wat parkering binne-in ’n gebou kan insluit;

**‘parkeerplek’** ’n oppervlakte van minstens 5 m by 2,5 m vir loodregte of skuins parkering en 6 m by 2,5 m vir parallelle parkering wat duidelik aangewys en afgebaken is vir die parkering van een motorvoertuig, in die vorm van ’n motorhuis of motorafdak kan wees, en toeganklik is vir maklike en veilige voertuigbeweging;

**‘perdrystalle’** ’n kommersiële onderneming vir die stal van perde, met inbegrip van perdryafrigting en die versorging en verhuring van sodanige perde;

**‘perseel’** enige winkel of restaurant binne ’n gebou wat nie op enige manier of wyse aan ’n ander winkel of restaurant in dieselfde gebou gekoppel is nie;

**‘plaaswinkel’** ’n gebou wat op ’n plaas geleë is waar die boer produkte wat op die plaas verbou word sowel as andere goedere aan die algemene publiek verkoop;

**‘plan vir risikobestuur en -voorkoming’** ’n plan, program of strategie wat opgestel is ooreenkomstig riglyne wat die Stad goedgekeur het om die gevaar van ’n bepaalde aktiwiteit of reeks aktiwiteite vir die omgewing of mense te voorkom of te beperk, en om die gevolge te hanteer indien enige gevaarlike voorval plaasvind;

**‘plannepakket’** die hiërargie van planne wat ingevolge item 136 van hierdie ontwikkelingsbestuurskema bepaal word en wat van toepassing is op gebiede wat oor die algemeen spesiale beplanningsgebiede genoem word;

**‘plek van aanbidding’** ’n kerk, sinagoge, moskee, tempel, kapel of ander plek vir die boefening van ’n geloof of godsdienst, en wat aanvullende gebruike soos ’n godsdienstige leier se woning, kantoor of plek vir godsdiensoonderrig insluit, maar ’n begrafnisonderneming, begraafplaas of krematorium uitsluit, met dien verstande dat ’n woning waar die bewoners aanbid nie ’n plek van aanbidding uitmaak nie;

**‘plek van onderrig’** ’n plek vir onderwys of opleiding op voorskoolse, skool- of naskoolse vlak, wat ’n bewaarskool, kleuterskool, laerskool, hoërskool, kollege, universiteit of navorsingsinstituut insluit, sowel as aanvullende gebruike soos koshuise, of ’n burgerlike fasiliteit vir die bevordering van kennis onder die gemeenskap soos ’n openbare biblioteek, openbare kunsgalery of museum, of ’n plek van sportafrigting waar die hoofoogmerk afrigting is eerder as deelname deur die publiek as hetsy mededingers of toeskouers, maar wat ’n verbeteringskool, kommersiële konferensiefasiliteit, gimnasium en binnenshuise sakeopleidingsentrum uitsluit;

**‘plek van samekoms’** ’n plek met ’n burgerlike funksie om in die sosiale en gemeenskapsbehoefte van ’n gebied te voorsien, wat betreklik groot getalle mense kan lok en nie oorwegend ’n kommersiële onderneming is nie, wat ’n burgersaal, konsertsaal, binnenshuise sportsentrum, gimnasium, sportstadion en klubhuis insluit, maar ’n plek van vermaak of konferensiefasiliteit uitsluit;

**‘plek van vermaak’** ’n plek wat oorwegend vir kommersiële vermaak gebruik word wat betreklik groot getalle mense kan lok, buite normale sake-ure bedryf word of gereeld geraas weens musiek of pretmakery veroorsaak, en wat ’n rolprentteater, teater, vermaaklikheidspark, danssaal, balsaal, gimnasium, wedfasiliteit, elektroniese of meganiese speeltoestelle, dobbelsaal en nagklub insluit;

**‘prieel’** enige onoordekte horisontale of byna horisontale rooster of raamwerk en verbandhoudende vertikale steunstruktuur waarvan die oppervlakte van die soliede gedeeltes op die horisontale vlak daarvan nie 25% van die algehele oppervlakte daarvan oorskry nie;

**‘primêre gebruik’** met betrekking tot eiendom, enige grondgebruik wat in hierdie ontwikkelingsbestuurskema as ’n primêre gebruik bepaal word, synde ’n gebruik wat toegelaat word sonder dat die Stad se goedkeuring eers bekom hoef te word;

**‘privaat oop ruimte’**: sien ‘oop ruimte’;

**‘privaat pad’** grond in privaat besit wat voertuigtoegang tot ’n afsonderlike kadastrale eiendom of eiendomme bied en wat as ’n privaat pad aangewys is, en wat aanvullende toegangsbeheerinfrastruktuur soos ’n hekhuise, waghuis, vulliskamer en nutskamer kan insluit, hoewel ’n inrit op ’n eiendom en ’n serwituutdeurgangsreg oor ’n eiendom nie vir die doeleinde van hierdie ontwikkelingsbestuurskema privaat paaie uitmaak nie;

**‘raamwerkplan vir haweontwikkeling’** ’n plan wat die Nasionale Haweowerheid in oorleg met die geaffekteerde munisipaliteit opstel en goedkeur, en wat die beleid vir die haweontwikkeling en die grondgebruik en ontwikkelingsreëls binne sodanige hawe vervat;

**‘restaurant’** ’n kommersiële onderneming waar etes en drankies voorberei word vir en/of bedien word aan betalende klante, hoofsaaklik vir verbruik op die eiendom, en wat gelisensieerde voorsiening van alkoholiese drank vir verbruik op die eiendom kan insluit, maar die opsie vir klante om kos te koop vir verbruik weg van die perseel uitsluit;

**‘risikoaktiwiteit’** ’n onderneming waar die materiaal wat hanteer of die proses wat uitgevoer word vatbaar is vir uiters snelle ontbranding, tot giftige dampe kan aanleiding gee of ’n ontploffing kan

veroorsaak, met inbegrip van beduidende gevaarlike installasies en aktiwiteite wat gevaarlike stowwe behels wat ingevolge nasionale wetgewing beheer word;

**‘rugsakstappersverblyf’** dieselfde as ‘losieshuis’, buiten dat losies per bed en nie per kamer voorsien word nie;

**‘rybaankruising’**, met betrekking tot ’n rybaankruising vir motorvoertuie, ’n in- of uitgang of ’n gekombineerde in- en uitgang van ’n grondeenheid na ’n aangrensende pad;

**‘sakeperseel’** ’n eiendom van waar sake gedoen word, wat ’n winkel, supermark, restaurant, die verkoop van alkoholiese drank, ’n kwekery, kantoor, diensbedryf, begrafnisonderneming, finansiële instelling en gebou vir soortgelyke gebruike insluit, dog ’n plek van samekoms, plek van vermaak, instelling, motorherstelhawe, nywerheid, hinderbedryf, risikoaktiwiteit, onderneming vir volwassenevermaak, volwassenedienste of ’n volwassengewinkel uitsluit;

**‘satellietskottelantenna’** ’n apparaat wat aan ’n struktuur geheg of permanent op die grond gemonteer is, wat kommunikasiesone van ’n satelliet kan ontvang of stuur;

**‘skeeps- of vragvervoerhouer’** ’n groot, weerdigte houer wat vir die vervoer van goedere ter see, per spoor of per pad gebruik word en wat gewoonlik buite geberg word wanneer dit nie in gebruik is nie;

**‘skrootwerf’** ’n eiendom wat vir een of meer van die volgende doeleindes gebruik word –

- (a) die berging, storting of versameling van rommel of skrootmateriaal of artikels waarvan die waarde hoofsaaklik of uitsluitlik afhang van die materiaal wat vir die vervaardiging daarvan gebruik is;
- (b) die uitmekaarhaal van tweedehandse voertuie of masjiene om onderdele of materiaal te herwin; en
- (c) die berging of verkoop van tweedehandse onderdele, pale, staal, draad, hout, bande, bakstene, houers of ander artikels wat geskik is om buite te laat;

**‘skuiling’** ’n struktuur en huisvestingseenheid wat vir menslike bewoning bedoel is, wat van enige materiaal hoegenaamd gebou is, selfs al voldoen sodanige materiaal nie noodwendig aan die duursaamheidsstandaarde wat die Nasionale Bouwet beoog nie;

**‘slagpale’** ’n plek waar diere geslag en vir verspreiding na slaghuise, supermarkte en voedselmarkte voorberei word;

**‘stadsplein’** ’n stedelike oop ruimte of plein wat hoofsaaklik vir buitegebruik deur voetgangers ontwerp is;

**‘stedelike landbou’** die verbouing van gewasse op betreklik klein oppervlaktes binne die stedelike gebied of rand vir eie verbruik of verkoop in naburige markte, met dien verstande dat die bewerking van ’n tuin by ’n woning deur ’n bewoner nie as stedelike landbou vir die doeleinde van hierdie ontwikkelingsbestuurskema beskou sal word nie;

**‘stoep’** ’n onoordekte geplaveide gebied of uitsteekvloer buite en direk langs ’n gebou, op of onder die vlak van die grondvloer daarvan, met inbegrip van enige lae mure of relings om sodanige geplaveide gebiede of vloere;

**‘stormwater’** water wat uit natuurlike prosesse, neerslag en/of die versameling daarvan spruit, wat insluit grondwater en fonteinwater wat gewoonlik deur die stormwaterstelsel vervoer word, sowel as seewater in riviermondings, maar water in ’n drinkwater- of afvalwaternetwerk uitsluit;

**‘stormwaterstelsel’** geboude en natuurlike fasiliteite, met inbegrip van pype, duikers en waterlope wat gebruik of benodig word vir die bestuur, versameling, vervoer, tydelike berging, beheer, monitering, behandeling, gebruik en wegdoening van stormwater;

**‘straat’**: sien ‘openbare straat’;

**‘straatgrens’** die grens tussen ’n grondeenheid en ’n aanliggende openbare straat of privaat pad, met dien verstande dat die grens van ’n voetpad of diensbaan wat nooit deur motorvoertuie gebruik kan of sal word nie as ’n gemeenskaplike grens vir die doeleindes van die bepaling van boulyne, straatmiddellyninterugset van die straatmiddellyn en terreintoegangsvereistes beskou sal word;

**‘straatmiddellyninterugset’** die lyn wat die oppervlakte aandui wat vanaf die middellyn van ’n bepaalde openbare straat gemeet is waarbinne geen gebou of ander struktuur, met inbegrip van ’n grensmuur/-heining, opgerig mag word nie;

**‘struktuur’**, sonder om die gewone betekenis daarvan enigsins te beperk, onder meer enige gebou, skuiling, muur, heining, pilaar, toring, prieel, trappe, trapportaal, terras, teken, ornamentele

argitektoniese kenmerk, swembad, brandstofpomp of ondergrondse tenk, enige gebou aanvullend tot diensinfrastruktuurvoorsiening, sowel as enige gedeelte van 'n struktuur;

**'supermark'** 'n winkel met 'n totale vloerruimte van meer as 400 m<sup>2</sup> waarin 'n verskeidenheid goedere, onder meer voedsel en huishoudelike goedere, oorwegend op 'n selfhelpgrondslag te koop aangebied word;

**'teken'** enige teken, letterskilderwerk, muurskildery, grafiese ontwerp, uithangbord, skerm, rolblinding, plankwerk of ander toetsel waardeur 'n advertensie of kennisgewing fisies vertoon word, met inbegrip van enige advertensie of voorwerp, struktuur of toestel wat op sigself 'n advertensie is of wat gebruik word om 'n advertensie te vertoon;

**'telekommunikasie-infrastruktuur'** enige deel van die infrastruktuur van 'n telekommunikasienetwerk vir radio-/koordlose kommunikasie, met inbegrip van stem-, data- en videotelekommunikasie, wat antennes kan insluit, en enige steunstruktuur, toerustingkamer, radiotoerusting of optiese kommunikasietoerusting (laser of infrarooi) wat deur sellulêre netwerkkoperateurs en enige ander telekommunikasieverskaffer voorsien word, sowel as aanvullende strukture wat vir die bedryf van telekommunikasie-infrastruktuur benodig word. Optieseveselinstallasies en punt-tot-punt-koper(kabel)installasies word van hierdie omskrywing uitgesluit;

**'terras'** 'n gebied waartoe bewoners of gebruikers van 'n gebou toegang het, wat geskep is op 'n plat dak oor 'n gedeelte van die gebou wat spruit uit die terugset van 'n deel van die gebou oor sodanige gedeelte;

**'terreinontwikkelingsplan'** 'n geskaleerde plan met afmetings wat ontwikkelingsbesonderhede soos (onder meer) terreinuitleg, die plasing van geboue en strukture, eiendomstoegang, gebouontwerp en buiteontwerp van die voorgestelde ontwikkeling toon;

**'toeristefasiliteite'** geriewe vir toeriste of besoekers, wat lesingsale, restaurante, geskenkwinkels, kleedkamers en ontspanningsfasiliteite insluit, maar 'n hotel of toeristeverblyf uitsluit;

**'toeristeverblyf'** 'n harmonies ontwerpte en geboude ontwikkeling wat vir vakansie- of ontspanningsdoeleindes gebruik word en hetsy in privaat of openbare besit is, en wat –

- (a) uit 'n enkele onderneming bestaan waarin oornagverblyf deur middel van slegs korttermynverhuring of tyddeel voorsien word; en
- (b) die voorsiening van 'n kampeerterrein of motorwoonwapark kan insluit, maar 'n hotel uitsluit;

**'toerustingkamer'** 'n gebou of deel daarvan waarin kommunikasietoerusting wat met telekommunikasie-infrastruktuur verband hou, gehou word. Dit kan 'n afsonderlike gebou wees wat uitsluitlik vir die toerusting gebruik word, of 'n houer of 'n vertrek in 'n gebou;

**'totale vloerruimte'** van 'n gebou die som van die vloerruimte van al die vlakke daarin, met inbegrip van kelders;

**'tuinbou'**: sien 'intensiewe tuinbou';

**'tuisberoep'** die beoefening van 'n beroep of die bedryf van 'n onderneming vanaf 'n grondeenheid, woonhuis, tweede woning, wooneenheid of buitegebou deur een of meer bewoners wat op die eiendom woon;

**'tuiskindersorg'** die gebruik van 'n gedeelte van 'n woonhuis of buitegebou deur die bewoner om dagsorg, naskoolse sorg of onderrig aan 'n beperkte getal babas of kinders te bied;

**'tweede woning'** 'n ander wooneenheid wat ingevolge hierdie ontwikkelingsbestuurskema op 'n grondeenheid opgerig mag word waar 'n woonhuis ook toegelaat word, welke tweede woning 'n afsonderlike struktuur of vas aan 'n buitegebou of in dieselfde struktuur as die woonhuis mag wees, mits –

- (a) die tweede woning op dieselfde grondeenheid as die woonhuis bly; en
- (b) die tweede woning aan die vereistes ingevolge hierdie ontwikkelingsbestuurskema voldoen;

**'uitsigpad'** 'n openbare straat wat die Stad as 'n uitsigpad aangewys het ter erkenning van die hoë visuele aantreklikheid langs daardie openbare straat, met inbegrip van agtergronduitsigte oor berge, oop landskappe, die kus of die stad;

**'veranda'** 'n oordekte gebied (wat nie deel is van 'n werf of parkeergebied nie) of uitsteekvloer buite en onmiddellik langs 'n gebou op of onder die vlak van die grondvloer van die gebou, wat



sodanige gebied of vloer sowel as die dak of ander kenmerk daaroor, tesame met enige lae mure of traliewerk om sodanige geplaveide gebied of vloer insluit;

**‘verdieping’** beteken daardie gedeelte van ’n gebou wat ingesluit is tussen die oppervlak van enige vloer en die oppervlak van die volgende vloer bo dit, of indien daar geen vloer bo dit is nie, tot by die plafon, met dien verstande dat –

- (a) ’n kelder nie ’n verdieping uitmaak nie;
- (b) ’n dak, of koepel wat deel uitmaak van ’n dak, nie ’n afsonderlike verdieping uitmaak nie, tensy die ruimte binne-in die dak of koepel ontwerp is of gebruik word vir menslike bewoning, in welke geval dit as ’n verdieping tel;
- (c) enige verdieping van meer as 4,8 m dog gelykstaande aan of minder as 7,2 m in hoogte vir die doeleindes van hoogtemeting as twee verdiepings getel sal word, en elke bykomende 4,8 m in hoogte of gedeelte daarvan as ’n bykomende verdieping getel sal word; en
- (d) wanneer die getal verdiepings van ’n gebou getel word, die grondvloer die eerste verdieping en die volgende vloer bo dit die tweede verdieping is;

**‘verkoop van alkoholiese drank’** die verkoop of aanbod van verkoop aan die publiek van drank wat bedwelming by ’n verbruiker kan veroorsaak;

**‘vertikale afskorting’** van ’n gebou beteken ’n gedeelte van die gebou wat deur buite- en/of binnemure begrens word, met of sonder openinge, welke gedeelte duidelik identifiseerbaar is as ’n logiese vertikale deel van ander gedeeltes van die gebou, met dien verstande dat geen opening in ’n binnemuur wat afskortings verdeel 3 m of ’n derde van die horisontale breedte daarvan, wat ook al die grootste is, mag oorskry nie en dat die Stad kan aanvaar dat ’n gebou in vertikale afskortings verdeel is waar elke sodanige afskorting oor ’n afsonderlike basisvlak vir die doel van die toepassing van hierdie ontwikkelingsbestuurskema beskik;

**‘vertoon’**, met betrekking tot ’n teken, sonder om enigsins die gewone betekenis daarvan te beperk, onder meer die oprigting van enige struktuur om sodanige teken te ondersteun;

**‘vervoerbestuursplan’** ’n dokument of plan wat uiteensit hoe daar in die vervoervereistes van alle vervoermiddele voorsien sal word, wat onder meer openbare vervoer, privaat vervoer, fietsry en stap insluit, en hoe daar sowel op as weg van die perseel in parkeervereistes voorsien sal word, met inbegrip van watter dienste wat met parkering verband hou, vereis sal word;

**‘vervoergebruik’** die gebruik van grond, ’n gebou of struktuur vir die bedryf van ’n openbare diens vir die vervoer van goedere (onder meer vloestowwe en gasse) of passasiers per spoor, pad, pylleiding of ter see, wat die gebruik van sodanige grond, gebou of struktuur vir die doel van ’n hawe, spoorwegstasie, busdepot of taxiwisselaar, ’n vervoeronderneming op grond van die voorsiening van ’n vervoerdiens, sowel as ’n openbare-privaat onderneming soos ’n spoorwegstasie, busdepot, taxiwisselaar, openbare vervoerwisselaar, hawe en aanvullende doeleindes insluit, maar ’n lughawe of helikopterlandingsplek uitsluit;

**‘vervoerimpakverklaring’** ’n ondersoek na die vervoerimpak van ’n voorgestelde ontwikkeling op die bestaande en beplande padstelsel, en die aanbeveling van temperingsmaatreëls wat as gevolg van die impak vereis word;

**‘vloed’** ’n algemene en tydelike toestand van gedeeltelike of algehele oorstroming van grond weens die oorloop van ’n watermassa;

**‘vloedgeteisterde gebied’** enige grondgebied wat vatbaar is vir wateroorstroming uit enige bron;

**‘vloer’** die binneste onderste oppervlak van ’n vertrek, motorhuis of kelder, met inbegrip van ’n terras of atrium waartoe die gebruikers van ’n gebou toegang het;

**‘vloerfaktor’** die faktor (wat as ’n verhouding van 1 uitgedruk word) wat vir die berekening van die maksimum toelaatbare vloerruimte van ’n gebou of geboue op ’n grondeenheid voorgeskryf word. Indien die vloerfaktor bekend is, kan die maksimum toelaatbare vloerruimte bereken word deur die vloerfaktor met die oppervlakte van die grondeenheid te vermenigvuldig;

**‘vloerruimte’**, met betrekking tot enige gebou, die oppervlakte van ’n vloer wat deur ’n blad, dak of uitsteeksel bedek word, met dien verstande dat –

- (a) enige oppervlakte, met inbegrip van ’n kelder, wat uitsluitlik vir parkeerruimte of die laai van voertuie bestem is, uitgesluit word;
- (b) buite-ingangstrappe en -trapportale, enige afdak, enige stoep en enige gebied wat vir buitenooduitgange vereis word, uitgesluit word;



- (c) 'n uitsteeksel, met inbegrip van 'n dakrand wat uitsteek en 'n uitsteeksel wat as 'n sonskerm of 'n argitektoniese kenmerk dien, wat nie meer as 1 m by die buitemuur of soortgelyke ondersteuning verbystek nie, uitgesluit word;
- (d) enige onoordekte interne binnehof, ligskag of ander onoordekte skag van meer as 10 m<sup>2</sup> in oppervlakte uitgesluit word;
- (e) enige oordekte geplaveide gebied buite en direk langs 'n gebou op of onder die grondvloervlak uitgesluit word waar sodanige geplaveide gebied deel is van 'n voorhof, werf, eksterne binnehof, voetpad, parkeerruimte of voertuigtoegang en aan minstens die voor- of lang kant permanent aan die elemente blootgestel is;
- (f) enige oordekte balkon, veranda of terras uitgesluit word wat, benewens beskermde traliewerk, aan minstens die voor- of lang kant permanent aan die elemente blootgestel is en nie 2,5 m in breedte oorskry nie;
- (g) onderworpe aan paragraaf (h) hieronder, enige trappe, trapskagte en atriумы met 'n dak ingesluit word;
- (h) in geval van meerverdiepinggeboue, enige trapskagte, hyserskagte, ligskagte of ander skagte sowel as enige atriумы slegs een keer getel word;

en op die verdere voorwaarde dat vloerruimte gemeet word vanaf die buitevlak van die buitemure of soortgelyke ondersteuning van sodanige gebou, en dat waar die gebou uit meer as een verdieping bestaan, die totale vloerruimte die som van die vloerruimte van alle verdiepings is, met inbegrip van dié van kelders;

**'volwassenedienste'** 'n eiendom wat vir masseersalonne of gesellinagentskappe gebruik word waar seksueel gerigte persoonlike dienste voorsien word, tensy sodanige dienste deel uitmaak van 'n mediese of terapeutiese diens wat deur 'n geregistreerde mediese praktisyn of 'n soortgelyke geregistreerde beroepspersoon gelewer word, maar wat volwassenevermaak of 'n volwassenewinkel uitsluit;

**'volwassenevermaak'** 'n eiendom wat vir rolprentteaters of ontkleeklubs vir volwassenes gebruik word waar seksueel eksplisiete lewende vertonings of opnames van vertonings vertoon word, maar wat volwassenedienste of 'n volwassenewinkel uitsluit;

**'volwassenewinkel'** 'n eiendom wat vir die kleinhandelverkoop van pornografiese, seksueel eksplisiete of erotiese materiaal gebruik word, ongeag of sodanige materiaal as te koop vertoon word, tensy sodanige materiaal deel uitmaak van 'n mediese of terapeutiese diens wat deur 'n geregistreerde mediese praktisyn of 'n soortgelyke geregistreerde beroepspersoon gelewer word, maar wat volwassenevermaak of volwassenedienste uitsluit;

**'vrystaande basistelekommunikasiesstasie'** 'n vrystaande steunstruktuur op grond of veranker in grond waarin telekommunikasie-infrastruktuur vir die versending of ontvangs van elektroniese kommunikasieseiens gehou word, en wat 'n toegangspad na sodanige fasiliteit kan insluit;

**'waterloop'** –

- (a) 'n rivier, stroom, loop of kanaal waarin water gereeld of met tussenposes vloei;
- (b) 'n vlei, vleiland, dam of meer waar water in- of uitvloei;

wat die bodem en walle van 'n waterloop insluit;

**'Wet op Nasionale Erfenishulpbronne'** die Wet op Nasionale Erfenishulpbronne, 1999 (Wet 25 van 1999);

**'Wet op Nasionale Omgewingsbestuur'** die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998);

**'windturbine-infrastruktuur'** 'n toestel wat windenergie in elektrisiteit omskep, wat aan 'n elektrisiteitsvoorsieningsnetwerk gekoppel kan wees of nie, en uit 'n draaivlerk (lugskroef), 'n opwekker, 'n toring en enige infrastruktuur ter ondersteuning daarvan bestaan.

**'winkel'** of **'winkels'** eiendom wat vir die kleinhandelverkoop van goedere en dienste aan die publiek gebruik word, en wat 'n kleinhandelsaak insluit waar goedere wat in so 'n saak verkoop word, ook vervaardig of herstel word, met dien verstande dat die vloerruimte met betrekking tot sodanige vervaardiging of herstelwerk nie meer as 40% van die vloerruimte van die winkel in beslag sal neem nie, maar wat 'n nywerheid, supermark, diensbedryf, motorherstelhawe, diensstasie, restaurant, onderneming vir volwassenevermaak, volwassenedienste, 'n volwassenewinkel of die verkoop van alkoholiese drank uitsluit;

**‘wooneenheid’** ’n groep selfstandige, aaneengeskakelde vertrekke met hoogstens een kombuis wat vir die residensiële huisvesting en behuising van een familie gebruik word, tesame met sodanige buitegeboue as wat gewoonlik daarmee saam gebruik word, maar wat huishoudelike personeelkwartiere of toeristeverblyf of verblyf wat as deel van ’n hotel gebruik word, uitsluit;

**‘woonhuis’** ’n gebou wat slegs een wooneenheid bevat, tesame met sodanige buitegeboue as wat gewoonlik saam met ’n woonhuis gebruik word, met inbegrip van huishoudelike personeelkwartiere;

**‘woonstelle’** ’n gebou wat uit drie of meer wooneenhede bestaan, tesame met sodanige buitegeboue as wat gewoonlik daarmee verband hou, op die verdere voorwaarde dat in daardie sonerings waar woonstelle toelaatbaar is, ’n gebou met minder as drie wooneenhede ook toegelaat sal word in ’n gebou wat vir woonstelle of ander doeleindes as woonstelle goedgekeur is; en

**‘wynmakery’** ’n plek waar wyn gemaak word en wat ’n verkoops punt aan die algemene publiek en ’n wynproegebied kan insluit.

## 2 Vertolking

Die volgende voorskrifte bepaal die vertolking van die ontwikkelingsbestuurskema:

- (a) Wanneer daar ook al na die gebruik van ’n gebou, grondeenheid of eiendom verwys word, sluit dit die oprigting van ’n gebou, die gebruik van ’n deel van ’n gebou en die gebruik van ’n grondeenheid in, ongeag of ’n gebou op die grondeenheid opgerig is of nie.
- (b) ’n Sin in skuinsdruk is bedoel as leiding en behoort nie as deel van hierdie ontwikkelingsbestuurskema beskou te word nie.

## 3 Metodes om afstande, hoogtes en vlakke te meet

Die volgende bepaling is van toepassing met betrekking tot die meting van afstande, vlakke of hoogte:

- (a) Indien die Stad so vereis, moet die eienaar of aansoeker ’n geregistreerde landmeter aanstel om die inligting te voorsien of te bevestig wat die Stad benodig om ’n besluit oor voldoening aan afstande en vlakke te kan neem, soos wat hierdie ontwikkelingsbestuurskema vereis.
- (b) By verwysing of geïmpliseerde verwysing na die afstand tussen grense of tussen ’n gebou en ’n grens, sal die afstand op die volgende wyse gemeet word:
  - (i) Die grens(e) en alle punte van die gebou sal op ’n horisontale vlak geprojekteer word, en alle afmetings sal op die betrokke vlak gemaak word.
  - (ii) Die afstand tussen ’n punt op ’n gebou en ’n grens sal as die kortste afstand tussen die punt en die grens gemeet word.
- (c) By verwysing na ’n gedeelte van ’n ‘teenoorstaande’ grens met betrekking tot ’n gebou, sal die betrokke gedeelte bepaal word deur lyne te trek soos wat paragraaf (b) beskryf, vanaf punte op die betrokke gebou, in reghoeke met die betrokke grens.
- (d) Enige verskil van ’n hoogtebeperking ná konstruksie wat nie 300 mm oorskry nie, sal nie as ’n oortreding van die bepaling van hierdie ontwikkelingsbestuurskema geag word nie, met dien verstande dat hierdie toegelate verskil nie vir die doeleindes van die indiening van ’n aansoek sal geld nie.
- (e) In geval van onsekerheid oor die hoogte van ’n gebou of struktuur, kan die Stad vereis dat die eienaar ’n geregistreerde landmeter aanstel om:
  - (i) te sertifiseer dat die werklike hoogte van die gebou of struktuur met die bepaling van hierdie ontwikkelingsbestuurskema strook;
  - (ii) te sertifiseer of ’n gebou of struktuur die bepaling van hierdie ontwikkelingsbestuurskema oortree; en
  - (iii) te sertifiseer dat alle strukture op ’n eiendom aan die hoogtebeperkings van toepassing op daardie eiendom voldoen.

- (f) By verwysing na 'n afstand, grondvlak of hoogte van 'n punt op 'n gebou, of 'n ander afmeting, sal die betrokke afstand, vlak of hoogte ooreenkomstig erkende meetkundige beginsels bereken word, en vir die doeleindes van die bepaling van kontoere, vanuit enige datastel waaroor die Stad ten tyde van of voor die inwerkingtredingsdatum beskik, of enige datastel wat die Stad bepaal. In enige geval waar die betrokke afstand, vlak of hoogte so onreëlmatig is dat berekening ooreenkomstig hierdie beginsels onprakties is of tot 'n uitslag lei wat duidelik nie met die bedoeling van die ontwikkelingsbestuurskema strook nie, sal die Stad die betrokke afstand, vlak of hoogte vir die doeleindes van die toepassing van ontwikkelingsbestuurskema bepaal.

#### **4 Vertolking van grense**

Waar onsekerheid oor die grense van sones bestaan, sal die volgende reëls in hierdie volgorde geld:

- (a) Waar grense aangetoon word asof dit enige openbare straat of pad volg, of by benadering volg, sal daar aanvaar word dat die grense die kadastrale grens van die straat of pad volg.
- (b) Waar grense aangetoon word asof dit enige grondeenheidgrens volg, of by benadering volg, sal aanvaar word dat dit die betrokke grens volg.
- (c) Waar grense aangetoon word asof dit natuurkenmerke volg, of by benadering volg, sal aanvaar word dat dit die betrokke kenmerke volg.
- (d) In geval van verdere onsekerheid oor die grense van 'n sone, sal die Stad 'n beslissing maak.

#### **5 Vertolking van gebruikskategorie en sonering**

Ingeval daar:

- (a) onsekerheid of 'n geskil oor soneringskategorieë bestaan;
- (b) teenstrydigheid tussen die bepalings van 'n soneringskaart, die ontwikkelingsbestuurskema en die register bestaan; of
- (c) onsekerheid of 'n geskil oor die sonering van 'n eiendom bestaan,

sal die Stad ná deeglike oorweging van alle tersaaklike verhoë die gebruikskategorie of sonering aanwys, welke besluit finaal sal wees.

#### **6 Ontduiking van bedoeling van die ontwikkelingsbestuurskema**

Die Stad kan enige aansoek ingevolge hierdie verordening weier indien dit reken dat sodanige aansoek op die ontduiking van die bedoeling van hierdie ontwikkelingsbestuurskema of enige van die bepalings daarin neerkom of dit in die hand werk.

### **HOOFSTUK 2.: AANSOEK- EN GOEDKEURINGSPROSEDURES**

*(item 7)*

#### **7 Voorwaardes van toepassing op 'n goedgekeurde vergunningsgebruik**

(1) Wanneer 'n vergunningsgebruik goedgekeur word, sal die volgende algemene voorwaardes geld:

- (a) Indien sodanige vergunningsgebruik, soos dit in 'n spesifieke sonering gelys word, ook 'n primêre gebruik in 'n ander sonering is, sal dit onderworpe wees aan die mees beperkende ontwikkelingsreëls wat in sodanige ander sonering geld.
- (b) Indien sodanige vergunningsgebruik, soos dit in 'n spesifieke sonering gelys word, nie 'n primêre gebruik in 'n ander sonering is nie, sal dit onderworpe wees aan die ontwikkelingsreëls in die betrokke sonering.

- (c) Nieteenstaande (a) en (b) hierbo, is 'n vergunningsgebruik vir 'n tweede woning in 'n enkelresidensiële sonering I onderworpe aan die ontwikkelingsreëls in daardie sonering.
- (2) Nieteenstaande subitem (1), kan die Stad verdere voorwaardes oplê, wat insluit:
  - (a) die beperking van 'n vergunningsgebruik vir 'n spesifieke tydperk; en
  - (b) die vereiste dat 'n vergunningsgebruik nie enige nadelige uitwerking mag hê op die moontlike gebruik van die eiendom vir sy primêre gebruike ingevolge hierdie ontwikkelingsbestuurskema nie.

## **AFDELING II: SONERINGSKATEGORIEË, BASISSONERINGS EN ONTWIKKELINGSREËLS** (items 8 - 120)

*Hierdie afdeling beskryf die verskillende soneringskategorieë, basissones en hulle onderskeie bepalings. Dit bepaal die ontwikkelingsreëls van toepassing op elke sonering, met inbegrip van primêre en vergunningsgebruike. Soneringskategorieë word saamgegroepeer in hoofstukke na gelang van ooreenkomste in gebruikregte en die intensiteit van ontwikkeling. Die hoofstukke is op hulle beurt in dele ingedeel, met elke sonering wat as 'n deel hanteer word. Soveel moontlik toepaslike ontwikkelingsreëls is in die onderskeie dele vervat, maar algemene reëls en omskrywings wat op alle sonerings en die ontwikkelingsbestuurskema oor die algemeen van toepassing is, is in afdeling III vervat.*

### **HOOFSTUK 3.: EIENDOMSONERING EN -GEBRUIK**

#### **Deel 1: Sonerings** (item 8 - 9)

#### **8 Sonerings**

- (1) Alle eiendomme wat ingevolge 'n vorige soneringskema gesoneer is, word as gesoneer ingevolge hierdie ontwikkelingsbestuurskema beskou.
- (2) Die Stadsbestuurder moet verseker dat die sonering van alle eiendomme binne die munisipale gebied aangewys, op die soneringskaart aangetoon en, waar toepaslik, in die register aangeteken word.
- (3) Eiendom wat in 'n spesifieke sonering geleë is, is onderworpe aan die bepalings vir daardie sonering wat in afdeling II van hierdie ontwikkelingsbestuurskema neergelê word.
- (4) Benewens die bepalings van afdeling II, is die algemene bepalings van afdeling III op alle sonerings van toepassing, en geld die bepalings van enige toepaslike oorlegsonering ingevolge afdeling IV vir die betrokke grondeenhede.

#### **9 Subsonerings**

- (1) Sekere sonerings is in subsonerings ingedeel om deur middel van verskillende ontwikkelingsreëls tussen verskillende bouvorms te onderskei. Vir die verandering of verslapping van die ontwikkelingsreëls wat vir 'n eiendom geld en deur 'n basis- of subsonering gereguleer word, moet:
  - (a) 'n aansoek om afwyking van die ontwikkelingsreëls, of
  - (b) 'n aansoek om hersonering tot 'n ander sonering of subsoneringingedien en goedgekeur word.
- (2) 'n Hersoneringsaansoek moet ingedien word indien die verandering wat subitem (1) beoog gelyk is aan of groter is as die toegelate vloerruimte of hoogte van die volgende mees intensiewe subsonering.

**Deel 2: Gebruike wat regtens toegelaat word**  
(items 10 - 12)

**10 Primêre gebruike**

Die gebruik van eiendom vir enige doel wat as 'n primêre gebruik in die sonering van daardie eiendom aangedui word, word sonder die goedkeuring van die Stad toegelaat.

**11 Bykomende gebruikregte**

'n Aktiwiteit of gebruik wat as 'n bykomende gebruikreg in 'n spesifieke sonering beskryf word, word sonder die goedkeuring van die Stad in daardie sonering toegelaat, mits enige gespesifiseerde voorwaarde vir of verdere bepalings oor sodanige aktiwiteit of gebruik nagekom word.

**12 Aanvullende gebruike**

'n Aanvullende gebruik word toegelaat waar 'n primêre gebruik, goedgekeurde vergunningsgebruik of ander regmatige gebruik uitgeoefen word.

**Deel 3: Gebruike wat slegs met die Stad se goedkeuring toegelaat word**  
(items 13 - 15)

**13 Vergunningsgebruike**

'n Vergunningsgebruik wat onder 'n basissonering in hierdie ontwikkelingsbestuurskema gelys word, word slegs toegelaat indien die Stad goedkeuring vir sodanige vergunningsgebruik verleen.

**14 Geleentheidsgebruike**

(1) Die geleentheidsgebruik van 'n eiendom vir tydelike gebeure (wat kunsvlytmarkte, sirkusse, openbare vergaderings, godsdienstige byeenkomste, verfilming of ander gebeure insluit) kan met die Stad se goedkeuring toegelaat word, selfs al is die gebeure in stryd met die gebruikregte van die betrokke eiendom, mits:

- (a) die geleentheidsgebruik nie 'n beduidende negatiewe impak op omliggende gebiede of die natuurlike en kulturele omgewing sal hê nie;
- (b) die geleentheidsgebruik werklik van 'n tydelike en korttermyn aard is, en nie vir meer as vyf dae per maand of 'n langer tydperk wat die Stad dalk toelaat, plaasvind nie; en
- (c) die geleentheidsgebruik aan die Stad se beleide voldoen.

(2) Goedkeuring ingevolge subitem (1) hierbo kan verleen word onderworpe aan, dog nie beperk nie tot, die volgende voorwaardes:

- (a) die hoeveelheid parkering en die getal ablusiegeriewe wat vereis word;
- (b) die maksimum duur of voorkoms van die geleentheidsgebruik.

(3) Die Stad kan 'n kennisgewing uitreik wat voldoening aan voorwaardes of die staking van 'n geleentheidsgebruik teen 'n spesifieke datum vereis, waar:

- (a) goedkeuringsvoorwaardes nie nagekom word nie; of
- (b) waar 'n openbare steurnis veroorsaak word.

**15 Spesiale gebruik**

(1) 'n Spesiale gebruik is 'n gebruik wat nie in hierdie ontwikkelingsbestuurskema omskryf of voor voorsiening gemaak word nie, en kan met die goedkeuring van die Stad as sulks geklassifiseer en in enige sonering toegelaat word.

(2) Alle toegelate spesiale gebruike word in bylae A gelys.

**Deel 4: Veronderstelde sonering**  
(items 16 - 19)

**16 Openbare oop ruimte en openbare strate**

- (1) Enige gedeelte grond wat op die soneringskaart aangewys of op 'n algemene plan van 'n geregistreerde dorpsgebied aangetoon word as openbare oop ruimte sal as oopruimtesonering 2: openbare oop ruimte beskou word.
- (2) Alle openbare paaie en strate waarna hierdie ontwikkelingsbestuurskema verwys, is paaie wat ingevolge die Ordonnansie op Paaie, 1976 (Ordonnansie 19 van 1976) geproklameer is of paaie of strate wat ingevolge die voormalige Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974) of enige gelykstaande huidige munisipale verordening en/of nasionale wetgewing tot stand gebring is, tensy dit spesifiek uitgesluit word.
- (3) Enige openbare pad en openbare straat en enige gedeelte grond wat ingevolge enige wet as openbare pad of openbare straat of vir die verbreding of verbetering van enige sodanige bestaande openbare pad of straat geproklameer of geoormerk is, of wat op 'n algemene plan van 'n geregistreerde dorpsgebied as openbare pad of openbare straat aangetoon word, sal as vervoersonering 2: openbare straat en openbare parkering beskou word.
- (4) Waar 'n proklamasie of oormerking ingevolge subitem (3) of 'n deel daarvan herroep of gekanselleer word, sal die Stad 'n sonering en/of subsonering aanwys vir 'n grondeenheid wat aan sodanige proklamasie of oormerking onderworpe was, waarna die sonering van die betrokke grondeenheid as in ooreenstemming met sodanige aanwysing beskou sal word, met dien verstande dat:
- (a) die Stadsbestuurder die geaffekteerde grondeienaar in kennis stel; en
  - (b) die Stad enige verstoë wat ingevolge paragraaf (a) hierbo ontvang word, in ag neem voordat sodanige aanwysing gemaak word.
- (5) Nieteenstaande die bepalings in subitem (4), indien slegs 'n deel van 'n grondeenheid as vervoersonering 2: openbare straat en openbare parkering beskou was, sal daar aanvaar word dat sodanige deel wat aan 'n proklamasie of oormerking onderworpe was onder dieselfde sonering en/of subsonering as dié van die restant van die grondeenheid val.
- (6) Waar 'n proklamasie of oormerking herroep of gekanselleer word soos wat subitem (4) en (5) beoog, sal sodanige herroeping of kansellering, met inbegrip van veronderstellings, slegs van toepassing wees op die grond waarna die tersaaklike resoluë of kennisgewing van die herroeping of kansellering verwys.
- (7) Enige gedeelte grond wat voorheen deel was van 'n openbare straat, maar wat deur verjaring die eiendom van 'n aanliggende eienaar geword het, sal as vervoersonering 2: openbare straat en openbare parkering beskou word, met dien verstande dat waar die Stad spesifiek besluit dat sodanige gedeelte grond nie meer vir openbarestraatdoeleindes benodig word nie, daar aanvaar sal word dat sodanige grond onder dieselfde sonering en subsonering as dié van die aanliggende eiendom van sodanige eienaar val.
- (8) Waar enige gedeelte grond (buiten grond waarna subitem (4) verwys) wat voorheen 'n openbare straat of openbare oop ruimte was en in die Stad gesetel het of in die Stad se besit was, gesluit en aan 'n aanliggende eienaar oorgedra word, sal daar aanvaar word dat sodanige gedeelte grond onder dieselfde sonering en subsonering, met inbegrip van enige goedkeuringsvoorwaardes, as dié van die aanliggende grond van sodanige eienaar val, met dien verstande dat:
- (a) waar die voornemende eienaar van die openbare straat of openbare oop ruimte nie die aanliggende eiendom besit nie, of
  - (b) waar die voornemende eienaar aanliggende eiendom besit wat in een of meer sonerings val, of
  - (c) in enige ander geval waarvoor daar nie hierin voorsien word nie, die Stad die sone van toepassing op die betrokke eiendom sal aanwys.
- (9) Waar die sonering en/of subsonering van 'n grondeenheid of deel daarvan ingevolge deel 4: Veronderstelde sonering van hierdie ontwikkelingsbestuurskema veronderstel word, sal die Stad sodanige veronderstelde sonering en/of subsonering op die soneringskaart aanteken.



### 17 Grond onderworpe aan die bepalings van artikel 13 van die Wet op Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet 9 van 1989)

(1) Alle grond onderworpe aan artikel 13 van die Wet op Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet 9 van 1989) word as vervoersonering 1: vervoergebruik (TR1) beskou.

(2) Waar 'n ooreenkoms aangegaan is tussen die Stad en die voormalige Suid-Afrikaanse Vervoerdienste, enige van sy afdelings of opvolgers in titel ingevolge die Wet op Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet 9 van 1989) of voorafgaande wetgewing, sal die bepalings en voorwaardes van sodanige ooreenkoms bo die bepalings van die TR1-sonering geld.

(3) Die voorwaardes in 'n ooreenkoms waarna subitem (2) verwys, word as ontwikkelingsreëls beskou.

(4) Indien hierdie ontwikkelingsreëls gewysig moet word, moet dit by wyse van 'n afwyking ingevolge hierdie verordening geskied.

(5) Waar daar om bykomende grondgebruikregte aansoek gedoen word, moet dit by wyse van 'n hersonering ingevolge hierdie verordening geskied.

(6) Waar grond wat deur die voormalige Suid-Afrikaanse Vervoerdienste of enige van sy afdelings of opvolgers in titel besit word, regmatig na 'n ander sonering as vervoersonering 1: vervoergebruik (TR1) gesoneer is, sal daar aanvaar word dat sodanige grond sy sonering behou, en sal dit 'n ooreenstemmende sonering ingevolge hierdie ontwikkelingsbestuurskema op die Stad se soneringskaart ontvang.

### 18 Grond wat as 'n erfenisgebied ooreenkomstig die Wet op Nasionale Erfenishulpbronne beskou word

Alle erfenisbeskermingsoorlegsones wat in die *Provinsiale Koerant* gepubliseer word, word as erfenisgebiede ooreenkomstig die Wet op Nasionale Erfenishulpbronne beskou.

### 19 Spesiale bepalings

Die bepalings in die volgende tabel word as ontwikkelingsreëls ingevolge hierdie ontwikkelingsbestuurskema beskou.

Voormalige soneringskema ingevolge waarvan spesiale sone, spesiale gebied of spesiale bepaling tot stand gekom het	Naam van voormalige spesiale sone, spesiale gebied of spesiale bepaling	Verwysingsnommer (indien van toepassing)
Munisipaliteit van die Stad Kaapstad Soneringskema	Rondebosch-inkopiegebied	
	Bylae 8: Spesiale bepalings van toepassing op sekere eiendomme	
Pinelands-soneringskema	Spesiale sone A: Howard Place	
	Spesiale sone B: Mutual Park	

## HOOFSTUK 4.: SAMEVATTING VAN SONERINGS

(item 20)

### 20 Samevattende soneringstabel

(1) Tabel A bevat 'n samevatting van die basissonerings en ontwikkelingsreëls soos dit in hierdie ontwikkelingsbestuurskema uiteengesit word.

(2) Tabel A vervang nie die uitvoerige bepalings in afdeling II nie.

**Tabel A: Samevatting van die sonerings en ontwikkelingsreëls**

ENKELRESIDENSIELE SONERINGS	OPPERVLAKTE VAN GRONDEENHEID (m <sup>2</sup> )	VLOER FAKTOR	MAKSIMUM VLOERRUIMTE	MAKSIMUM HOOGTE BO BASISVLAK		BOUYLYNE		STRAATMIDDELLYN-TERUGSET	ANDER BEPALINGS
				Tot by muur plaat	Tot by bopunt van dak	Straat grens	Gemeenskaplike grense		
<b>ENKELRESIDENSIELE SONERING 1: KONvensionele BEHUISING (SR1)</b>  <b>PRIMÊRE GEBRUIKE</b> Woonhuis, privaat pad en bykomende gebruikregte  <b>BYKOMENDE GEBRUIKREGTE</b> Tuisberoop of bed-en-ontbyt-onderneming of tuiskindersorg  <b>VERGUNNINGSGEBRUIKE</b> Tweede woning, nutsdienste, plek van onderrig, plek van aanbidding, huiswinkel, instelling, gastehuis, dakgemonteerde basistelekommunikasiestasie, windturbine-infrastruktuur, oop ruimte, stedelike landbou en halfweghuis	>2 000	n.v.t.	1 500 m <sup>2</sup>	9,0 m	11,0 m	6,0 m	6,0 m	n.v.t.	Venster- en deurplasing
	>1 000 tot en met 2 000	n.v.t.	1 500 m <sup>2</sup>	9,0 m	11,0 m	4,5 m	3,0 m		Motorhuise, motorafdakke en buitegeboue
	>650 tot en met 1 000	n.v.t.	1 500 m <sup>2</sup>	9,0 m	11,0 m	3,5 m	3,0 m		Parkering en toegang
	>350 tot en met 650	1,0	n.v.t.	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant		Bykomende gebruikregte – tuisberoop, bed-en-ontbyt-onderneming en tuiskindersorg
	>200 tot en met 350	1,0	n.v.t.	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant		
	≤200	1,0	n.v.t.	8,0 m	10,0 m	1,0 m	0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant		
		Sien item 22(a)	Sien item 22(b)	Sien item 22(c)	Sien item 22(c)	Sien item 22(d) & 0	Sien item 22(d) & 0		
<b>ENKELRESIDENSIELE SONERING 2: INKREMENTELE BEHUISING (SR2)</b>  <b>PRIMÊRE GEBRUIKE</b> Woonhuis, tweede woning, nutsdiens, privaat pad, stedelike landbou, oop ruimte en bykomende gebruikregte  <b>BYKOMENDE GEBRUIKREGTE</b> Skuiiling, huiswinkel, tuisberoop, bed-en-ontbyt-onderneming, tuiskindersorg, informele handel en enige opvoedkundige, godsdienslike, beroeps- of sakedoeleinde onderworpe aan voorwaardes  <b>VERGUNNINGSGEBRUIKE</b> Groepsbehuising, losieshuis, plek van aanbidding, instelling, kliniek, plek van samekoms, plek van onderrig, kantoor, restaurant, gastehuis, plek van vermaak, diensbedryf, owerheidsgebruik, dakgemonteerde basistelekommunikasiestasie, windturbine-infrastruktuur, halfweghuis		1,0	n.v.t.	6,0 m woon eenhede;	8,0 m wooneenhede;	Formele dorpsgebied: 1,0 m	Formele dorpsgebied: 0,0 m vir 60% en 1,0 m vir restant; 2,5 m tussen skuilings en ander geboue	n.v.t.	Parkering en toegang
				8,0 m ander geboue	10,0 m ander geboue	Geen formele dorpsgebied: 1,0 m	Geen formele dorpsgebied: 3,0 m op grens; 2,5 m tussen skuilings en ander geboue		Huiswinkel
		Sien item 27(a)		Sien item 27(b)	Sien item 27(b)	Sien item 27(c) & 27(d)	Sien item 27(c) & 27(d)		Skuiiling
									Informele handel
									Grond wat ontwikkel is as of aangewys is vir paaie
									Grond wat gebruik word as of aangewys is vir brandstroke
									Goedkeuring van bouplanne

ALGEMENE RESIDENSIËLE SONERING	SUB-SONERING	DIGTHEID	DEK-KING	MAKSIMUM HOOGTE BO BASISVLAK		BOULYNE		STRAAT-MIDDEL-LYN-TERUGSET	ANDER BEPALINGS
				Tot by muurplaat	Tot by bopunt van dak	Straat-grens	Gemeenskaplike grense		
<b>ALGEMENE RESIDENSIËLE SUBSONERING 1: GROEPS-BEHUISING (GR1)</b>  <b>PRIMÊRE GEBRUIKE</b> Woonhuis, groepsbehuising, privaat pad, oop ruimte en bykomende gebruikregte  <b>BYKOMENDE GEBRUIKREGTE</b> Woonstelle en tuisberoepe, onderworpe aan beperking  <b>VERGUNNINGS-GEBRUIKE</b> Nutsdienste, tuiskindersorg en dakgemonteerde basis-telekommunikasie-stasie	GR1	35 woon-eenhede/ha	n.v.t.	8,0 m	10,0 m	5,0 m eksterne openbare straat  0,0 m interne pad  Motorhuise 5,0 m vanaf randsteen	3,0 m eksterne grense  0,0 m interne grense	n.v.t.	Ontwerp-beginsels  Oop ruimte  Parkering en toegang  Terrein-ontwikkelings-plan  Woonstelle en tuisberoepe as bykomende gebruikreg  Woonhuis buite groepskema
				Sien item 35(c)	Sien item 35(c)	Sien item 35(e) & 35(f)	Sien item 35(e) & 35(f)		
<b>ALGEMENE RESIDENSIËLE SUBSONERINGS (GR2-GR6)</b>  <b>PRIMÊRE GEBRUIKE</b> Woonhuis, tweede woning, groepsbehuising, losieshuis, gastehuis, woonstelle, privaat pad en oop ruimte  <b>VERGUNNINGS-GEBRUIKE</b> Nutsdiens, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, tuisberoepe, winkel, hotel, konferensiefasiliteit en dakgemonteerde basis-telekommunikasie-stasie	GR2	VLOER-FAKTOR 1,0	60%	Tot by bopunt van dak 15,0 m		4,5 m	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat)	8,0 m	Parkering en toegang  Afskerming Windtempering  Woonhuis en tweede woning  Groepsbehuising  Instelling, plek van onderrig en plek van samekoms  Winkel
	GR3	1,0	60%	20,0 m		4,5 m	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat)	8,0 m	
	GR4	1,5	60%	24,0 m		4,5 m	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat)	8,0 m	
	GR5	2,5	60%	35,0 m		4,5 m; 9 m bo 25 m hoogte	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat); 15,0 m bo 25,0 m hoogte	8,0 m	
	GR6	5,0	60%	50,0 m		4,5 m; 9 m bo 25 m hoogte	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat); 15,0 m bo 25,0 m hoogte	8,0 m	
		Sien item 41(b)	Sien item 41(a)	Sien item 41(c)		Sien item 41(e)	Sien item 41(e)	Sien item 41(d)	

GEMEENSKAPSONERINGS	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
			Tot by bopunt van dak	Straatgrens	Gemeen-skaplike grense		
<b>GEMEENSKAPSONERING 1: PLAASLIK (CO1)</b>  <b>PRIMÊRE GEBRUIKE</b> Plek van onderrig, plek van aanbidding, kliniek, dakgemonteerde basistelekommunikasiestasie en oop ruimte  <b>VERGUNNINGSGEBRUIKE</b> Instelling, hospitaal, plek van samekoms, begraafplaas, vrystaande basistelekommunikasiestasie en stedelike landbou	0,8  Sien item 47(a)	60%  Sien item 47(b)	12,0 m  Sien item 47(c)	5,0 m  Sien item 47(d)	5,0 m  Sien item 47(e)	n.v.t.	Parkerings en toegang  Op-/aflaai  Afskerming  Geraas-tempering
<b>GEMEENSKAPSONERING 2: STREEK (CO2)</b>  <b>PRIMÊRE GEBRUIKE</b> Instelling, hospitaal, plek van onderrig, plek van aanbidding, plek van samekoms, dakgemonteerde basistelekommunikasiestasie en oop ruimte  <b>VERGUNNINGSGEBRUIKE</b> Losieshuis, konferensiefasiliteit, begraafplaas, krematorium, begrafnisonderneming, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur en stedelike landbou	2,0  Sien item 49(a)	60%  Sien item 49(b)	18,0 m  Sien item 49(c)	5,0 m  Sien item 49(d)	5,0 m  Sien item 49(e)	n.v.t.	Parkerings en toegang  Op-/aflaai  Afskerming  Geraas-tempering

PLAASLIKE SAKESONERING	OPPERVLAKTE VAN GRONDEENHEID (m <sup>2</sup> )	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK		BOULYNE		STRAAT-MIDDEL LYN-TERUGS ET	ANDER BEPALINGS
				Tot by muurplaat	Tot by bopunt van dak	Straat-grens	Gemeenskap-like grense		
<b>PLAASLIKE SAKESONERING 1: INTERMEDIÛRE SAKES (LB1)</b>	>1 000	1,0	n.v.t.	9,0 m	11,0 m	3,5 m	3,0 m	n.v.t.	Motorhuise en motorafdakke
<b>PRIMÛRE GEBRUIKE</b> Kantoor, woonhuis, losieshuis, nutsdienste, woonstelle en bykomende gebruikregte	>650 tot en met 1 000	1,0		9,0 m	11,0 m	3,5 m	3,0 m		Parkering en toegang
	>350 tot en met 650	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m vanaf straat and 60%) en 3,0 m restant		Op-/afslaa
<b>BYKOMENDE GEBRUIKREGTE</b> Tweede woning en tuisberoep of huiswinkel of bed-en-ontbytonderneming of tuiskindersorg	>200 tot en met 350	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant		Afskerming
<b>VERGUNNINGS- GEBRUIKE</b> Plek van onderrig, plek van aanbidding, instelling, kliniek, plek van samekoms, gastehuis, winkel, informele handel, diensbedryf, dakgemonteerde basistelekommunikasie-stasie, windturbine-infrastruktuur en halfweghuis	≤200	1,0		8,0 m	10,0 m	1,0 m	0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant		Tuisberoep, bed-en-ontbytonderneming en tuiskindersorg
		Sien item 51(a)		Sien item 51(b)	Sien item 51(b)	Sien item 51(c)	Sien item 51(c)		Tweede woning
									Huiswinkel
<b>PLAASLIKE SAKESONERING 2: PLAASLIKE SAKES (LB2)</b>				Tot by bopunt van dak					
<b>PRIMÛRE GEBRUIKE</b> Winkel, kantoor, woonhuis, tweede woning, bed-en-ontbytonderneming, losieshuis, woonstelle, plek van onderrig, plek van aanbidding, instelling, kliniek, gastehuis, diensbedryf, nutsdiens, dakgemonteerde basistelekommunikasiestasie, privaat pad en oop ruimte		1,0	75%	12,0 m		0,0 m		8,0 m	Afdakoorhang Straathoeke
<b>VERGUNNINGS- GEBRUIKE</b> Plek van samekoms, informele handel, restaurant, verkoop van alkoholiese drank, begrafnisonderneming, plek van vermaak, volwasenewinkel, sakeperseel, supermark, kwekery, hotel, konferensiefasiliteit, motorherstelhawe, diensstasie, owerheidsgebruik, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, vervoergebruik en parkade		Sien item 56(a)	Sien item 56(b)	Sien item 56(c)		Sien item 56(e) & 56(f)		Sien item 56(d)	Parkering en toegang
									Op-/afslaa
									Afskerming
									Diensstasie en motorherstelhawe
									Informele handel

ALGEMENESAKE- EN GEMENGDEGEBRUIKSONERINGS	SUB-SONERING	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
					Straatgrens	Gemeenskaplike grense		
<b>ALGEMENE SAKESUBSONERINGS (GB1–GB7)</b>  <b>PRIMÊRE GEBRUIKE</b> Sakeperseel, woonhuis, tweede woning, losieshuis, woonstelle, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, diensbedryf, owerheidsgebruik, nutsdiens, dakgemonteerde basistelekommunikasiestatie, parkade, privaat pad en oop ruimte  <b>VERGUNNINGSGEBRUIKE</b> Volwassenewinkel, onderneming vir volwassenevermaak, volwassenedienste, informele handel, eksposentrum, motorherstelhawe, pakhuys, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, vervoergebruik, helikopterlandingsplek en diensstasie	GB1	1,5	100%	15,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	0,0 m	8,0 m	Residensiële aansporing met betrekking tot GB7
	GB2	2,0	100%	15,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	0,0 m	8,0 m	Hotelvloerruimte-toegewing
	GB3	2,0	100%	25,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	0,0 m	8,0 m	Afdak- of balkonoorhang
	GB4	3,0	100%	25,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	0,0 m	8,0 m	Openbare voetpad langs straatgrens
	GB5	4,0	100%	25,0 m	0,0 m	0,0 m	8,0 m	Straathoeke
	GB6	6,0	100%	38,0 m	0,0 m tot en met 25,0 m hoogte; ½ (H-25 m) bo 25,0 m	0,0 m	8,0 m	Parkering en toegang
	GB7	12,0	100%	60,0 m	0,0 m tot en met 38,0 m hoogte; ½ (H-38 m) bo 38,0 m	0,0 m	8,0 m	Op-/aflaai
		Sien item 60(c)	Sien item 60(a)	Sien item 60(d)	Sien item 60(e)	Sien item 60(e)	Sien item 60(b)	Afskerming
<b>GEMENGDEGEBRUIK-SUBSONERINGS (MU1–MU3)</b>  <b>PRIMÊRE GEBRUIKE</b> Sakeperseel, nywerheid, woonhuis, tweede woning, losieshuis, woonstelle, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, owerheidsgebruik, nutsdiens, dakgemonteerde basistelekommunikasiestatie, vervoergebruik, parkade, privaat pad en openbare ruimte  <b>VERGUNNINGSGEBRUIKE</b> Volwassenewinkel, onderneming vir volwassenevermaak, volwassenedienste, informele handel, eksposentrum, skrootwerf, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, helikopterlandingsplek, diensstasie en motorherstelhawe	MU1	1,5	75%	15,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m		8,0 m	Windtempering
	MU2	4,0	100%	25,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m		8,0 m	Diensstasie en motorherstelhawe
	MU3	6,0	100%	38,0 m	0,0 m tot en met 25,0 m hoogte; ½ (H-25 m) bo 25,0 m		8,0 m	Informele handel
		Sien item 64(a)	Sien item 64(a)	Sien item 64(a)		Sien item 64(c)	Sien item 64(b)	



NYWERHEIDSONERINGS	SUB-SONERING	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
					Straat-grens	Gemeenskap-like grense		
<b>ALGEMENE NYWERHEID-SUIBSONERINGS (GI1-GI2)</b>  <b>PRIMÊRE GEBRUIKE</b> Nywerheid, restaurant, diensstasie, motorherstelhawe, begrafnisondermeling, skrootwerf, owerheidsgebruik, nutsdiens, krematorium, dakgemonteerde basistelekommunikasiestasi e, vrystaande basistelekommunikasiestasi e, vervoergebruik, parkade, landbounywerheid, privaat pad, oop ruimte en bykomende gebruikregte  <b>BYKOMENDE GEBRUIKREGTE</b> Fabriekswinkels en volwassene winkel  <b>VERGUNNINGS- GEBRUIKE</b> Slaggale, plek van aanbidding, instelling, kliniek, plek van samekoms, ondermeling vir volwassenevermaak, volwassenedienste, akwakultuur, informele handel, winkel, kantoor, verkoop van alkoholiese drank, plek van vermaak, helikopterlandingsplek, windturbine-infrastruktuur en housterrein	GI 1	1,5	75%	18,0 m	5,0 m	3,0 m	n.v.t.	Grensmure
	GI 2	4,0	75%	18,0 m, maar geen beperking met betrekking tot vervaardiging s-geboue nie	5,0 m	3,0 m		Parking en toegang Op-/aflaai Afskerming Gevaarlike stowwe Diensstasie en motorherstelhawe Fabriekswinkel Volwassene winkel Informele handel
<b>RISIKONYWERHEIDSONERING (RI)</b>  <b>PRIMÊRE GEBRUIK</b> Hinderbedryf, risikoaktiwiteit, krematorium, dakgemonteerde basistelekommunikasiestasi e, vrystaande basistelekommunikasiestasi e, privaat pad, oop ruimte en bykomende gebruikregte  <b>BYKOMENDE GEBRUIKREGTE</b> Fabriekswinkel  <b>VERGUNNINGS- GEBRUIK</b> Winkel, restaurant, informele handel, diensstasie, motorherstelhawe, nywerheid, skrootwerf, slaggale, owerheidsgebruik, nutsdiens, helikopterlandingsplek, windturbine-infrastruktuur, housterrein, vervoergebruik en parkade		2,0	75%	18,0 m, maar geen beperking met betrekking tot hinderbedryf, risikoaktiwiteit of vervaardiging s-geboue nie	5,0 m	5,0 m	n.v.t.	Parking en toegang Op-/aflaai Afskerming Grensmure Gevaarlike stowwe
		Sien item 75(a)	Sien item 75(b)	Sien item 75(c)	Sien item 75(d)	Sien item 75(d)		Diensstasie en motorherstelhawe Fabriekswinkel Informele handel

NUT-, VERVOER- EN NASIONALEHAWESONERINGS	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
				Straatgrens	Gemeen-skaplike grense		
<b>NUTSONERING (UT)</b>  <b>PRIMÊRE GEBRUIKE</b> Nutsdiens, owerheidsgebruik, dakgemonteerde basistelekommunikasiestasie en vrystaande basistelekommunikasiestasie  <b>VERGUNNINGSGEBRUIKE</b> Begraafplaas, informele handel, begrafnisonderneming, krematorium, stedelike landbou, lughawe, windturbine-infrastruktuur en helikopterlandingsplek	Soos ingevolge 'n terreinontwikkelingsplan (sien item 81)						
<b>VERVOERSONERING 1: VERVOERGEBRUIK (TR1)</b>  <b>PRIMÊRE GEBRUIKE</b> Vervoergebruik, parkade, nutsdiens, pakhuis, dakgemonteerde basistelekommunikasiestasie en houerterrein  <b>VERGUNNINGSGEBRUIKE</b> Sakeperseel, woonstelle, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, diensstasie, motorherstelhawe, diensbedryf, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, lughawe, helikopterlandingsplek, informele handel, nywerheid en lug- en ondergrondse regte	2,0  						

OOPRUIMTESONERING	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
				Straatgrens	Gemeenskaplike grense		
<b>OOPRUIMTESONERING 1: OMGEWINGSBEWARING (OS1)</b>  <b>PRIMÊRE GEBRUIKE</b> Omgewingsbewaringsgebruik  <b>VERGUNNINGSGEBRUIKE</b> Oesting van natuurlike hulpbronne, omgewingsfasiliteite, toeristeverblyf, toeristefasiliteite, nutsdiens, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, en kulturele en sosiale plegtighede				Soos ingevolge 'n terreinontwikkelingsplan (sien item 98)			
<b>OOPRUIMTESONERING 2: OPENBARE OOP RUIMTE (OS2)</b>  <b>PRIMÊRE GEBRUIKE</b> Openbare oop ruimte en omgewingsbewaringsgebruik  <b>VERGUNNINGSGEBRUIKE</b> Omgewingsfasiliteite, toeristefasiliteite, nutsdiens, begraafplaas, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, kulturele en sosiale plegtighede, stedelike landbou, informele handel, oesting van natuurlike hulpbronne, en lug- en ondergrondse regte				Soos ingevolge 'n terreinontwikkelingsplan (sien item 100)		Veronderstelde sonering  Konstruksie en storting van materiale  Lug- en ondergrondse regte  Informele handel	
<b>OOPRUIMTESONERING 3: SPESIALE OOP RUIMTE (OS3)</b>  <b>PRIMÊRE GEBRUIKE</b> Oop ruimte, privaat pad en omgewingsbewaringsgebruik  <b>VERGUNNINGSGEBRUIKE</b> Omgewingsfasiliteite, toeristefasiliteite, plek van onderrig, plek van samekoms, plek van vermaak, kwekery, nutsdiens, begraafplaas, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, kulturele en sosiale plegtighede, stedelike landbou, informele handel, en oesting van natuurlike hulpbronne				Soos ingevolge 'n terreinontwikkelingsplan (sien item 105)		Goedkeuring van vergunningsgebruike  Informele handel	



## HOOFSTUK 5.: ENKELRESIDENSIËLE SONERINGS

(items 21 - 33)

*Die enkelresidensiële sonerings is ontwerp om as ligging vir oorwegend enkelfamiliewoonhuise in lae- tot mediumdigtheidswoonbuurte met 'n veilige en aangename leefomgewing te dien. Enkelresidensiële eiendomme bied beperkte geleenthede vir tuisindiensneming, bykomende wonings en gemengdegebruikontwikkeling van 'n lae intensiteit. Gedagtig aan die verskillende sosio-ekonomiese omstandighede in die stad, is daar twee enkelresidensiële sonerings, een vir konvensionele behuising en een vir inkrementele behuising (waar die opknapping van informele nedersettings aangemoedig word).*

### **Deel 1: Enkelresidensiële sonering 1: Konvensionele behuising ("SR1")**

(items 21 - 25)

*Die SR1-sonering maak hoofsaaklik voorsiening vir enkelfamiliewoonhuise en bykomende gebruikregte in lae- tot mediumdigtheid- residensiële buurte, ongeag of dit klein of groot erwe insluit. Beperkte geleenthede vir indiënsneming en bykomende verblyf is moontlik as primêre of vergunningsgebruike, mits die impak van sulke gebruike nie die omliggende residensiële omgewing benadeel nie.*

#### **21 Gebruik van die eiendom**

Die volgende gebruikbeperkings is van toepassing op eiendomme in hierdie sonering:

- (a) Primêre gebruike is 'n woonhuis, privaat pad en bykomende gebruikregte soos wat paragraaf (b) bepaal.
- (b) Bykomende gebruikregte wat die bewoner van 'n eiendom mag uitoefen, is 'n tuisberoep, bed-en-ontbytonderneming en tuiskindersorg, onderworpe aan die volgende voorwaardes
  - (i) Slegs een van die aktiwiteite wat as bykomende gebruikregte gelys word, mag op enige grondeenheid as primêre gebruik beoefen word. Waar meer as een sodanige aktiwiteit vereis word, moet die Stad se goedkeuring verkry word.
  - (ii) Die eiendom moet oorwegend vir 'n woonhuis vir die verblyf van 'n enkele familie gebruik word.
  - (iii) Die eienaar van die betrokke aktiwiteit moet op die eiendom woon.
  - (iv) Die voorwaardes in item 23, 24 of 25 (wat ook al van toepassing is) moet nagekom word.
  - (v) Enige nuwe struktuur of verandering aan die eiendom om 'n bykomende gebruikreg moontlik te maak, moet versoenbaar wees met die residensiële karakter van die gebied, veral wat die straataansig betref, en moet kan terugkeer tot gebruik as deel van die betrokke woonhuis, tweede wooneenheid of buitegebou.
  - (vi) Die bewoner mag nie meer as drie werknemers by die betrokke aktiwiteit betrek nie.
- (c) Vergunningsgebruike is 'n nutsdiens, plek van onderrig, plek van aanbidding, huiswinkel, instelling, gastehuis, dakgemonteerde basistelekommunikasiestasie, windturbine-infrastruktuur, oop ruimte, stedelike landbou, tweede wooneenheid en halfweghuis.

#### **22 Ontwikkelingsreëls**

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor

Die maksimum vloerfaktor word bepaal ooreenkomstig die oppervlakte van die grondeenheid soos wat die volgende "Tabel van vloerfaktor, vloerruimte, hoogte en boulyne in enkelresidensiële sonering 1" aantoon.

## (b) Vloerruimte

Indien van toepassing, word die maksimum vloerruimte vir alle geboue op 'n grondeenheid ooreenkomstig die volgende "Tabel van vloerfaktor, vloerruimte, hoogte en boulyne in enkelresidensiële sonering 1" bepaal.

## (c) Hoogte

- (i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die muurplaat en die bopunt van die dak, word in ooreenstemming met die oppervlakte van die grondeenheid bepaal, soos wat die volgende "Tabel van vloerfaktor, vloerruimte, hoogte en boulyne in enkelresidensiële sonering 1" toon.
- (ii) Waar 'n gebou in hierdie sone binne 3 m van 'n gemeenskaplike grens toegelaat word, word die hoogte beperk tot 4 m, gemeet vanaf die basisvlak tot by die bopunt van die dak.
- (iii) Nieteenstaande die bepalings in subparagraaf (ii), word die hoogte vir die eerste 12 m langs 'n gemeenskaplike grens, loodreg gemeet vanaf die straatgrenslyn, en waar 'n gebou nie vanaf sodanige gemeenskaplike grens teruggeset is nie, ooreenkomstig die "Tabel van vloerfaktor, vloerruimte, hoogte en boulyne in die enkelresidensiële sonering 1" bepaal.

- (iv) Grondwalles en keerstrukture is onderworpe aan item 126.

## (d) Boulyne

Die straat- en gemeenskaplikegrensboulyne word ooreenkomstig die oppervlakte van die grondeenheid bepaal, soos wat die "Tabel van vloerfaktor, vloerruimte, hoogte en boulyne in enkelresidensiële sonering 1" toon, onderworpe:

- (i) aan die algemene boulynoorskrydings in item 121;
- (ii) daaraan dat waar meer as vier wooneenhede aaneengeskakel is, die Stad 'n gemeenskaplikegrensboulyn van 1 m tussen 'n groep van vier skakelwooneenhede en enige aangrensende wooneenheid kan vereis; en
- (iii) aan verdere beperkings wat in paragrafe (e) en (f) neergelê word, soos van toepassing.

**Tabel van vloerfaktor, vloerruimte, hoogte en boulyne in enkelresidensiële sonering 1**

Oppervlakte van grondeenheid (m <sup>2</sup> )	Vloerfaktor	Maksimum vloerruimte	Maksimum hoogte bo basisvlak		Straatgrens-boulyn	Gemeenskaplikegrens-boulyn
			Tot by muurplaat	Tot by bopunt van dak		
>2 000	n.v.t.	1 500 m <sup>2</sup>	9,0 m	11,0 m	6,0 m	6,0 m
>1 000 tot en met 2 000	n.v.t.	1 500 m <sup>2</sup>	9,0 m	11,0 m	4,5 m	3,0 m
>650 tot en met 1 000	n.v.t.	1 500 m <sup>2</sup>	9,0 m	11,0 m	3,5 m	3,0 m
>350 tot en met 650	1,0	n.v.t.	8,0 m	10,0 m	3,5 m	0 m vir die eerste 12,0 m loodreg gemeet vanaf die straatgrens, en vir 60% van die totale oorblywende lineêre afstand langs alle gemeenskaplike grense rondom die grondeenheid, en 3,0 m vir die restant, onderworpe aan paragraaf d(iii).



>200 tot en met 350	1,0	n.v.t.	8,0 m	10,0 m	3,5 m	0 m vir die eerste 12,0 m loodreg gemeet vanaf die straatgrens, en vir 60% van die totale oorblywende lineêre afstand langs alle gemeenskaplike grense rondom die grondeenheid, en 3,0 m vir die restant, onderworpe aan paragraaf d(ii) en (iii).
≤200	1,0	n.v.t.	8,0 m	10,0 m	1,0 m	

(e) Venster- en deurplasing

Enige gedeelte van 'n gebou met 'n buitevenster of -deur wat op 'n gemeenskaplike grens uitkyk, moet:

- (i) vir 'n afstand van ten minste 1,5 m teruggeset wees, weg van sodanige grens; en
- (ii) die deur of venster by sodanige terugset insluit, tesame met sodanige bykomende muurlengte as wat nodig is om 'n totale minimum lengte van 3 m te voorsien.

(f) Motorhuise, motorafdakke en buitegeboue

- (i) 'n Motorhuis, motorafdak en buitegeboue word binne die gemeenskaplikegrensboulyn toegelaat, mits die motorhuis en motorafdak:
  - (aa) nie hoër as 3,5 m vanaf die basisvlak tot by die bopunt van die dak strek nie;
  - (bb) nie meer as 'n dubbele motorhuisfasade insluit nie; en
  - (cc) nie 'n breedte van 6,5 m oorskry nie.
- (ii) Vir grondeenhede van 650 m<sup>2</sup> en kleiner word 'n motorhuis of motorafdak tot en met 1,5 m vanaf die straatgrens toegelaat, mits die motorhuis of motorafdak:
  - (aa) nie hoër as 3,5 m vanaf die basisvlak tot by die bopunt van die dak strek nie;
  - (bb) nie meer as 'n dubbele motorhuisfasade insluit nie; en
  - (cc) nie 'n breedte van 6,5 m oorskry nie.
- (iii) Vir grondeenhede wat 650 m<sup>2</sup> oorskry, mag 'n motorhuis of motorafdak nie nader as 5 m van die straatgrens wees nie, niteenstaande die straatboulyn.
- (iv) Niteenstaande paragraaf (ii) en (iii), kan 'n motorhuis of motorafdak binne die straatgrensboulyn opgerig word indien nakoming van die straatgrensboulyn na die Stad se mening onprakties sal wees weens steil hellings van die grond tussen die pad en die betrokke eiendom. In sodanige geval sal die Stad die straatgrensboulyn bepaal.

(g) Parkering en toegang

- (i) Parkering op, en toegang tot, die grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.

## 23 Tuisberoep

Benewens item 21(b), is die volgende voorwaardes van toepassing waar 'n gedeelte van 'n eiendom vir die doeleindes van 'n tuisberoep aangewend word:

- (a) Geen tuisberoep mag 'n hinderbedryf, risikoaktiwiteit, onderneming vir volwassenevermaak, volwassenedienste, volwassenewinkel, die verkoop van alkoholiese drank, motorherstelhawe, begrafnisonderneming of aktiwiteite wat waarskynlik 'n openbare steurnis tot gevolg sal hê, wat onder meer insluit paneelklop- en spuitverfwerk, outo-elektriese werk, 'n bouerswerf, sweiswerke of skrynwerkery, behels nie.
- (b) Slegs goedere wat in die tuisberoep geproduseer of aanmekaargesit is, mag vanaf die eiendom verkoop word.

- (c) Geen handelsware mag in die openbaar vertoon word nie en geen eksterne teken van die tuisberoep mag vanaf 'n openbare straat sigbaar wees nie, buiten 'n advertensieteken ooreenkomstig paragraaf (d).
- (d) Geen advertensieteken mag vertoon word buiten 'n enkele, onverligte teken of kennisgewing wat nie oor 'n openbare straat uitsteek nie, soos wat die Stad se Verordening op Buitereklame en Advertensietekens bepaal, welke teken nie 0,2 m<sup>2</sup> in oppervlakte mag oorskry nie.
- (e) Geen aktiwiteite wat 'n bron van openbare steurnis is of kan wees, of wat afvalmateriaal voortbring wat skadelik vir die gebied kan wees, of wat spesiale afvalverwyderingsprosesse vereis, mag uitgevoer word nie.
- (f) Terreinparkerings moet voorsien word in 'n verhouding van een parkeerplek vir elke 25 m<sup>2</sup> oppervlakte wat vir die tuisberoep aangewend word, tensy die Stad se goedkeuring verkry is om hierdie vereiste te laat vaar. Die Stad kan in enige stadium bykomende terreinparkerings vereis indien die bestaande parkering nie voldoende is nie.
- (g) Die totale oppervlakte wat vir die tuisberoepaktiwiteit op 'n grondeenheid aangewend word, wat berging insluit, mag nie meer as 25% van die totale vloerruimte van die wooneenhede op die grondeenheid uitmaak nie, of 50 m<sup>2</sup>, wat ook al die kleinste is.
- (h) Die berging van alle goedere en toerusting wat met die tuisberoep verband hou, moet in 'n gebou of afgeskerm van die bure en die openbare straat geskied.
- (i) Hoogstens twee voertuie mag in verband met 'n tuisberoep gebruik word, en geen sodanige voertuig mag 3 500 kg in bruto gewig oorskry nie.
- (j) Die bedryfsure moet beperk wees tot 08:00 tot 17:30 op Maandae tot Vrydae, en 08:00 tot 13:00 op Saterdag, en sluit nie openbare vakansiedae of Sondae in nie.
- (k) Die Stad kan op enige tydskedule die staking van die tuisberoepaktiwiteit versoek of voorwaardes opstel om enige moontlike steurnis vir omliggende bure of die algemene publiek te beperk.

## 24 Bed-en-ontbytonderneming

Benewens item 21(b), is die volgende voorwaardes van toepassing waar 'n gedeelte van 'n eiendom as 'n bed-en-ontbytonderneming aangewend of kamers aan loseerders verhuur word:

- (a) Nie meer as drie kamers per grondeenheid mag as slaapkamerverblyf vir betalende gaste of loseerders aangewend word nie, en nie meer as ses betalende gaste of loseerders mag op enige gegewe tydskedule van losies of maaltye voorsien word nie.
- (b) Geen alkoholiese drank mag verkoop word nie, buiten aan gaste vir verbruik op die perseel saam met maaltye.
- (c) Gastekamers mag nie omgeskakel word in, of gebruik word as, aparte selfsorgwooneenhede nie.
- (d) Maaltye mag slegs voorsien word aan gaste of loseerders met losies op die eiendom, werknemers en die familie wat in die woning bly.
- (e) Geen advertensieteken mag vertoon word buiten 'n enkele, onverligte teken of kennisgewing wat nie oor 'n openbare straat uitsteek nie, soos wat die Stad se Verordening op Buitereklame en Advertensietekens bepaal, welke teken nie 0,5 m<sup>2</sup> in oppervlakte mag oorskry nie.
- (f) Geen troues, onthale, konferensies, opleiding of enige soortgelyke aktiwiteite word by 'n bed-en-ontbytonderneming toegelaat nie.
- (g) Geen aktiwiteite wat 'n openbare steurnis is of moontlik kan wees, mag uitgevoer word nie.
- (h) Terreinparkerings moet ooreenkomstig die bepalings van hoofstuk 15 voorsien word, met dien verstande dat die Stad op enige tydskedule bykomende terreinparkerings vereis indien die bestaande parkering na die Stad se mening onvoldoende is.

## 25 Tuiskindersorg

Benewens item 21(b), is die volgende voorwaardes van toepassing waar 'n gedeelte van 'n eiendom vir tuiskindersorg aangewend word:

- (a) Nie meer as ses kinders mag op enige gegewe tydstop by 'n tuiskindersorgfasiliteit ingeskryf wees nie.
- (b) Die dienste moet hoofsaaklik dagsorg of opvoedkundig wees, en nie medies van aard nie.
- (c) Die dienste mag nie buite die ure van 07:00 tot 18:00 op Maandae tot Vrydae, en 08:00 tot 13:00 op Saterdag, bedryf word nie, en sluit nie openbare vakansiedae of Sondae in nie.
- (d) Binne- en buitespeelruimte sal voorsien word ooreenkomstig enige gesondheidsvereiste of beleidsplan wat die Stad van tyd tot tyd kan goedkeur, en buitespeelruimtes moet toegekamp wees van enige openbare straat.
- (e) Geen advertensieteken mag vertoon word buiten 'n enkele, onverligte teken of kennisgewing wat nie oor 'n openbare straat uitsteek nie, soos wat die Stad se Verordening op Buitereklame en Advertensietekens bepaal, welke teken nie 0,5 m<sup>2</sup> in oppervlakte mag oorskry nie.
- (f) Ten minste een terreinparkeerplek moet voorsien word, plus een bykomende parkeerplek wat toeganklik is vir gebruik deur ouers om kinders op of af te laai, tensy die Stad se goedkeuring verkry word om hierdie vereiste te laat vaar. Die Stad kan op enige tydstop bykomende terreinparkering vereis indien bestaande parkering onvoldoende is.

### **Deel 2: Enkelresidensiële sonering 2: Inkrementele behuising ("SR2")** (items 26 - 33)

*Die SR2-sonering fasiliteer opknapping en inkrementele behuising van informele nedersettings tot formele nedersettings. SR2 kan van toepassing wees op individuele grondeenhede of -blokke waarop informele nedersettings staan. Gedagtig aan die werklikhede van arm en gemarginaliseerde gemeenskappe, is ontwikkelingsreëls nie baie beperkend nie, en word plaaslike werkskepping in hierdie sonering aangemoedig. Sodra die opknapping van 'n gebied 'n toepaslike stadium bereik het soos wat die Stad bepaal, word daar beoog dat die gebied na SR1 of 'n ander toepaslike sone hersoneer kan word. Alle eiendomme wat ingevolge 'n vorige soneringskema as informele residensiële sones gesoneer was, word in hierdie ontwikkelingsbestuurskema na SR2 omgeskakel.*

## 26 Gebruik van die eiendom

- (1) Die volgende gebruikbeperkings is van toepassing op eiendom in hierdie sonering:
  - (a) Primêre gebruike is 'n woonhuis, tweede wooneenheid, nutsdiens, privaat pad, stedelike landbou, oop ruimte en bykomende gebruikregte soos wat paragraaf (b) bepaal.
  - (b) Bykomende gebruikregte wat die bewoner van enige wooneenheid mag uitoefen, is 'n skuiling, huiswinkel, tuisberoep, bed-en-ontbytonderneming, tuiskindersorg, informele handel en enige opvoedkundige, godsdienstige, beroeps- of sakedoeleinde, op die volgende voorwaardes:
    - (i) Die eenheid moet steeds vir oorwegend residensiële doeleindes gebruik word.
    - (ii) Geen hinderbedryf, risikoaktiwiteit, onderneming vir volwassenevermaak, volwassenedienste of volwassenewinkel word toegelaat nie.
    - (iii) Geen aktiwiteite wat 'n bron van steurnis is of moontlik kan wees, onder meer die gebruik van toerusting wat uitermatige geraas veroorsaak, of enige aktiwiteit wat stof, dampe, rook of afvalmateriaal tot gevolg het wat gesondheid kan benadeel, of wat spesiale afvalverwyderingsprosesse vereis, mag uitgevoer word nie.

- (iv) Die Stad kan op enige tydstip versoek dat die grondgebruik of aktiwiteit gestaak word, of voorwaardes oplê om enige moontlike steurnis vir omliggende bure en die algemene publiek te beperk.
  - (v) Die ontwikkelingsreëls in item 23, 24, 25, 28, 29 en 30, wat ook al van toepassing is, moet nagekom word.
  - (c) Vergunningsgebruike is groepsbehuising, losieshuis, plek van aanbidding, instelling, kliniek, plek van samekoms, plek van onderrig, kantoor, restaurant, gastehuis, plek van vermaak, diensbedryf, owerheidsgebruik, dakgemonteerde basistelekommunikasiestasie, windturbine-infrastruktuur en halfweghuis.
  - (d) Veelvoudige gebruike en geboue waar geen formele dorpsgebied bestaan nie.
- (2) Ten spyte daarvan dat daar in hierdie sonering na primêre gebruike, bykomende gebruikregte en vergunningsgebruike in die enkelvoud verwys word, word meer as een sodanige gebruik toegelaat waar:
- (a) geen formele dorpsgebied wettig gestig is nie; of
  - (b) dit nie moontlik is om individuele grondeenhede te identifiseer nie.

## 27 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor  
Die maksimum vloerfaktor vir alle geboue op 'n eiendom is 1,0.
- (b) Hoogte
  - (i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die muurplaat, is 6 m vir wooneenhede en 8 m vir alle ander geboue.
  - (ii) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die bopunt van die dak, is 8 m vir wooneenhede en 10 m vir alle ander geboue.
  - (iii) Grondwalles en keerstrukture is onderworpe aan item 126.
- (c) Boulyne waar 'n formele dorpsgebied bestaan  
Die volgende boulyne geld vir geboue, met inbegrip van skuilings, op onderverdeelde SR2-gesoneerde grondeenhede in 'n formele dorpsgebied waar die onderverdeling ingevolge hierdie verordening of ander toepaslike wetgewing bevestig is:
  - (i) Straatgrensboulyn: 1 m
  - (ii) Gemeenskaplikegrensboulyn: 0 m vir 60% van die totale lineêre afstand langs alle gemeenskaplike grense rondom die grondeenheid, en 1 m vir die restant, met dien verstande dat:
    - (aa) waar meer as vier wooneenhede aaneengeskakel is, die Stad 'n gemeenskaplikegrensboulyn van 1 m tussen 'n groep van vier skakelwooneenhede en enige aanliggende wooneenheid kan vereis; en
    - (bb) geen deure of vensters aangebring mag word in 'n muur wat minder as 1 m vanaf 'n gemeenskaplike grens is nie.
  - (iii) Nie meer as twee skuilings mag aaneengeskakel wees sonder 'n ruimte van ten minste 2,5 m tussen sodanige skuilings en enige ander gebou of skuiling op die grondeenheid of op enige aanliggende grondeenheid nie.
  - (iv) Die algemene boulynoorskrydings in item 121 is ook van toepassing.
- (d) Boulyne waar geen formele dorpsgebied bestaan nie  
Die volgende boulyne is van toepassing op geboue, met inbegrip van skuilings, op 'n onderverdeelde eiendom buite 'n formele dorpsgebied:
  - (i) Straatgrensboulyn: Elke gebou of skuiling moet ten minste 1 m teruggeset wees vanaf 'n straat, pad of kant van 'n tydelike pad of deurgang, soos wat die Stad bepaal.
  - (ii) Gemeenskaplikegrensboulyn: 3 m op die buitengrens van die eiendom, soos wat die Stad bepaal
  - (iii) Waar meer as vier wooneenhede of skuilings aaneengeskakel is, kan die Stad 'n ruimte van 2,5 m tussen sodanige wonings of skuilings en enige ander gebou of skuiling op die betrokke eiendom of enige aanliggende eiendom vereis.
  - (iv) Die algemene boulynoorskrydings in item 121 is ook van toepassing.

## (e) Parkering en toegang

- (i) Parkering op die eiendom moet ooreenkomstig die volgende "Tabel van parkeervereistes in enkelresidensiële sonering 2" voorsien word:

**Tabel van parkeervereistes in enkelresidensiële sonering 2**

Eiendomsgebruik	Parkeervereiste
Skuiling	Geen vereiste nie
Woonhuis	Een parkeerplek indien die Stad so vereis (geen vir erwe <100 m <sup>2</sup> nie)
Tweede woning, tuisberoep	Geen vereiste nie
Ander primêre of vergunningsgebruik	Soos wat die Stad vereis

- (ii) Die bepaling van hoofstuk 15 met betrekking tot parkering en toegang is nie van toepassing in hierdie sonering nie

**28 Huiswinkel**

Die volgende voorwaardes is van toepassing op 'n huiswinkel:

- (a) Die omvang en plasing van die kleinhandelkomponent moet duidelik op 'n plan aangetoon word en, met die uitsluiting van 'n toilet of kleedkamer, mag dit nie 40 m<sup>2</sup> of 40% van die totale vloerruimte van die woning, wat ook al die kleinste is, oorskry nie.
- (b) Benewens die huiswinkel, moet die eiendom 'n woning bevat waarin die eienaar van die huiswinkel moet woon.
- (c) Enige nuwe struktuur, of verandering aan die bestaande woonhuis, tweede woning of buitegebou, moet versoenbaar wees met die residensiële karakter van die gebied.
- (d) Hoogstens drie persone altesaam, wat die bewoner(s) en enige assistente insluit, mag by die kleinhandelaktiwiteit op die eiendom betrokke wees.
- (e) Slegs een onverligte teken word ooreenkomstig die Stad se Verordening op Buitereklame en Advertensietekens toegelaat, wat aan die muur van die huiswinkel of grensmuur geheg moet wees en nie 0,5 m<sup>2</sup> in oppervlakte mag oorskry nie.
- (f) Die volgende word nie in 'n huiswinkel toegelaat nie: die verkoop van alkoholiese drank, die berging of verkoop van vuurwerk, die berging van gas om te verkoop, die verkoop van gashouers, muntoutomate, dobbelmasjiene, videospelletjies of potspeltafels.
- (g) Die ruimte wat vir 'n huiswinkel gebruik word, mag nie direk op 'n slaapkamer of toilet uitloop nie, en geen goedere wat by die huiswinkel verkoop word, mag in 'n slaapkamer of toilet geberg word nie.
- (h) Geen diere word toegelaat in die ruimte wat vir die huiswinkel aangewend word nie.
- (i) Die huiswinkel moet voldoende geventileer en verlig wees, en indien bederfbare voedsel verkoop word, kan die Stad versoek dat verkoeling voorsien word.
- (j) Die huiswinkel mag nie buite die ure van 07:00 tot 21:00 op Maandae tot Saterdag, en 08:00 tot 13:00 op openbare vakansiedae of Sondag, bedryf word nie.
- (k) Hoogstens een voertuig mag met betrekking tot 'n huiswinkel gebruik word, welke voertuig nie 3 500 kg in bruto gewig mag oorskry nie, met inbegrip van afleweringvoertuie.

**29 Skuiling**

Die volgende voorwaardes is van toepassing op 'n skuiling:

- (a) Die bewoner of eienaar van 'n skuiling is alleenverantwoordelik om die strukturele, bewoonbaarheid-, brandbestandheid- en ander standaarde van die skuiling te verseker.

- (b) Enige bewoner of eienaar van 'n skuiling wat deur die Stad opdrag gegee is om stappe te doen om 'n openbare veiligheid-, gesondheid- of brandrisiko reg te stel, en wat versuim om dit te doen, sal skuldig wees aan 'n oortreding ingevolge hierdie verordening.

### **30 Informele handel**

Informele handel word toegelaat op grond wat as 'n padreserwe opsygesit is of wat die Stad as 'n toekomstige padreserwe aangewys het, met dien verstande dat:

- (a) geen permanente strukture op die grond opgerig word nie;
- (b) daar geen inmenging is met voetganger- of voertuigbeweging of enige munisipale nutsdienste nie; en
- (c) daar geen bedreiging vir openbare gesondheid of veiligheid is nie

### **31 Grond wat ontwikkel is as of aangewys is vir paaie**

Geen gebou of skuiling mag opgerig word op grond wat as 'n pad ontwikkel is of wat die Stad as 'n toekomstige pad aangewys het nie.

### **32 Grond wat gebruik word as of aangewys is brandstrokke**

Geen gebou of skuiling mag opgerig word op grond wat deur die Stad as 'n brandstrook gebruik word, aangewys is of afgebaken is op 'n terreinontwikkelingsplan wat die Stad goedgekeur het nie.

### **33 Goedkeuring van bouplanne**

Ten spyte daarvan dat individuele grondeenhede dalk nie geskep of aan individue oorgedra is nie, kan die Stad ingevolge die Nasionale Bouwet bouplanne goedkeur vir 'n gebou wat met die primêre gebruik of vergunningsgebruik verband hou, buiten 'n skuiling, met dien verstande dat die Stad tevrede is dat:

- (a) die voorgestelde gebou aanvaarbaar is as 'n permanente struktuur wat ligging en gebruik betref, met inagneming van enige planne om die gebied op te knap; en
- (b) die aansoeker die grondeienaar se toestemming het om die gebou op te rig.

## **HOOFSTUK 6.: ALGEMENE RESIDENSIËLE SONERINGS**

(items 34 - 45)

*Die algemene residensiële sonerings is ontwerp om 'n gesonde, veilige en aangename omgewing vir hoërdigheidsstadsbewoning te voorsien, ten einde doeltreffender stedelike ontwikkeling te bevorder, die druk van stedelike groei te bestuur, en stadskruip te verminder. Verskillende sonerings en subsonerings laat verskillende vlakke van ontwikkelingsintensiteit toe, veral wat hoogte en vloerruimte betref. Die sonerings bied beperkte geleenthede vir tuisindiensneming en gemengdegebruikontwikkeling van 'n lae intensiteit.*

### **Deel 1: Algemene residensiële subsonering 1: Groepsbehuising ("GR1")**

(items 34 - 39)

*Die GR1-sonering moedig groepsbehuising aan, synde 'n mediumdigtheidsvorm van residensiële ontwikkeling wat aandag skenk aan estetika, argitektoniese vorm en die interverbondenheid van verskillende komponente van die ontwikkeling. 'n Groepsbehuisingsprojek sluit ook geleenthede vir lae woonstelblokke in. GR1 maak voorts voorsiening vir woonhuise wat nie deel uitmaak van 'n groepsbehuisingskema nie.*

### **34 Gebruik van die eiendom**

Die volgende gebruikbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n woonhuis, groepsbehuising, privaat pad, oop ruimte en bykomende gebruikregte soos wat paragraaf (b) bepaal.



- (b) Bykomende gebruikregte is woonstelle, onderworpe aan die ontwikkelingsreëls in item 37, en 'n tuisberoep onderworpe aan die beperkings in item 38.
- (c) Vergunningsgebruike is 'n nutsdiens, tuiskindersorg en 'n dakgemonteerde basistelekommunikasiestrasie.

### 35 Ontwikkelingsreëls vir groepsbehuising

Die volgende ontwikkelingsreëls is van toepassing op groepsbehuising:

- (a) Ontwerpbeginsels  
Alle geboue en strukture moet as 'n harmoniese argitektoniese entiteit beplan, ontwerp en gebou word, met spesiale aandag aan estetika, argitektoniese koördinerings, stedelike ontwerp en buiteontwerp.
- (b) Digtheid  
Die maksimum bruto digtheid op 'n groepsbehuisingsterrein is 35 wooneenhede per hektaar.
- (c) Hoogte
  - (i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die muurplaat, is 8 m, en 10 m tot by die bopunt van die dak.
  - (ii) Grondwalles en keerstrukture is onderworpe aan item 126.
- (d) Oop ruimte  
Op 'n groepsbehuisingsterrein sal buiteruimte van ten minste 50 m<sup>2</sup> per wooneenheid voorsien word, wat insluit privaat of gemeenskaplike oop ruimte of enige funksionele buiteruimte wat nie vir motorvoertuie toeganklik is nie, maar wat enige paaie, dienswerwe en parkeergebiede uitsluit.
- (e) Boulyne langs die buitegrens van 'n groepsbehuisingsterrein  
Die volgende boulyne is van toepassing langs die buitegrens van 'n groepsbehuisingsterrein:
  - (i) 'n Straatgrensboulyn van 5 m is van toepassing waar die groepsbehuisingsterrein aan 'n eksterne openbare straat grens.
  - (ii) Gemeenskaplikegrensboulyne van 3 m is van toepassing langs die buitegrens van die groepsbehuisingsterrein.
  - (iii) Die algemene boulynoorskrydings in item 121 is van toepassing.
- (f) Boulyne op 'n groepsbehuisingsterrein  
Die volgende boulyne is van toepassing op 'n groepsbehuisingsterrein:
  - (i) Straatgrensboulyne op interne paaie is 0 m, met dien verstande dat enige motorhuisdeur wat op die pad uitkyk ten minste 5 m van die randsteen van sodanige interne pad teruggeset moet wees.
  - (ii) Gemeenskaplikegrensboulyne op die groepsbehuisingsterrein is 0 m, tensy die Stad 'n boulyn vir brandbestrydingsdoeleindes vereis, in welke geval die gemeenskaplikegrensboulyne 3 m sal wees.
  - (iii) Die algemene boulynoorskrydings in item 121 is van toepassing.
- (g) Parkering en toegang
  - (i) Parkering en toegang moet ooreenkomstig hoofstuk 15 voorsien word.
  - (ii) Parkering kan by die betrokke groepshuise voorsien word, of 'n deel van die vereiste parkering by sommige van die groepshuise en die res in die vorm van gemeenskaplike parkering, of die algehele vereiste kan in die vorm van gemeenskaplike parkering voorsien word.

### 36 Terreinontwikkelingsplan

'n Terreinontwikkelingsplan van die voorgestelde groepsbehuisingskema moet vir goedkeuring by die Stad ingedien word, soos wat item 123 voorskryf, waarna die ontwikkeling van die groepsbehuisingsterrein wesenlik ooreenkomstig die goedgekeurde terreinontwikkelingsplan moet geskied.

**37 Woonstelle as 'n bykomende gebruikreg in 'n groepsbehuisingskema**

Die volgende voorwaardes is van toepassing op woonstelle as 'n bykomende gebruikreg in hierdie sonering:

- (a) Die woonstelle moet 'n geïntegreerde deel van die groepsbehuisingssterrein uitmaak en aan die ontwikkelingsreëls vir groepsbehuisingssterrein voldoen.
- (b) Die totale vloerruimte van woonstelle mag nie 40% van die totale vloerruimte van alle geboue op die groepsbehuisingssterrein oorskry nie.
- (c) Die oopruimtevereiste vir wooneenhede op 'n groepsbehuisingssterrein is van toepassing.

**38 Tuisberoep as 'n bykomende gebruikreg in 'n groepsbehuisingskema**

Die volgende voorwaardes is van toepassing op 'n tuisberoep as 'n bykomende gebruikreg in hierdie sonering:

- (a) Die eienaar moet die skriftelike toestemming van die toepaslike eienaarsvereniging bekom, of van al die inwoners in sodanige groepsbehuisingskema indien die eienaarsvereniging nie funksioneer nie.
- (b) Die bepalings van item 23 is van toepassing.

**39 Ontwikkelingsreëls vir 'n woonhuis buite 'n groepsbehuisingskema**

(1) 'n Woonhuis wat nie deel uitmaak van 'n groepsbehuisingskema nie, is vrygestel van die ontwikkelingsreëls vir groepsbehuisingssterrein.

(2) Die volgende voorwaardes is van toepassing op 'n woonhuis wat nie deel uitmaak van 'n groepsbehuisingskema nie:

- (a) 'n Tweede woning word toegelaat, onderworpe aan die bepalings vir 'n tweede woning in plaaslike sakesonering 1.
- (b) Bykomende gebruikregte en vergunningsgebruike wat vir 'n woonhuis in enkelresidensiële sonering 1 geld, geld eweneens vir 'n woonhuis in hierdie sonering.
- (c) Die ontwikkelingsreëls vir erwe groter as 350 m<sup>2</sup> tot en met 500 m<sup>2</sup> is van toepassing, soos wat die "Tabel van dekking, hoogte, vloerruimte en boulyne in enkelresidensiële sone 1" in item 22 bepaal.
- (d) Parkering en toegang moet ooreenkomstig hoofstuk 15 op die grondeenheid voorsien word.
- (e) Die vereistes vir motorhuise en motorafdakke in enkelresidensiële sone 1 is van toepassing.

**Deel 2: Algemene residensiële subsonerings ("GR2", "GR3", "GR4", "GR5" & "GR6")**  
(items 40 - 45)

*Die GR-sonerings bevorder hoërdigheids- residensiële ontwikkeling, wat woonstelblokke insluit. Verskillende ontwikkelingsreëls geld vir verskillende subsonerings, veral wat hoogte en vloerruimte betref, om vir variasies in bouvorm voorsiening te maak. GR2 maak voorsiening vir woonstelle van 'n relatiewe lae hoogte en klein vloerruimte, GR3 en GR4 vir woonstelle van mediumhoogte en -vloerruimte, terwyl GR5 en GR6 vir toringwoonstelblokke voorsiening maak. Die veronderstelde oorheersende gebruik is residensiële, maar beperkte gemengdegebruikontwikkeling is ook moontlik.*

**40 Gebruik van die eiendom**

Die volgende gebruikbeperkings is van toepassing op eiendom in hierdie subsonerings:

- (a) Primêre gebruik, onderworpe aan paragraaf (c), is 'n woonhuis, tweede woning, groepsbehuisingssterrein, losieshuis, gastehuis woonstelle, privaat pad en oop ruimte.
- (b) Vergunningsgebruike, onderworpe aan paragraaf (c), is 'n nutsdiens, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms,

tuisberoep, winkel, hotel, konferensiefasiliteit en dakgemonteerde basistelekommunikasiestasie.

- (c) Nieteenstaande die primêre en vergunningsgebruike wat paragraaf (a) en (b) bepaal, as die enigste voertuigtoegang tot die eiendom vanaf 'n aanliggende padreserwe van nouer as 9 m verkry word, word geen ander gebou behalwe 'n woonhuis of tweede woning toegelaat nie.

#### 41 Ontwikkelingsreëls vir woonstelle, losieshuise en hotelle

Die volgende ontwikkelingsreëls is van toepassing op woonstelle, losieshuise en hotelle:

- (a) Dekking  
Die maksimum dekking vir alle geboue op 'n grondeenheid in die onderskeie subsonerings word ooreenkomstig die volgende "Tabel van dekking, hoogte en vloerfaktor in algemene residensiële subsonerings GR2–GR6" bepaal.
- (b) Vloerfaktor  
Die maksimum vloerfaktor vir alle geboue op 'n grondeenheid in die onderskeie subsones word ooreenkomstig die volgende "Tabel van dekking, hoogte en vloerfaktor in algemene residensiële subsonerings GR2–GR6" bepaal.
- (c) Hoogte  
(i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die bopunt van die dak, word ooreenkomstig die volgende "Tabel van dekking, hoogte en vloerfaktor in algemene residensiële subsonerings GR2–GR6" bepaal.  
(ii) Grondwalle en keerstrukture is onderworpe aan item 126.

#### Tabel van dekking, hoogte en vloerfaktor in algemene residensiële subsonerings GR2-GR6

Subsonering	Dekking	Vloerfaktor	Maksimum hoogte bo basisvlak tot by bopunt van dak
GR2	60%	1,0	15,0 m
GR3	60%	1,0	20,0 m
GR4	60%	1,5	24,0 m
GR5	60%	2,5	35,0 m
GR6	60%	5,0	50,0 m

- (d) Straatmiddellynterugset  
Die Stad kan 'n straatmiddellynterugset vereis, in welke geval:  
(i) enige woonstelle, losieshuise of hotelle 8 m van die middellyn van die aanliggende openbare straat of strate teruggeset moet wees; en  
(ii) die bepalinge van item 122 geld.
- (e) Boulyne  
(i) Geen gebou sal so opgerig word dat enige punt op die gebou nader aan 'n straatgrens of gemeenskaplike grens is as die afstand wat die "Tabel van boulyne in algemene residensiële subsonerings GR2–GR6" bepaal nie, met dien verstande dat:  
(aa) die simbool 'H' die hoogte in meter vanaf die betrokke punt bo die basisvlak beteken; en  
(bb) waar twee alternatiewe boulyne voorgeskryf word, die groter van die twee boulyne sal geld.  
(ii) 'n Buitegebou word binne die gemeenskaplikegrensboulyn toegelaat, mits die buitegebou nie hoër as 3,5 m vanaf die basisvlak van die buitegebou tot by die bopunt van die dak is nie.  
(iii) Die algemene boulynoorskrydings in item 121 is van toepassing.

**Tabel van boulyne in algemene residensiële subsonerings GR2-GR6**

Subsonering	Straatgrensboulyn		Gemeenskaplikegrensboulyn	
	Punte tot en met 25,0 m bo basisvlak	Punte bo 25,0 m bo basisvlak	Punte tot en met 25,0 m bo basisvlak	Punte bo 25,0 m bo basisvlak
GR2	4,5 m	n.v.t.	4,5 m of 0,6 H (0 m tot en met 15,0 m in hoogte waar 'n straatgrens geraak word, vir 'n loodregte afstand van 18,0 m vanaf sodanige straatgrens)	n.v.t.
GR3				
GR4				
GR5	4,5 m	9,0 m	4,5 m of 0,6 H (0 m tot en met 15,0 m in hoogte waar 'n straatgrens geraak word, vir 'n loodregte afstand van 18,0 m vanaf sodanige straatgrens)	15,0 m (0 m tot en met 15,0 m in hoogte waar 'n straatgrens geraak word, vir 'n loodregte afstand van 18,0 m vanaf sodanige straatgrens)
GR6				

## (f) Parkering en toegang

Parkering op, en toegang tot, 'n grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.

## (g) Afskerming

Die Stad kan afskerming ooreenkomstig item 125 vereis.

## (h) Windtempering

Die Stad kan:

- (i) 'n impakstudie vereis van hoe die wind die voorgestelde gebou en sy omliggende omgewing sal beïnvloed; en
- (ii) voorwaardes opleë om ongunstige winduitwerkings te temper.

**42 Woonhuis en tweede woning**

Die bykomende gebruikregte, vergunningsgebruike en ontwikkelingsreëls vir 'n woonhuis in enkelresidensiële sonering I en 'n tweede woning in plaaslike sakesonering I onderskeidelik is van toepassing op 'n woonhuis en tweede woning in hierdie sone.

**43 Groepsbehuising**

Die bykomende gebruikregte en ontwikkelingsreëls vir groepsbehuising in algemene residensiële sonering 1 is van toepassing op groepsbehuising in hierdie sonering.

**44 Instelling, plek van onderrig en plek van samekoms**

Die ontwikkelingsreëls in item 47 vir 'n instelling, plek van onderrig en plek van samekoms is ook van toepassing op dié gebruikte in hierdie sonering, met dien verstande dat waar die instelling, plek van onderrig of plek van samekoms binne-in 'n gebou voorkom wat ook as woonstellof losieshuis aangewend word, die dekking-, hoogte- en boulynvereistes vir die woonstellof losieshuis geld.

**45 Winkels**

Die Stad kan goedkeuring toestaan dat 'n winkel of winkels op die grondvloer van 'n woonstelblok bedryf word, mits:

- (a) 'n beleidsplan vir die gebied waarin sodanige eiendom geleë is, vir gemengde of kommersiële gebruike voorsiening maak; en
- (b) die bruto verhuurbare ruimte van die winkels nie 1 000 m<sup>2</sup> of 25% van die vloerruimte van die grondvloer, wat ook al die kleinste is, oorskry nie.

## **HOOFSTUK 7.: GEMEENSKAPSONERINGS**

(items 46 - 49)

*Gemeenskapsonerings is bedoel vir maatskaplike gebruike wat op gemeenskapsbehoeftes, soos opvoedkundige, godsdienstige, welsyn- of gesondheidsdienste, gerig is. Gemeenskapsgeboue is belangrike sosiale en stedelike-ontwerpfokuspunte, en prominente argitektoniese vorms moet dus aangemoedig word. Daar is twee gemeenskapsonerings: CO1 voorsien hoofsaaklik in plaaslike gemeenskapsbehoeftes, terwyl CO2 vir 'n groter gemeenskap en moontlik groter ontwikkelingsintensiteit voorsiening maak.*

### **Deel 1: Gemeenskapsonering 1: Plaaslik ("CO1")**

(items 46 - 47)

*Die CO1-sonering maak voorsiening vir plaaslike opvoedkundige, aanbiddings- en gesondheidsbehoeftes as primêre gebruike, maar die Stad kan ook ander gemeenskapsbehoeftes goedkeur wat moontlik 'n groter impak kan hê.*

#### **46 Gebruik van die eiendom**

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n plek van onderrig, plek van aanbidding, kliniek, dakgemonteerde basistelekommunikasiestasie en oop ruimte.
- (b) Vergunningsgebruike is 'n instelling, hospitaal, plek van samekoms, begraafplaas, vrystaande basistelekommunikasiestasie en stedelike landbou.

#### **47 Ontwikkelingsreëls**

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor  
Die vloerfaktor op 'n grondeenheid mag nie 0,8 oorskry nie.
- (b) Dekking  
Die dekking vir alle geboue op 'n grondeenheid mag nie 60% oorskry nie.
- (c) Hoogte
  - (i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die bopunt van die dak, is 12 m, met dien verstande dat daar geen hoogtebepaling is vir 'n kloktoring, spitsoring, minaret of soortgelyke argitektoniese kenmerk wat ontwerp is om die belang van 'n gebou te beklemtoon nie.
  - (ii) Grondwalle en keerstrukture is onderworpe aan item 126.
- (d) Straatgrensboulyn  
Die straatgrensboulyn is 5 m, onderworpe aan die algemene boulynoorskrydings in item 121.
- (e) Gemeenskaplikegrensboulyn  
Gemeenskaplikegrensboulyne is 5 m, onderworpe aan die algemene boulynoorskrydings in item 121.
- (f) Parkering en toegang  
Parkering op, en toegang tot, die grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.
- (g) Op-/aflaai  
Laaisones moet ooreenkomstig item 144 op die grondeenheid voorsien word.
- (h) Afskerming

Die Stad kan afskerming ooreenkomstig item 125 vereis.

(i) Geraastempering

Die Stad kan vereis dat 'n eienaar geraastemperingsmaatreëls tref indien oormatige geraas veroorsaak word of veroorsaak kan word.

**Deel 2: Gemeenskapsonering 2: Streek ("CO2")**  
(items 48 - 49)

*Die CO2-sonering maak voorsiening vir 'n wye verskeidenheid institusionele en gemeenskapsbehoeftes op 'n plaaslike of streekskaal, en sluit gesondheids-, welsyns- sowel as godsdienstige en opvoedkundige dienste in.*

**48 Gebruik van die eiendom**

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n instelling, hospitaal, plek van onderrig, plek van aanbidding, plek van samekoms, dakgemonteerde basistelekommunikasiestasie en oop ruimte.
- (b) Vergunningsgebruike is 'n losieshuis, konferensiefasiliteit, begraafplaas, krematorium, begrafnisonderneming, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur en stedelike landbou.

**49 Ontwikkelingsreëls**

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor  
Die vloerfaktor op 'n grondeenheid mag nie 2,0 oorskry nie.
- (b) Dekking  
Die dekking vir alle geboue op 'n grondeenheid mag nie 60% oorskry nie.
- (c) Hoogte
  - (i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die bopunt van die dak, is 18 m, met dien verstande dat daar geen hoogtebeperking is vir 'n kloktoring, spitstoring, minaret of soortgelyke argitektoniese kenmerk wat ontwerp is om die belang van 'n gebou te beklemtoon nie.
  - (ii) Grondwalle en keerstrukture is onderworpe aan item 126.
- (d) Straatgrensboulyn  
Die straatgrensboulyn is 5 m, onderworpe aan die algemene boulynoorskrydings in item 121.
- (e) Gemeenskaplikegrensboulyn  
Gemeenskaplikegrensboulyne is 5 m, onderworpe aan die algemene boulynoorskrydings in item 121.
- (f) Parkering en toegang  
Parkering op, en toegang tot, 'n eiendom moet ooreenkomstig hoofstuk 15 voorsien word.
- (g) Op-/aflaai  
Laaisones moet ooreenkomstig item 144 op 'n grondeenheid voorsien word.
- (h) Afskerming  
Die Stad kan afskerming ooreenkomstig item 125 vereis.
- (i) Geraastempering  
Die Stad kan vereis dat 'n eienaar geraastemperingsmaatreëls tref indien uitermatige geraas veroorsaak word of veroorsaak kan word.

**HOOFSTUK 8.: PLAASLIKE SAKESONERINGS**  
(items 50 - 58)

*Die intermediêre sakesonering skep 'n toepaslike oorgang tussen sakedistrikte en aanliggende residensiële gebiede, waar lae-impak-kantore en verwante gebruike toegelaat dog hoërimpak-*



*kleinhandelgebruike beheer word. Plaaslike sakesonering 2 is weer geskik vir plaaslike woonbuurtwinkels en maak voorsiening vir 'n verskeidenheid versoenbare grondgebruike.*

**Deel 1: Plaaslike sakesonering 1: Intermediêre sake ("LB1")**  
(items 50 - 54)

*Die LB1-sonering maak voorsiening vir 'n intermediêre sonering wat as 'n buffer of oorgang tussen algemene sakesonerings of ander nieresidensiële gebruike van 'n hoë intensiteit en residensiële gebiede kan dien. Die sone moet oorwegend vir residensiële, kantoor- en verwante doeleindes gebruik word, maar beperkte kleinhandelaktiwiteite is moontlik met die Stad se goedkeuring.*

**50 Gebruik van die eiendom**

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n kantoor, woonhuis, losieshuis, nutsdiens, woonstelle en bykomende gebruikregte soos wat paragraaf (b) bepaal.
- (b) Bykomende gebruikregte wat die bewoner van 'n woonhuis mag uitoefen, is 'n tweede woning of tuisberoep of huiswinkel of bed-en-ontbytonderneming of tuiskindersorg, onderworpe aan die ontwikkelingsreëls in item 52, 53 en 54, wat ook al van toepassing is.
- (c) Vergunningsgebruike is 'n plek van onderrig, plek van aanbidding, instelling, kliniek, plek van samekoms, gastehuis, winkel, informele handel, diensbedryf, daggemonteerde basistelekommunikasiesatiasie, windturbine-infrastruktuur en halfweghuis.

**51 Ontwikkelingsreëls**

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor  
Die maksimum vloerfaktor word bepaal ooreenkomstig die oppervlakte van die grondeenheid, soos wat die volgende "Tabel van vloerfaktor, hoogte en boulyne in plaaslike sakesonering 1" toon.
- (b) Hoogte
  - (i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die muurplaat en die bopunt van die dak, word bepaal ooreenkomstig die oppervlakte van die grondeenheid, soos wat die volgende "Tabel van vloerfaktor, hoogte en boulyne in plaaslike sakesonering 1" toon.
  - (ii) Waar 'n gebou in hierdie sonering binne 3 m van 'n gemeenskaplike grens toegelaat word, word die hoogte tot 4 m beperk, gemeet vanaf die basisvlak tot by die bopunt van die dak.
  - (iii) Nieteenstaande die bepalings in subparagraaf (ii), word die hoogte binne die eerste 12 m langs 'n gemeenskaplike grens, loodreg gemeet vanaf die straatgrenslyn, en waar 'n gebou nie vanaf sodanige gemeenskaplike grens teruggeset is nie, ooreenkomstig die "Tabel van vloerfaktor, hoogte en boulyne in enkelresidensiële sonering 1" bepaal.
  - (iv) Grondwalle en keerstrukture is onderworpe aan item 126.
- (c) Boulyne  
Die straat- en gemeenskaplikegrensboulyne word bepaal ooreenkomstig die oppervlakte van die grondeenheid, soos wat die volgende "Tabel van vloerfaktor, hoogte en boulyne in plaaslike sakesonering 1" bepaal, onderworpe aan:
  - (i) die algemene boulynoorskrydings in item 121; en
  - (ii) bepalings met betrekking tot motorhuise en motorafdakke soos wat paragraaf (d) bepaal.

**Tabel van vloerfaktor, hoogte en boulyne in plaaslike sakesonering 1**

Oppervlakte van grondeenheid (m <sup>2</sup> )	Vloer-faktor	Maksimum hoogte bo basisvlak		Straatgrens-boulyn	Gemeenskaplikegrensboulyn
		Tot by dakplaat	Tot by bopunt van dak		
>1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>650 tot en met 1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>350 tot en met 650	1,0	8,0 m	10,0 m	3,5 m	0 m vir die eerste 12,0 m, loodreg gemeet vanaf die straatgrens, en 0 m vir 60% van die totale oorblywende lineêre afstand langs alle gemeenskaplike grense rondom die grondeenheid, en 3,0 m vir die restant, onderworpe aan paragraaf d(iii).
>200 tot en met 350	1,0	8,0 m	10,0 m	3,5 m	0 m vir die eerste 12,0 m, loodreg gemeet vanaf die straatgrens, en 0 m vir 60% van die totale oorblywende lineêre afstand langs alle gemeenskaplike grense rondom die grondeenheid, en 3,0 m vir die restant, onderworpe aan paragraaf d(ii) en d(iii).
≤200	1,0	8,0 m	10,0 m	1,0 m	

## (d) Motorhuise en motorafdakke

- (i) 'n Motorhuis of motorafdak word binne die gemeenskaplikegrensboulyn toegelaat, mits die motorhuis of motorafdak:

(aa) nie hoër as 3,5 m vanaf die basisvlak tot by die bopunt van die dak strek nie; en

(bb) nie meer as 'n dubbele motorhuisfasade met 'n maksimum breedte van 6,5 m insluit nie.

- (ii) Vir grondeenhede van 650 m<sup>2</sup> en minder word 'n motorhuis of motorafdak tot en met 1,5 m van die straatgrens toegelaat, mits die motorhuis of motorafdak:

(aa) nie hoër as 3,5 m vanaf die basisvlak tot by die bopunt van die dak strek nie; en

(bb) nie meer as 'n dubbele motorhuisfasade met 'n maksimum breedte van 6,5 m insluit nie.

- (iii) Vir grondeenhede wat 650 m<sup>2</sup> oorskry, mag die motorhuis of motorafdak nie nader as 5 m van die straatgrens wees nie, niteenstaande die straatboulyn.

## (e) Parkering en toegang

Parkering op, en toegang tot, 'n grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.

## (f) Op-/aflaai

Laaisones moet ooreenkomstig item 144 op 'n grondeenheid voorsien word.

## (g) Afskerming

Die Stad kan afskerming ooreenkomstig item 125 vereis.

**52 Tuisberoep, bed-en-ontbytonderneming en tuiskindersorg**

Die voorwaardes vir 'n tuisberoep, bed-en-ontbytonderneming of tuiskindersorg in hierdie sonering is dieselfde as dié vir enkelresidensiële sonering 1.

**53 Tweede woning**

Die volgende voorwaardes is van toepassing op 'n tweede woning:

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- (a) Die totale vloerruimte van 'n tweede woning mag nie sonder die Stad se goedkeuring die totale vloerruimte van die hoofwooneenheid oorskry nie. Die vloerruimte van aanvullende geboue word van hierdie bepaling uitgesluit.
- (b) 'n Tweede woning sal in 'n soortgelyke styl as die argitektuur van die hoofwoonhuis gebou word.
- (c) 'n Tweede woning wat 'n aparte struktuur van 'n hoofwoonhuis is, mag nie 'n hoogte van 6 m vanaf die basisvlak tot by die muurplaat, en 8 m vanaf die basisvlak tot by die bopunt van die dak, oorskry nie.
- (d) 'n Tweede woning wat in dieselfde gebou as 'n hoofwoonhuis is, moet so ontwerp word dat die gebou na 'n enkelwoonhuis lyk; albei eenhede kan 'n grondvloer hê of een eenheid kan op die grondvloer wees en die ander eenheid bo dit.
- (e) Die bestaan van 'n tweede woning sal op sigself nie genoegsame rede vir die Stad wees om 'n aansoek om die onderverdeling van die grondeenheid waarop die wooneenhede staan, ingevolge hierdie verordening toe te staan nie.
- (f) Die bou van 'n tweede woning is onderworpe wees aan bevestiging deur die Stad se munisipaledienste-departemente dat die dienstenetwerk in die spesifieke gebied oor die nodige vermoë beskik.
- (g) Voor die indiening en goedkeuring van 'n bouplan vir 'n tweede woning moet alle grondeienaars wat die betrokke eiendom begrens of 'n gemeenskaplike grens of erfpen daarmee deel, in kennis gestel word van die voorneme om 'n tweede woning op te rig en hulle skriftelike toestemming verleen. Ingeval sodanige skriftelike toestemming nie bekom word nie, moet die eienaar by die Stad aansoek doen om goedkeuring om 'n tweede wooneenheid op te rig.

#### 54 Huiswinkel

Die volgende voorwaardes is van toepassing op 'n huiswinkel:

- (a) Die omvang en plasing van die kleinhandelkomponent moet duidelik op 'n bouplan aangetoon word en, met die uitsluiting van 'n toilet of kleedkamer, mag dit nie 40 m<sup>2</sup> of 40% van die totale vloerruimte van die woonhuis, wat ook al die kleinste is, oorskry nie.
- (b) Benewens die huiswinkel moet die eiendom 'n woning bevat waarin die eienaar van die huiswinkel woon.
- (c) Enige nuwe struktuur, of verandering aan die bestaande woonhuis, tweede woning of buitegebou, moet versoenbaar wees met die residensiële karakter van die gebied.
- (d) Hoogstens drie persone altesaam, wat die bewoner(s) en enige assistente insluit, mag by die kleinhandelaktiwiteite op die eiendom betrokke wees.
- (e) Slegs een onverligte advertensieteken word ooreenkomstig die Stad se Verordening op Buitereklame en Advertensietekens toegelaat, wat aan die muur van die huiswinkel of grensmuur geheg moet wees en nie 0,5 m<sup>2</sup> in oppervlakte mag oorskry nie.
- (f) Die volgende word nie in 'n huiswinkel toegelaat nie, tensy die Stad se goedkeuring bekom word: die verkoop van alkoholiese drank, die berging of verkoop van vuurwerk, die berging of verkoop van gas en gashouers, muntoutomate, dobbelmasjiene, videospeletjies of potspeltafels.
- (g) Die area wat vir 'n huiswinkel gebruik word, mag nie direk op 'n slaapkamer of toilet uitloop nie, en geen goedere wat by die huiswinkel verkoop word, mag in 'n slaapkamer of toilet geberg word nie.
- (h) Geen diere word toegelaat in die area wat vir die huiswinkel aangewend word nie.
- (i) Die huiswinkel moet voldoende geventileer en verlig wees, en indien bederfbare kos verkoop word, kan die Stad vereis dat verkoeling voorsien word.
- (j) Die huiswinkel mag nie buite die ure van 07:00 tot 21:00 op Maandae tot Saterdag, en 08:00 tot 13:00 op openbare vakansiedae of Sondag, bedryf word nie.

- (k) Hoogstens een voertuig mag met betrekking tot 'n huiswinkel gebruik word, welke voertuig nie 3 500 kg in bruto gewig mag oorskry nie, wat afleweringvoertuie insluit.

**Deel 2: Plaaslike sakesonering 2: Plaaslike sake ("LB2")**  
(items 55 - 58)

*Die LB2-sonering maak voorsiening vir sake- en gemengdegebruikontwikkeling van 'n lae intensiteit wat in die plaaslike behoefte aan geriefsgoedere en persoonlike dienste voorsien. Die skaal van sodanige ontwikkeling word beperk sodat dit by aanliggende residensiële woonbuurte geïntegreer kan word, sonder om 'n negatiewe invloed op die aantreklikheid van die woonbuurt te hê.*

**55 Gebruik van die eiendom**

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n winkel, kantoor, woonhuis, tweede woning, losieshuis, bed-en-ontbytonderneming, woonstelle, plek van onderrig, plek van aanbidding, instelling, kliniek, gastehuis, diensbedryf, nutsdiens, dakgemonteerde basistelekommunikasiestatie, privaat pad en oop ruimte.
- (b) Vergunningsgebruike is 'n plek van samekoms, informele handel, restaurant, die verkoop van alkoholiese drank, plek van vermaak, volwassengewinkel, sakeperseel, supermark, kwekery, hotel, konferensiefasiliteit, motorherstelhawe, diensstasie, owerheidsgebruik, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, vervoergebruik en parkade.

**56 Ontwikkelingsreëls**

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor  
Die vloerfaktor op 'n grondeenheid mag nie 1,0 oorskry nie.
- (b) Dekking  
Die dekking vir alle geboue op 'n grondeenheid mag nie 75% oorskry nie.
- (c) Hoogte
  - (i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die bopunt van die dak, is 12 m.
  - (ii) Grondwalles en keerstrukture is onderworpe aan item 126.
- (d) Straatmiddellyn terugsat  
Die Stad kan 'n straatmiddellyn terugsat vereis, in welke geval:
  - (i) alle geboue of strukture op die grondeenheid 8,0 m van die middellyn van die aanliggende openbare straat of strate terugsat moet wees; en
  - (ii) die bepalings van item 122 geld.
- (e) Straatgrensboulyn  
Die straatgrensboulyn is 0 m, onderworpe:
  - (i) aan die beperking op die straatmiddellyn terugsat;
  - (ii) daaraan dat kleiner argitektoniese en sonskermkenmerke die straatgrensboulyn kan oorskry, mits sodanige kenmerke nie verder as 250 mm verby die straatgrens uitsteek nie; en
  - (iii) daaraan dat die straatgrensboulyn vir diensstasies 5 m is, onderworpe aan die algemene boulynoorskrydings in item 121.
- (f) Gemeenskaplike grensboulyn  
Die gemeenskaplike grensboulyn is 0 m.
- (g) Afdakoorhang  
Die Stad kan 'n afdakoorhang oor die straatgrens goedkeur, ooreenkomstig die volgende voorwaardes:

- (i) Die afdakoorhang mag nie nader as 500 mm aan 'n vertikale vlak deur die randsteenlyn of voorgestelde randsteenlyn uitsteek nie.
- (ii) Geen deel van 'n afdakoorhang mag minder as 2,8 m bo die sygaardjie wees nie.
- (iii) Die Stad kan meer beperkende vereistes met betrekking tot die afmetings, ontwerp en materiale van die afdak opleë.
- (iv) Die eienaar moet 'n oorskrydingsooreenkoms met die Stad sluit.
- (h) Straathoeke  
Die Stad kan vereis dat die eienaar van 'n gebou wat geleë sal wees op 'n openbare straathoek wat die Stad as prominent beskou, argitektoniese kenmerke by die gebou insluit wat 'n visuele fokuspunt op die hoek skep en die belang van voetgangerbeweging om die hoek beklemtoon. Sodanige kenmerke kan gebouafsnidings, oordekte wijkgangdeurloope, stadspleine of ander elemente insluit.
- (i) Parkering en toegang  
Parkering op, en toegang tot, die grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.
- (j) Op-/aflaai  
Laaisones moet ooreenkomstig item 144 op die grondeenheid voorsien word.
- (k) Afskerming  
Die Stad kan afskerming ooreenkomstig item 125 vereis.

## 57 Diensstasie en motorherstelhawe

Die volgende bykomende ontwikkelingsreëls is van toepassing op 'n diensstasie en motorherstelhawe:

- (a) Enige deel van die eiendom van 'n diensstasie of motorherstelhawe wat vir die herstel van motorvoertuie, die berging van onverstelbare motorvoertuie of dele daarvan, lêë houers soos oliedromme en verpakkingskratte, of enige ander skroot aangewend word, moet omsluit word deur 'n soliede afskermingsmuur van ten minste 2 m hoog, of moet binne-in 'n gebou wees.
- (b) Enige diensstasie of motorherstelhawe wat brandstof voorsien, moet aan die volgende toegangsvereistes voldoen:
  - (i) Die breedte van voertuigrybaankruisings oor die straatgrens, hetsy eenrigting of tweerigting, mag nie 8 m oorskry nie.
  - (ii) 'n Muur van ten minste 100 mm dik en 350 mm hoog moet opgerig word op die straatgrens tussen twee verskillende voertuigrybaankruisings, en die muur moet langs sodanige grens voortstrek, tensy die eiendom andersins ommuur is.
  - (iii) Die voertuigrybaankruisings is beperk tot twee per perseel, tensy die totale lengte van 'n straatgrens 30 m oorskry, in welke geval een bykomende voertuigrybaankruising toegelaat kan word.
  - (iv) Waar dit die straatgrens kruis, mag 'n voertuigrybaankruising nie nader as:
    - (aa) 30 m wees vanaf die kruising van 'n metropolitaanse pad en enige ander pad van 'n soortgelyke status nie;
    - (bb) 30 m wees vanaf die naaste punt van 'n kruising waar die verkeer by wyse van 'n verkeerslig of verkeerseiland beheer word, of waar voorgestel word dat die verkeer so beheer word nie;
    - (cc) 10 m wees vanaf die hoek van 'n kruising waarna nie hierbo verwys word nie, indien sodanige kruising nie afgeskuins is nie, of 5 m vanaf die punt waar die afskuinsing die straatgrens ontmoet, indien sodanige kruising wêl afgeskuins is;
    - (dd) 1,5 m vanaf 'n sygrens wees nie.
  - (v) Geen brandstofpomp mag opgerig word sodat die basis of eiland waarop die pomp staan, nader as 3,5 m vanaf die naaste straatgrens is nie.

## 58 Informele handel

Informele handel word slegs toegelaat op terreine wat ingevolge die Stad se Verordening op Informele Handel vir informele handel afgebaken is.

## HOOFSTUK 9.: ALGEMENESAKE- EN GEMENGDEGEBRUIKSONERINGS

(items 59 - 66)

*Die algemene sakesonerings is ontwerp om ekonomiese ontwikkeling in sakedistrikte en ontwikkelingskorridors te bevorder, en sluit 'n wye verskeidenheid grondgebruike soos sake-, residensiële en gemeenskapsgebruike in, hoewel nywerheidsontwikkeling beperk word. Daarteenoor is die gemengdegebruiksonerings geskik vir ten volle gemengde gebiede wat grondgebruik betref, wat nywerheid-, sake- en residensiële ontwikkeling insluit. Sodanige gemengde sonerings moet met omsigtigheid toegepas word om te verseker dat die konflik tussen residensiële en nywerheidsontwikkeling beperk word.*

### Deel 1: Algemene sakesubsonerings (“GB1”, “GB2”, “GB3”, “GB4”, “GB5”, “GB6” & “GB7”) (items 59 - 62)

*Die GB-sonerings maak voorsiening vir algemene sakeaktiwiteit en gemengdegebruiksoneringsontwikkeling van 'n medium- tot hoë intensiteit. Verskillende ontwikkelingsreëls is op die verskillende subsonerings GB1–7 van toepassing, veral wat die toegelate hoogte en vloerruimte betref, ten einde vir variasies in bouvorm binne die stad voorsiening te maak. Baie min beperkings hou met gebruik verband, aangesien dit die oogmerk is om 'n wye verskeidenheid gebruike aan te moedig, maar nywerheid word nie toegelaat nie.*

## 59 Gebruik van die eiendom

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n sakeperseel, woonhuis, tweede woning, losieshuis, woonstello, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, diensbedryf, owerheidsgebruik, nutsdiens, dakgemonteerde basistelekommunikasiestasie, parkade, privaat pad en oop ruimte.
- (b) Vergunningsgebruike is 'n volwassenewinkel, onderneming vir volwassenevermaak, volwassenedienste, informele handel, ekspo-sentrum, motorherstelhaw, pakhu, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, vervoergebruik, helikopterlandingsplek en diensstasie.

## 60 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Dekking  
Die maksimum dekking vir alle geboue op 'n grondeenheid is 100%.
- (b) Straatmiddellyn terugsat  
Die Stad kan 'n straatmiddellyn terugsat vereis, in welke geval:
  - (i) alle geboue of strukture op 'n grondeenheid 8 m van die middellyn van die aanliggende openbare straat of strate terugsat moet wees; en
  - (ii) die bepaling van item 122 geld.
- (c) Vloerfaktor  
Die maksimum vloerfaktor op 'n grondeenheid word bepaal ooreenkomstig die volgende “Tabel van hoogte en vloerfaktor in algemene sakesonerings”, onderworpe aan paragraaf (f), (g) en (h), wat voorsiening maak vir toegewings ooreenkomstig spesifieke ontwikkelingsinisiatiewe wat die Stad aanmoedig.
- (d) Hoogte



- (i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die bopunt van die dak, word ooreenkomstig die volgende "Tabel van hoogte en vloerfaktor in algemene sakesonerings" bepaal.
- (ii) Grondwalle en keerstrukture is onderworpe aan item 126.

**Tabel van hoogte en vloerfaktor in algemene sakesonerings**

Subsonering	Maksimum hoogte bo basisvlak tot by bopunt van dak	Vloerfaktor
GB1	15,0 m	1,5
GB2	15,0 m	2,0
GB3	25,0 m	2,0
GB4	25,0 m	3,0
GB5	25,0 m	4,0
GB6	38,0 m	6,0
GB7	60,0 m	12,0

**(e) Boulyne**

- (i) Geen gebou mag so opgerig word dat enige punt daarop nader aan 'n straat- of gemeenskaplike grens is as wat die volgende "Tabel van boulyne in algemene sakesonerings" spesifiseer nie, waar die simbool H die hoogte in meter vanaf die betrokke punt bo die basisvlak beteken.
- (ii) Kleiner argitektoniese en sonskermkenmerke kan die straatgrensboulyn oorskry, mits sodanige kenmerke nie verder as 250 mm verby die straatgrens uitsteek nie.
- (iii) Die algemene boulynoorskrydings in item 121 is van toepassing.

**Tabel van boulyne in algemene sakesonerings**

Sub-sonering	Straatboulyn en gemeenskaplike boulyn			
	Punte op 'n gebou bo basisvlak			
	Tot en met 10,0 m	Oor 10,0 m en tot en met 25,0 m	Oor 25,0 m en tot en met 38,0 m	Oor 38,0 m
GB1	0,0 m	4,5 m (0,0 m vir gemeenskaplike grens)	n.v.t.	n.v.t.
GB2				
GB3				
GB4				
GB5	0,0 m	0,0 m	n.v.t.	n.v.t.
GB6	0,0 m	0,0 m	(H minus 25,0 m) gedeel deur 2 (0,0 m vir gemeenskaplike grens)	n.v.t.
GB7	0,0 m	0,0 m	0,0 m	(H minus 38,0 m) gedeel deur 2 (0,0 m vir gemeenskaplike grens)

**(f) Residensiële aansporing met betrekking tot GB7**

Die vloerruimte van geboue op grond wat as GB7 gesoneer is, kan met 30% verhoog word, mits ten minste 30% van sodanige vloerruimte ontwikkel is en steeds as woonstelle gebruik word.

**(g) Hotelvloerruimtetoeëwing**

Waar daar voorgestel word dat 'n hotel van ten minste 30 slaapkamers in hierdie subsonerings opgerig word, word die volgende gedeeltes van sodanige hotel uitgesluit wanneer die totale vloerruimte van die gebou bereken word:

- (i) Vertrekke wat inwoners en besoekers as eetkamers, banketkamers, kroeë, restaurante, danssale, kamers vir speletjies en sport, ontspanningskamers, sitkamers, leeskamers, skryfkamers en konferensiekamers aanwend
  - (ii) Openbare voorportale en areas wat bestaan uit openbare of gemeenskaplike stoepe, verandas, balkonne, terrasse of sondekke wat hotelgaste of besoekers gebruik
  - (iii) Barbierwinkels, haarsalonne, bloemiste en soortgelyke bedrywe binne die hotel vir die uitsluitlike gebruik van hotelinwoners
  - (iv) Kantore wat deel uitmaak van die hotelperseel en uitsluitlik vir die administrasie en bestuur van die hotel aangewend word
  - (v) Kombuise, opwaskamers, wasserye en soortgelyke diensfasiliteite wat deel uitmaak van die hotelperseel
  - (vi) Stoorkamers wat met die hotel verband hou
  - (vii) Personeelkwartiere wat met die hotel verband hou, wat insluit gange, trappe en ander soorte toegang binne sodanige personeelkwartiere, met inbegrip van alle kombuise, eetkamers, ontspanningskamers, wasserye en ander sodanige kamers vir die uitsluitlike gebruik van personeel.
- Indien 'n vertrek na die Stad se mening hoofsaaklik deur persone buiten hotelinwoners, -personeel of -besoekers aangewend word, word sodanige vertrek ingesluit by die vloerruimteberekening van die gebou, ondanks verwysing daarna in bostaande subparagrafe (i) tot (vii). Enige vertrekke waarna nie spesifiek in bostaande subparagrafe (i) tot (vii) verwys word nie, word ook by die vloerruimteberekening van die gebou ingesluit.
- (h) Afdak- of balkonoorhang
- Die Stad kan 'n afdak- of balkonoorhang oor die straatgrens vereis en goedkeur, ooreenkomstig die volgende voorwaardes:
- (i) Die afdak- of balkonoorhang mag nie nader as 500 mm aan 'n vertikale vlak deur die randsteenlyn of voorgestelde randsteen uitsteek nie.
  - (ii) Geen deel van 'n afdak- of balkonoorhang mag minder as 2,8 m bo die sypaadjie wees nie.
  - (iii) Die Stad kan meer beperkende vereistes met betrekking tot die afmetings, ontwerp en materiaal van die afdak of balkon neerlê.
  - (iv) Die eienaar moet 'n oorskrydingsooreenkoms met die Stad sluit en in die geval van 'n balkonoorhang 'n servituutarea registreer.
- (i) Openbare voetpad langs straatgrens
- Indien die eienaar 'n openbare voetpad van ten minste 3 m breed op die grondeenheid voorsien, langs 'n gebou wat op die straatgrens geleë is, met 'n afdakoorhang en sypaadjie wat by die straatsypaadjie aansluit en te alle tye vir die publiek toeganklik is, kan die maksimum vloerruimte van die gebou, gedagtig aan die stedelikeontwerpbydrae tot die straatomgewing, met twee maal die oppervlakte van die openbare voetpad verhoog word.
- (j) Straathoeke
- Die Stad kan vereis dat die eienaar van 'n gebou wat geleë sal wees op 'n openbare straathoek wat die Stad as prominent beskou, argitektoniese kenmerke by die gebou insluit wat 'n visuele fokuspunt op die hoek skep en die belang van voetgangerbeweging om die hoek beklemtoon. Sodanige kenmerke kan gebouafsnidings, oordekte winkelgangdeurlope, stadspleine of ander elemente insluit.
- (k) Parkering en toegang
- (i) Parkering op, en toegang tot, 'n grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.
  - (ii) Ten einde die straatomgewingsgehalte te verhoog, mag geen parkeerplekke op die grondvlak van 'n grondeenheid, hetsy buite of binne 'n gebou, sonder die goedkeuring van die Stad nader as 10 m aan 'n straatgrens geleë wees nie.
- (l) Op-/aflaai

Laaisones moet ooreenkomstig item 144 op 'n grondeenheid voorsien word.

(m) Afskerming

Die Stad kan afskerming ooreenkomstig item 125 vereis.

(n) Windtempering

Die Stad kan:

- (i) 'n impakstudie vereis van hoe die wind die voorgestelde gebou en die omliggende omgewing sal beïnvloed; en
- (ii) voorwaardes opleë om ongunstige winduitwerkings te temper.

## 61 Diensstasie en motorherstelhawe

Die ontwikkelingsreëls van toepassing op 'n diensstasie en motorherstelhawe in plaaslike sakesonering 2 is ook van toepassing op 'n diensstasie en motorherstelhawe in hierdie sonering.

## 62 Informele handel

Informele handel word slegs toegelaat op terreine wat ingevolge die Stad se Verordening op Informele Handel vir informele handel agebaken is.

### ***Deel 2: Gemengdegebruik-subsonerings (“MU1”, “MU2” & “MU3”)*** (items 63 - 66)

*Die MU-sonerings maak voorsiening vir 'n vermenging van sake-, toepaslike nywerheids- en residensiële ontwikkeling. Hierdie sonerings is spesifiek geskik vir die oorgangsgebied tussen algemenesake- en nywerheids-sonerings. Sekere gebruike wat 'n negatiewe impak op die omliggende omgewing kan hê, vereis die Stad se goedkeuring. Verskillende ontwikkelingsreëls is op die verskillende subsonerings MU1, MU2 en MU3 van toepassing, veral wat toegelate hoogte en vloerruimte betref.*

## 63 Gebruik van die eiendom

Die volgende gebruiksbepelkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n sakeperseel, nywerheid, woonhuis, tweede woning, losieshuis, woonstelle, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, owerheidsgebruik, nutsdiens, dakgemonteerde basistelekommunikasiestasie, vervoergebruik, parkade, privaat pad en oop ruimte.
- (b) Vergunningsgebruike is 'n volwassenewinkel, onderneming vir volwassenevermaak, volwassenedienste, informele handel, eksposentrum, skrootwerf, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, helikopterlandingsplek, diensstasie en motorherstelhawe.

## 64 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor, dekking en hoogte
  - (i) Die maksimum vloerfaktor en dekking vir alle geboue op 'n grondeenheid word ooreenkomstig die volgende “Tabel van vloerfaktor, dekking en hoogte in gemengdegebruiksonerings” bepaal.
  - (ii) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die bopunt van die dak, word ooreenkomstig die volgende “Tabel van vloerfaktor, dekking en hoogte in gemengdegebruiksonerings” bepaal.
  - (iii) Grondwalle en keerstrukture is onderworpe aan item 126.

**Tabel van vloerfaktor, dekking en hoogte en gemengdegebruiksonerings**

Subsonering	Vloerfaktor	Dekking	Maksimum hoogte bo basisvlak tot by bopunt van dak
MU1	1,5	75%	15,0 m
MU2	4,0	100%	25,0 m
MU3	6,0	100%	38,0 m

## (b) Straatmiddellynterugset

Die Stad kan 'n straatmiddellynterugset vereis, in welke geval:

- (i) alle geboue of strukture op die grondeenheid 8,0 m van die middellyn van die aanliggende openbare straat of strate teruggeset moet wees; en
- (ii) die bepalings van item 122 geld.

## (c) Boulyne

- (i) Geen gebou sal so opgerig word dat enige punt daarop nader aan 'n straat- of gemeenskaplike grens is as wat die volgende "Tabel van boulyne in gemengdegebruiksonerings" spesifiseer nie, waar die simbool H die hoogte in meter van die betrokke punt bo die basisvlak beteken.
- (ii) Kleiner argitektoniese en sonskermkenmerke kan die straatgrensboulyn oorskry, mits sodanige kenmerke nie verder as 250 mm verby die straatgrens uitsteek nie.

**Tabel van boulyne in gemengdegebruiksonerings**

Subsonering	Straatboulyn en gemeenskaplike boulyn		
	Punte op 'n gebou bo basisvlak		
	Tot en met 10,0m	Oor 10,0 m en tot en met 25,0 m	Oor 25,0 m en tot en met 38,0 m
MU1	0,0 m	4,5 m	n.v.t.
MU2	0,0 m	4,5 m	n.v.t.
MU3	0,0 m	0,0 m	(H minus 25,0 m) gedeel deur 2

## (d) Afdak- of balkonoorhang

Die Stad kan 'n afdak- of balkonoorhang oor die straatgrens vereis en goedkeur, ooreenkomstig die volgende voorwaardes:

- (i) Die afdak- of balkonoorhang mag nie nader as 500 mm aan 'n vertikale vlak deur die randsteenlyn of voorgestelde randsteen uitsteek nie.
- (ii) Geen deel van 'n afdak- of balkonoorhang mag minder as 2,8 m bo die sygaardjie wees nie.
- (iii) Die Stad kan meer beperkende vereistes met betrekking tot die afmetings, ontwerp en materiaal van die afdak of balkon neerlê.
- (iv) Die eienaar moet 'n oorskrydingsooreenkoms met die Stad sluit en in die geval van 'n balkonoorhang 'n serwituutarea registreer.

## (e) Parkering en toegang

- (i) Parkering op, en toegang tot, 'n grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.
- (ii) Ten einde die straatomgewingsgehalte te verhoog, mag geen parkeerplekke op die grondvlak van 'n grondeenheid, hetsy buite of binne 'n gebou, sonder die goedkeuring van die Stad nader as 10 m aan 'n straatgrens geleë wees nie.

## (f) Op-aflaai

Laaisones moet ooreenkomstig item 144 op die grondeenheid voorsien word.

## (g) Afskerming

Die Stad kan afskerming ooreenkomstig item 125 vereis.

**65 Diensstasie en motorherstelhawe**

Die ontwikkelingsreëls van toepassing op 'n diensstasie en motorherstelhawe in plaaslike sakesonering 2 is ook van toepassing op 'n diensstasie en motorherstelhawe in hierdie sonering.

## 66 Informele handel

Informele handel word slegs toegelaat op terreine wat ingevolge die Stad se Verordening op Informele Handel vir informele handel afgebaken is.

## HOOFSTUK 10.: NYWERHEIDSONERINGS

(items 67 - 79)

*Die nywerheidsonerings is ontwerp om vir vervaardiging en verwante prosesse voorsiening te maak, wat strek van algemene nywerheidsgebruike met 'n moontlike impak op omliggende gebiede, tot gevaarlike en hinderbedryfgebruike wat 'n moontlike hoë impak tot gevolg kan hê en versigtig bestuur moet word. Nywerheidsontwikkeling het spesifieke vereistes met betrekking tot pad- en afvalinfrastruktuur, en nywerheidsgesoneerde grond moet in die algemeen vir nywerheidsdoeleindes opsygesit word ten einde die infrastruktuur te optimaliseer en enige potensiële impak te temper. In die algemene nywerheidsonering word twee verskillende subsonerings gebruik om vir variasie in die bouvorm te voorsien, en geleenthede word geskep vir vergunningsgebruike wat met nywerheidsgebiede verband hou, soos fabriekswinkels. 'n Spesifieke sonering word vir hinderbedrywe en risikonywerhede voorsien.*

### Deel 1: Algemene nywerheidssubsonerings ("GI1" & "GI2")

(items 67 - 73)

*Die GI-sonering maak voorsiening vir alle soorte nywerhede buiten 'n hinderbedryf en risikoaktiwiteit ten einde die vervaardigingssektor van die ekonomie te bevorder. 'n Mate van toegewing word gemaak vir nienywerheidsaktiwiteite, maar hierdie aktiwiteite behoort nie die algemene gebruik van die nywerheidsgesoneerde gebied in gedrang te bring nie. Daar word aanvaar dat die intensiewe aard van die nywerheidsaktiwiteit of die skaal van die bedryf aanliggende eiendomme in 'n mate nadelig kan raak.*

## 67 Gebruik van die eiendom

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruik is nywerheid, restaurant, diensstasie, motorherstelhawe, begrafnisonderneming, skrootwerf, owerheidsgebruik, nutsdiens, krematorium, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, vervoergebruik, parkade, landbounywerheid, privaat pad, oop ruimte en bykomende gebruikregte soos wat paragraaf (b) bepaal.
- (b) Bykomende gebruikregte is 'n fabriekswinkel en volwassene winkel, onderworpe aan die bepalings van item 71 en 72, wat ook al van toepassing is
- (c) Vergunningsgebruike is 'n slagpale, plek van aanbidding, instelling, kliniek, plek van samekoms, onderneming vir volwassenevermaak, volwassenedienste, akwakultuur, informele handel, winkel, kantoor, die verkoop van alkoholiese drank, 'n plek van vermaak, helikopterlandingsplek, windturbine-infrastruktuur en houarterrein.

## 68 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor en dekking  
Vloerfaktor en dekking word ooreenkomstig die volgende "Tabel van vloerfaktor en dekking in algemene nywerheidsonerings" bepaal.

**Tabel van vloerfaktor en dekking in algemene nywerheidsonerings**

Subsonering	Vloerfaktor	Dekking
GI1	1,5	75%
GI2	4,0	75%

**(b) Hoogte**

- (i) Die maksimum hoogte van 'n gebou in algemene nywerheidsubsonering G11 is 18 m, gemeet vanaf die basisvlak tot by die bopunt van die dak.
- (ii) Geen hoogtebeperking is van toepassing op geboue wat in algemene nywerheidsubsonering G12 vir vervaardigingsdoeleindes gebruik word nie.
- (iii) Geen gebou in algemene nywerheidsubsonering G12 wat nie vir vervaardigingsdoeleindes gebruik word nie, mag 'n hoogte van 18 m, gemeet vanaf die basisvlak tot by die bopunt van die dak, oorskry nie.
- (iv) Grondwalle en keerstrukture is onderworpe aan item 126.
- (v) Skeeps- of vervoerhouers mag nie hoër as 15 m bo die gemiddelde grondvlak uitstrek as dit buite 'n gebou geberg of opgestapel word nie.

**(c) Straatgrensboulyn**

Die straatgrensboulyn is 5 m, onderworpe aan die algemene boulynoorskrydings in item 121.

**(d) Gemeenskaplikegrensboulyn**

Die gemeenskaplikegrensboulyn is 3 m, onderworpe aan die algemene boulynoorskrydings in item 121.

**(e) Grensmure**

Waar 'n grondeenheid 'n grens deel met 'n ander grondeenheid wat nie as algemene of risikonywerheid gesoneer is nie, kan die Stad vereis dat 'n 1,8 m hoë muur tot die Stad se bevrediging op die gemeenskaplike grens opgerig word.

**(f) Parkering en toegang**

Parking op, en toegang tot, die grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.

**(g) Op-/aflaai**

Laaionies moet ooreenkomstig item 144 voorsien word.

**(h) Afskerming**

Die Stad kan afskerming ooreenkomstig item 125 vereis.

**69 Gevaarlike stowwe**

Ten spyte daarvan dat 'n aktiwiteit 'n primêre gebruikreg in hierdie sonering uitmaak, word geen aktiwiteit wat die perseelberging van gevaarlike stowwe behels, toegelaat nie, tensy 'n plan vir risikobestuur en -voorkoming by die Stad ingedien en deur die Stad goedgekeur is.

**70 Diensstasie en motorherstelhawe**

Die ontwikkelingsreëls van toepassing op 'n diensstasie en motorherstelhawe in plaaslike sakesonering 2 is ook van toepassing op 'n diensstasie en motorherstelhawe in hierdie sonering.

**71 Fabriekswinkel**

Die besetter van 'n nywerheid kan 'n fabriekswinkel op die eiendom bedryf, met dien verstande dat:

- (a) die totale vloerruimte wat aan die verkoop van goedere afgestaan word, nie 10% van die totale vloerruimte van alle geboue op die grondeenheid oorskry nie; en
- (b) enige goedere wat te koop aangebied word, maar nie op die eiendom vervaardig is nie, direk verband hou met die goedere wat wél op die eiendom vervaardig word.

**72 Volwassenewinkel**

Die volgende ontwikkelingsreëls is van toepassing op 'n volwassenewinkel:

- (a) 'n Volwassenewinkel mag nie binne 100 m van 'n bestaande volwassenewinkel, onderneming vir volwassenevermaak of volwassenediensteperseel geleë wees nie.



- (b) Die straatfront en ingang moet diskreet en onopvallend wees, en geen pornografiese, seksueel eksplisiete of erotiese materiaal mag van buite die perseel sigbaar wees nie.
- (c) Buitereklaametekens moet aan die Stad se Verordening op Buitereklame en Advertensietekens voldoen.
- (d) Geen vorm van luidsprekerstelsel of klankversterking mag van buite die perseel hoorbaar wees nie.

### 73 Informele handel

Informele handel word slegs toegelaat op terreine wat ingevolge die Stad se Verordening op Informele Handel vir informele handel afgebaken is.

### **Deel 2: Risikonywerheidsoneering ("RI")** (items 74 - 79)

*Die RI-sonering maak voorsiening vir daardie nywerhede wat as skadelik geag word weens die reuk, produk, afval of ander afkeurenswaardige gevolg wat uit die bedrywighede daarvan spruit, of wat 'n hoë risiko inhou in geval van 'n brand of ongeluk. Hoewel ander gebruike met goedkeuring toegelaat word, behoort die Stad nie die RI-sone se vermoë om vir hinderbedrywe en risikoaktiwiteite voorsiening te maak, in gedrang te bring nie.*

### 74 Gebruik van die eiendom

Die volgende gebruiksbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n hinderbedryf, risikoaktiwiteit, krematorium, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, privaat pad, oop ruimte en bykomende gebruikregte soos wat paragraaf (b) bepaal.
- (b) Bykomende gebruikregte is 'n fabriekswinkel, onderworpe aan die bepalings van item 78.
- (c) Vergunningsgebruike is 'n winkel, restaurant, informele handel, 'n diensstasie, motorherstelhawer, nywerheid, skrootwerf, slagpale, owerheidsgebruik, nutsdiens, windturbine-infrastruktuur, helikopterlandingsplek, houerterrein, vervoergebruik en parkade.

### 75 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor  
Die vloerfaktor op 'n grondeenheid mag nie 2,0 oorskry nie.
- (b) Dekking  
Die dekking vir alle geboue op 'n grondeenheid mag nie 75% oorskry nie.
- (c) Hoogte
  - (i) Geen hoogtebepanking is van toepassing op geboue wat vir 'n hinderbedryf, risikoaktiwiteit of vervaardiging in hierdie sonering gebruik word nie.
  - (ii) Geboue wat nie vir 'n hinderbedryf, risikoaktiwiteit of vervaardiging gebruik word nie, mag nie 'n hoogte van 18 m, gemeet vanaf die basisvlak tot by die bopunt van die dak, oorskry nie.
  - (iii) Grondwalle en keerstrukture is onderworpe aan item 126.
  - (iv) Skeeps- of vervoerhouers mag nie hoër as 15 m bo die gemiddelde grondvlak uitstrek as dit buite 'n gebou geberg of opgestapel word nie.
- (d) Boulyne
  - (i) Die straatgrensboulyn is 5 m.
  - (ii) Die gemeenskaplikegrensboulyn is 5 m.
  - (iii) Die algemene boulynoorskrydings in item 126 is van toepassing.
- (e) Parkering en toegang

Parkering op, en toegang tot, 'n grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.

(f) Op-/aflaai

Laaisones moet ooreenkomstig item 144 op die grondeenheid voorsien word.

(g) Afskerming

Die Stad kan afskerming ooreenkomstig item 125 vereis.

(h) Grensmure

Waar 'n grondeenheid 'n grens deel met 'n ander grondeenheid wat nie as algemene of risikonywerheid gesoneer is nie, kan die Stad vereis dat 'n 1,8 m hoë muur tot die Stad se bevrediging op die gemeenskaplike grens opgerig word.

## 76 Gevaarlike stowwe

Ten spyte daarvan dat 'n aktiwiteit 'n primêre gebruikreg in hierdie sonering uitmaak, word geen aktiwiteit wat die perseelberging van gevaarlike stowwe behels, toegelaat nie, tensy 'n plan vir risikobestuur en -voorkoming by die Stad ingedien en deur die Stad goedgekeur is.

## 77 Diensstasie en motorherstelhawe

Die ontwikkelingsreëls van toepassing op 'n diensstasie en motorherstelhawe in plaaslike sakesonering 2 is ook van toepassing op 'n diensstasie en motorherstelhawe in hierdie sonering.

## 78 Fabriekswinkel

Die besetter van 'n nywerheid kan 'n fabriekswinkel op die eiendom bedryf, met dien verstande dat:

- (a) die totale vloerruimte wat aan die verkoop van goedere afgestaan word, nie 10% van die totale vloerruimte van alle geboue op die grondeenheid oorskry nie; en
- (b) enige goedere wat te koop aangebied word, maar nie op die eiendom vervaardig is nie, direk verband hou met die goedere wat wél op die eiendom vervaardig word

## 79 Informele handel

Informele handel word slegs toegelaat op terreine wat ingevolge die Stad se Verordening op Informele Handel vir informele handel afgebaken is.

## HOOFSTUK 11.: NUT-, VERVOER- EN NASIONALEHAWESONERINGS

(items 80 - 96)

*Regeringsfasiliteite – nasionaal, provinsiaal of munisipaal – behoort ooreenkomstig hulle gebruik eerder as eienaarskap gesoneer te wees. Munisipale kantore hoort byvoorbeeld in 'n toepaslike sakesonering tuis. Tog kan sekere regeringsaktiwiteite nie in ander sonerings geklassifiseer word nie, en kan dit dus by die nutsonering ingesluit word. Hierdie sonering maak ook voorsiening vir gebruike en infrastruktuur wat vir nutsdienste benodig word, maar wat nie noodwendig deur 'n staatsorgaan besit word nie.*

*Vervoersonerings is ontwerp om die doeltreffende werking van die verskeie vervoerstelsels te fasiliteer. Vervoer en ontwikkeling is ten nouste verwant, en toepaslike ontwikkeling kan openbare vervoer help bevorder. Daar word vir beperkte gemengdegebruikontwikkeling in sekere vervoersones voorsiening gemaak, mits dit nie die vervoerstelsel in gedrang bring nie. Vervoerstelsels loop by tye langs bepaalde korridors en op verskillende hoogtevlakke, wat geleenthede bied vir lug- en ondergrondse regte waarvolgens toepaslike ontwikkeling op 'n ander vlak as die vervoerstelsel gebou kan word sonder om die funksionering van die vervoerstelsel te raak.*

*Die nasionalehawesonering word ingesluit om voorsiening te maak vir die bepalings van die Wet op Nasionale Hawens, 2005 (Wet 12 van 2005).*

**Deel 1: Nutsonering ("UT")**  
(items 80 - 81)

*Die UT-sonering maak voorsiening vir nutsdienste soos elektriese substasies en wateropgaardamme wat deur 'n munisipale, regerings- of privaat agentskap bedryf word, sowel as vir regerings- of owerheidsgebruike wat nie in 'n ander gebruiks- of soneringskategorie gedek word nie, soos tronke en militêre basisse.*

**80 Gebruik van die eiendom**

Die volgende gebruiksbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is nutsdiens, owerheidsgebruik, dakgemonteerde basistelekommunikasiestase en vrystaande basistelekommunikasiestase.
- (b) Vergunningsgebruike is 'n begraaftuig, informele handel, 'n begrafnisonderneming, krematorium, stedelike landbou, 'n lughawe, windturbine-infrastruktuur en 'n helikopterlandingsplek.

**81 Ontwikkelingsreëls**

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Die Stad kan 'n terreinontwikkelingsplan vir 'n primêre gebruik vereis, en vereis wel 'n terreinontwikkelingsplan vir 'n aansoek om 'n vergunningsgebruik.
- (b) Die terreinontwikkelingsplan soos wat die Stad dit goedgekeur het, is die ontwikkelingsreëls vir 'n primêre gebruik, indien van toepassing, sowel as vir 'n vergunningsgebruik.
- (c) Die bepalings oor 'n terreinontwikkelingsplan in item 123 is van toepassing.

**Deel 2: Vervoersonering 1: Vervoergebruik ("TR1")**  
(items 82 - 86)

*Die TR1-sonering maak voorsiening vir vervoerstelsels, wat openbare paaie en strate uitsluit, maar wat alle ander vervoerondernemings wat die publiek bedien, insluit, soos lughawens, hawens, spoorweglyne, bus-, spoorweg- en ander depots wat met openbarevervoergebruike verband hou, openbarevervoerterminusse, -haltes of -wagareas, en sweefspoorstasies. Voorsiening word ook gemaak om gebruike goed te keur wat vervoerondernemings kan help ondersteun.*

**82 Gebruik van die eiendom**

Die volgende gebruiksbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is vervoergebruik, parkade, nutsdiens, winkel, restaurant, diensbedryf, kantoor, pakhuis, dakgemonteerde basistelekommunikasiestase en housterrein
- (b) Vergunningsgebruike is 'n sakeperseel, woonstelle, 'n plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, diensstase, motorherstelhuur, vrystaande basistelekommunikasiestase, windturbine-infrastruktuur, lughawe, helikopterlandingsplek, informele handel, nywerheid, en lug- en ondergrondse regte, met dien verstande dat:
  - (i) sodanige vergunningsgebruike nie afbreuk mag doen aan vervoergebruik as oorwegende gebruik nie; en
  - (ii) indien 'n aansoek om 'n vergunningsgebruik na die Stad se mening 'n beduidende en permanente verandering in die beoogde primêre gebruik op die eiendom tot gevolg sal hê, die Stad eerder 'n hersoneringsaansoek kan vereis.

**83 Ontwikkelingsreëls**

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerfaktor  
Die vloerfaktor op 'n grondeenheid mag nie 2,0 oorskry nie.

- (b) Dekking  
Die dekking van alle gebou op 'n grondeenheid mag nie 75% oorskry nie.
- (c) Hoogte
  - (i) Die maksimum hoogte van 'n gebou is 18 m, gemeet vanaf die basisvlak tot by die bopunt van die dak.
  - (ii) Grondwalle en keerstrukture is onderworpe aan item 126.
  - (iii) Skeeps- of vervoerhouers mag nie hoër as 15 m bo die gemiddelde grondvlak uitstrek as dit buite 'n gebou geberg of opgestapel word nie.
- (d) Boulyne
  - (i) Die straatgrensboulyn is 0 m.
  - (ii) Die gemeenskaplikegrensboulyne is 3,0 m.
  - (iii) Die algemene boulynoorskrydings in item 121 is van toepassing.
- (e) Parkering en toegang  
Parkering op, en toegang tot, 'n grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.

#### **84 Diensstasie en motorherstelhawe**

Die ontwikkelingsreëls van toepassing op 'n diensstasie en motorherstelhawe in plaaslike sakesonering 2 is ook van toepassing op 'n diensstasie en motorherstelhawe in hierdie sonering.

#### **85 Informele handel**

Informele handel word slegs toegelaat op terreine wat ingevolge die Stad se Verordening op Informele Handel vir informele handel afgebaken is.

#### **86 Lug- en ondergrondse regte**

Die Stad kan 'n vergunningsgebruik vir lug- of ondergrondse regte goedkeur, mits:

- (a) 'n terreinontwikkelingsplan ingevolge item 123 tot die Stad se bevrediging ingedien word;
- (b) die Stad tevrede is dat strukturele komponente, vryruimtes en bedryfseienskappe voldoende is om die veilige en doeltreffende werking van strate, paaie of parkering te verseker;
- (c) sodanige vergunningsgebruik nie die beoogde primêre gebruik van die grond in gevaar stel nie;
- (d) 'n ooreenkoms wat die omvang van die regte, tydsduur, vergoeding, eienaarskap en onderhoudsverpligtinge met betrekking tot die eiendom bepaal, tussen die betrokke partye gesluit en deur die Stad goedgekeur word; en
- (e) 'n servituut met betrekking tot lug- of ondergrondse regte op die betrokke grond geregistreer word.

#### ***Deel 3: Vervoersonering 2: Openbare pad en openbare parkering ("TR2")*** *(items 87 - 92)*

*Die TR2-sonering maak voorsiening vir openbare strate en paaie wat hetsy gebou is of gebou sal word, sowel as persele vir openbare parkering van bestuurbare motorvoertuie. Sodanige parkering kan in geboue of op oop parkeergebiede voorsien word, met of sonder die betaling van 'n heffing, om in die behoefte aan nieterreinparkering te voorsien. Terreinparkering vir 'n toegelate aktiwiteit in enige sonering word as 'n verwante gebruik beskou en verteenwoordig nie 'n aparte gebruikskategorie wat 'n aparte sonering of goedkeuring vereis nie.*

#### **87 Gebruik van die eiendom**

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n openbare straat, openbare pad en nutsdiens.
- (b) Vergunningsgebruike is informele handel, parkade, windturbine-infrastruktuur, en lug- en ondergrondse regte.

## 88 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Die Stad kan 'n terreinontwikkelingsplan vir 'n primêre gebruik vereis, en vereis wel 'n terreinontwikkelingsplan vir 'n aansoek om 'n vergunningsgebruik.
- (b) Die terreinontwikkelingsplan soos die Stad dit goedgekeur het, is die ontwikkelingsreëls vir 'n primêre gebruik, indien van toepassing, sowel as 'n vergunningsgebruik.
- (c) Die bepalings oor 'n terreinontwikkelingsplan in item 123 is van toepassing.

## 89 Konstruksie en storting van materiale

Geen persoon mag uit pas met of sonder die Stad se goedkeuring:

- (a) 'n privaat kruising, brug of duiker op, onder of oor 'n openbare straat bou nie;
- (b) 'n sypaadjie langs 'n openbare straat bou of aanlê nie;
- (c) 'n veranda, stoep, muur, trappe of ander uitsteeksel in of oor 'n openbare straat bou nie; of
- (d) enige goedere, artikels, boumateriaal of rommel in 'n openbare straat of padreserwe stort of agterlaat nie, behalwe vir 'n redelike tydskuur gedurende die op- en aflaai of verwydering daarvan.

## 90 Lug- en ondergrondse regte

Die Stad kan 'n vergunningsgebruik vir lug- of ondergrondse regte goedkeur, mits:

- (a) 'n terreinontwikkelingsplan ingevolge item 123 tot die bevrediging van die Stad ingedien word;
- (b) die Stad tevrede is dat die strukturele komponente, vryruimtes en bedryfseienskappe voldoende is om die veilige en doeltreffende werking van strate, paaie of parkering te verseker;
- (c) sodanige vergunningsgebruik nie die beoogde primêre gebruik van die grond in gevaar stel nie;
- (d) 'n ooreenkoms wat die omvang van die regte, tydskuur, vergoeding, eienaarskap en onderhoudsverpligtinge met betrekking tot die eiendom bepaal, tussen die betrokke partye gesluit en deur die Stad goedgekeur word; en
- (e) 'n serwituut met betrekking tot die lug- of ondergrondse regte op die betrokke grond geregistreer word.

## 91 Voorgestelde openbare straat, straatverbreding en straatsluiting

(1) Die Stad kan:

- (a) nuwe openbare strate en openbare paaie wat hy van plan is om te skep;
- (b) openbare strate en openbare paaie wat hy van plan is om te verbreed; en
- (c) openbare strate en openbare paaie wat hy van plan is om te sluit, op die soneringskaart aantoon.

(2) Enige aanduidings waarna subitem (1) verwys, is bedoel vir die kennisname van die publiek en om die Stad sy beplannings- en ontwikkelingsdoelstellings te help bereik. Die basissonering van die betrokke eiendom bly onveranderd totdat die nuwe openbare straat, verbreding of sluiting ingevolge die tersaaklike wetgewing goedgekeur en enige verdere wetlike prosedures met betrekking tot hersonering gevolg is.

## 92 Informele handel

Informele handel word slegs toegelaat op terreine wat ingevolge die Stad se Verordening op Informele Handel vir informele handel afgebaken is.

#### **Deel 4: Nasionalehawesonering ("NP")** (items 93 - 96)

*Die NP-sone is bedoel as 'n sonering waarin grondgebruik binne 'n nasionale hawe ingevolge 'n goedgekeurde raamwerk vir haweontwikkeling beheer word.*

##### **93 Gebruik van die eiendom**

Die doel waarvoor grond in dié sonering aangewend mag word, en enige moontlike grondgebruikbeperkings daarop, word vervat in die raamwerkplan vir haweontwikkeling wat ingevolge die bepalings van die Wet op Nasionale Hawens, 2005 (Wet 12 of 2005) opgestel is.

##### **94 Ontwikkelingsreëls**

Die ontwikkelingsreëls is dié wat in 'n goedgekeurde raamwerkplan vir haweontwikkeling vervat is.

##### **95 Raamwerkplan vir haweontwikkeling**

Hierdie sonering is slegs van toepassing waar 'n goedgekeurde raamwerkplan vir haweontwikkeling bestaan wat die Nasionale Haweowerheid se beleid vir haweontwikkeling en grondgebruikbeheer binne sodanige hawe weerspieël.

##### **96 Veronderstelde sonering van grond wat aan Nasionale Haweowerheid oorgedra is**

Alle grond wat as vervoersonering 1: vervoergebruik (TR1) gesoneer en aan die Nasionale Haweowerheid oorgedra is, word as 'n nasionalehawesonering (NP) geag en is derhalwe onderworpe aan die bepalings van hierdie sonering.

#### **HOOFSTUK 12.: OOPRUIMTESONERINGS** (items 97 - 107)

*Verskillende soorte oop ruimtes vervul verskillende funksies. Sekere oop ruimtes het bepaalde waarde as natuur-, kultuurerfenis- of omgewingsgebiede, en die bestuur daarvan word deur 'n aparte sonering gefasiliteer. Binne hierdie sonering word voorsiening gemaak vir die ontwikkeling van geriewe om in die behoeftes van toeriste en besoekers te voorsien. Ander oop ruimtes vervul 'n meer aktiewe rol om in gemeenskappe se sport- en ontspanningsbehoefte te voorsien. Openbare oop ruimte is belangrik weens die bydrae wat dit tot die algemene publiek se ontspanningsbehoefte lewer, sowel as die probleme wat ondervind word om verlore oop ruimte te vervang. Die ontwikkelingsbestuurskema erken ook spesiale oopruimtegebiede wat nie as openbare oop ruimte aangewys is nie en dalk privaat eiendom is.*

#### **Deel 1: Oopruimtesonering 1: Omgewingsbewaring ("OS1")** (items 97 - 98)

*Die OS1-sonering maak voorsiening vir die bewaring van omgewingshulpbronne, hoewel kultuurerfenishulpbronne ook ingesluit kan word. Met die Stad se goedkeuring word daar ook voorsiening gemaak vir beperkte bewaringsverwante gebruike met 'n lae impak, soos omgewingsopvoeding en verwante toeriste- en besoekersinfrastruktuur en -fasiliteite.*

##### **97 Gebruik van die eiendom**

Die volgende gebruikbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is omgewingsbewaringsgebruik.
- (b) Vergunningsgebruike is oesting van natuurlike hulpbronne, omgewingsfasiliteite, toeristeverblyf, toeristefasiliteite, nutsdienste, dakgemonteerde basistelekommunikasiestatie, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, en kulturele en sosiale plegtighede.



## 98 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Die Stad kan 'n terreinontwikkelingsplan vir 'n primêre gebruik vereis, en vereis wel 'n terreinontwikkelingsplan vir 'n aansoek om 'n vergunningsgebruik sowel as vir enige woonhuis wat regtens ingevolge hierdie verordening opgerig mag word.
- (b) Die terreinontwikkelingsplan soos wat die Stad goedgekeur het, is die ontwikkelingsreëls vir 'n primêre gebruik, indien van toepassing, sowel as vir 'n vergunningsgebruik.
- (c) Die bepalings oor 'n terreinontwikkelingsplan in item 123 is van toepassing.

### **Deel 2: Oopruimtesonering 2: Openbare oop ruimte ("OS2")** (items 99 - 103)

*Die OS2-sonering maak voorsiening vir aktiewe en passiewe ontspanningsgebiede op openbare grond, sowel as die beskerming van landskap- en erfenisgebiede, wat woude, rûens, waterlope, vleilande en die kuslyn insluit. Die belange van die algemene publiek moet erken word in toegang tot, en die bewaring van, openbare oop ruimtes.*

## 99 Gebruik van die eiendom

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is openbare oop ruimte en omgewingsbewaringsgebruik.
- (b) Vergunningsgebruike is omgewingsfasiliteite, toeristefasiliteite, nutsdiens, begraafplaas, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, kulturele en sosiale plegtighede, stedelike landbou, informele handel, oesting van natuurlike hulpbronne, en lug- en ondergrondse regte.

## 100 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Die Stad kan 'n terreinontwikkelingsplan vir 'n primêre gebruik vereis, en vereis wel 'n terreinontwikkelingsplan vir 'n aansoek om 'n vergunningsgebruik.
- (b) Die terreinontwikkelingsplan soos wat die Stad dit goedgekeur het, is die ontwikkelingsreëls vir 'n primêre gebruik, indien van toepassing, sowel as vir 'n vergunningsgebruik.
- (c) Die bepalings oor 'n terreinontwikkelingsplan in item 123 is van toepassing.

## 101 Konstruksie en storting van materiale

Geen persoon mag uit pas met of sonder die Stad se goedkeuring:

- (i) 'n privaat kruising, brug of duiker op, onder of oor 'n openbare straat bou nie;
- (ii) 'n sygaardjie langs 'n openbare straat bou of aanlê nie;
- (iii) 'n veranda, stoep, muur, trappe of ander uitsteeksel in of oor 'n openbare straat bou nie; of
- (iv) enige goedere, artikels, boumateriaal of rommel in 'n openbare straat of padreserwe stort of agterlaat nie, behalwe vir 'n redelike tydskuur gedurende die op- en aflaai of verwydering daarvan.

## 102 Lug- en ondergrondse regte

Die Stad kan 'n vergunningsgebruik vir lug- of ondergrondse regte goedkeur, mits:

- (a) sodanige vergunningsgebruik nie die beoogde primêre gebruik van die grond in gevaar stel nie;
- (b) 'n ooreenkoms wat die omvang van die regte, tydskuur, vergoeding, eienaarskap en onderhoudsverpligtinge met betrekking tot die eiendom bepaal, tussen die betrokke partye gesluit en deur die Stad goedgekeur word;

- (c) 'n serwituut met betrekking tot die lug- of ondergrondse regte op die betrokke grond geregistreer word; en
- (d) 'n terreinontwikkelingsplan tot die Stad se bevrediging ingevolge item 123 ingedien word.

### 103 Informele handel

Informele handel word slegs toegelaat op terreine wat ingevolge die Stad se Verordening op Informele Handel vir informele handel afgebaken is.

### **Deel 3: Oopruimtesonering 3: Spesiale oop ruimte ("OS3")** (items 104 - 107)

*Die OS3-sonering maak voorsiening vir aktiewe of passiewe ontspannings- en oop ruimtes op grond wat nie as openbare oop ruimte aangewys is nie. Die grond kan in besit van privaat of openbare liggame wees, maar het nie die status van openbare oop ruimte, wat spesifieke beskerming vereis nie. Die OS3-sonering is van toepassing op betreklik groot gebiede waar oop ruimte spesiale kenmerke het wat 'n aparte sonering vereis om te verseker dat die doel en werking van die oop ruimte in stand gehou word. Verskeie ander sonerings maak voorsiening vir oop ruimtes as primêre, vergunnings- of bykomende gebruike, en sodanige oop ruimtes hoef nie as OS3 gesoneer te word nie. Tog kan sommige grondgebruike, soos gholfbane, parke en landskapgebiede, by hierdie sonering baat vind, aangesien dit voorsiening maak vir beperkings op ontwikkeling, maar ook vir 'n verskeidenheid vergunningsgebruike, onder meer ontspanningsbehoefte en gebruike wat met oop ruimtes versoenbaar is.*

### 104 Gebruik van die eiendom

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is oop ruimte, privaat pad en omgewingsbewaringsgebruik.
- (b) Vergunningsgebruike is omgewingsfasiliteite, toeristefasiliteite, 'n plek van onderrig, plek van samekoms, plek van vermaak, kwekery, nutsdiens, begraafplaas, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, kulturele en sosiale plegtighede, stedelike landbou, informele handel, en oesting van natuurlike hulpbronne.

### 105 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Die Stad kan 'n terreinontwikkelingsplan vir 'n primêre gebruik vereis, en vereis wel 'n terreinontwikkelingsplan vir 'n aansoek om 'n vergunningsgebruik.
- (b) Die terreinontwikkelingsplan soos wat die Stad dit goedgekeur het, is die ontwikkelingsreëls vir 'n primêre gebruik, indien van toepassing, sowel as vir 'n vergunningsgebruik.
- (c) Die bepaling oor 'n terreinontwikkelingsplan in item 123 is van toepassing.

### 106 Goedkeuring van vergunningsgebruike

Die Stad kan 'n vergunningsgebruik slegs goedkeur indien dit nie die hoofgebruik van die grond as oop ruimte in gedrang bring nie.

### 107 Informele handel

Informele handel word slegs toegelaat op terreine wat ingevolge die Stad se Verordening op Informele Handel vir informele handel afgebaken is.

### **HOOFSTUK 13.: LANDBOU-, LANDELIKE EN BEPERKTEGEBRUIKSONERINGS** (items 108 - 120)

*Landbougrond behoort in die algemeen beskerm te word teen ontwikkeling wat die grond minder geskik maak vir landboudoeleindes, of wat afbreuk doen aan die estetiese en kulturele waarde daarvan. Buiten dat dit 'n waardevolle ekonomiese sektor ondersteun, kan landbougrond die stabiliteit van die stedelike rand help bevorder, sensitiewe natuurgebiede bewaar en waardevolle landelike kenmerke vir die gemeenskap in stand hou. Onnodige onderverdeling van plase behoort vermy en ekonomies lewensvatbare eenhede in stand gehou te word. Omdat die ekonomiese lewensvatbaarheid van die landbousektor belangrik is, moet landbouaktiwiteite nie aan onredelike beperkings onderwerp word nie.*

*Aktiwiteite wat konvensionele landbou aanvul, kan die lewensvatbaarheid van die sektor ondersteun, en gevolglik word versoenbare gebruike as vergunningsgebruike toegelaat, mits laasgenoemde nie afbreuk doen aan landbou as hoofboerderyaktiwiteit nie. Waar nielandbougebruike toegelaat word, moet sodanige gebruike 'n integrale deel van die landbouonderneming uitmaak. 'n Onderskeid word getref tussen groot plase, wat as AG gesoneer word, en kleinhoewes, wat as RU gesoneer word en 'n verskeidenheid buitestedelike aktiwiteite kan bevat.*

*'n Oorgangsmeganisme, die LU-sonering, hou verband met grond wat in vorige soneringskemas as onbepaald gesoneer was, en beperk ontwikkeling tot slegs die bestaande wettige gebruike daarvan.*

#### **Deel 1: Landbousonering ("AG")** (items 108 - 111)

*Die AG-sonering bevorder en beskerm landbou op plase, synde 'n belangrike ekonomiese, omgewings- en kulturele hulpbron. Daar word beperkte voorsiening gemaak vir nielandbougebruike om eienaars die geleentheid te bied om die ekonomiese potensiaal van hul eiendomme te verhoog, sonder om 'n beduidende negatiewe impak op die primêre landbouhulpbron te hê.*

#### **108 Gebruik van die eiendom**

Die volgende gebruiksbepoerings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is landbou, intensiewe tuinbou, woonhuis, perdestalle, omgewingsbewaringsgebruik, omgewingsfasiliteite, dakgemonteerde basistelekommunikasiesatiese, en bykomende gebruikregte soos wat paragraaf (b) bepaal.
- (b) Bykomende gebruikregte wat die bewoner van 'n eiendom as 'n primêre gebruik kan uitoefen, is 'n tweede woning en tuisberoep, of 'n bed-en-ontbytonderneming, of tuiskindersorg, onderworpe daaraan dat:
  - (i) slegs een van die aktiwiteite wat as bykomende gebruikregte gelys word op enige grondeenheid bedryf mag word, met dien verstande dat dit nie op 'n tweede woning van toepassing is nie, en indien meer as een sodanige aktiwiteit vereis word, die Stad se goedkeuring daarvoor bekom moet word;
  - (ii) die eienaar van die betrokke aktiwiteit op die eiendom woon; en
  - (iii) die ontwikkelingsreëls in item 23, 24 en 25, wat ook al van toepassing is, nagekom word.
- (c) Vergunningsgebruike is bykomende wooneenhede, 'n gastehuis, hotel, toeristeverblyf, toeristefasiliteite, intensiewe veeboerdery, oesting van natuurlike hulpbronne, mynbou, nutsdiens, vrystaande basistelekommunikasiesatiese, windturbine-infrastruktuur, akwakultuur, diersorgsentrum, plaaswinkel en landbounywerheid.

## 109 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerruimte
  - (i) Die totale vloerruimte van al die wooneenhede op 'n grondeenheid, met inbegrip van verblyf vir bona fide-landbouwerkers wat op die eiendom in diens is, mag nie 1 500 m<sup>2</sup> oorskry nie, met dien verstande dat hierdie vereiste met die Stad se goedkeuring verslap kan word indien sodanige verblyf benodig word vir persone wat werklik om bestaansredes by landbouaktiwiteite op die grondeenheid betrokke is.
  - (ii) Die vloerruimte van geen plaaswinkel mag 100 m<sup>2</sup> oorskry nie.
- (b) Boulyne
  - (i) Die straat- en gemeenskaplikegrensboulyne word bepaal ooreenkomstig die oppervlakte van die grondeenheid, soos wat die volgende "Tabel van boulyne in landbousonering" aantoon.
  - (ii) Die algemene boulynoorskrydings in item 121 is van toepassing.

**Tabel van boulyne in landbousonering**

Grondeenheid-oppervlakte	Straatgrensboulyn	Gemeenskaplikegrens-boulyn
>20 ha	30,0 m	30,0 m
≤20 ha	15,0 m	15,0 m

- (c) Parkering
 

Parkering op, en toegang tot, die grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.
- (d) Hoogte
  - (i) Die maksimum hoogte van 'n woonhuis, gemeet vanaf die basisvlak tot by die muurplaat, is 9 m, en 11 m vanaf die basisvlak tot by die bopunt van die dak.
  - (ii) Landbougeboue buiten woonhuise mag nie 'n hoogte van 12 m, gemeet vanaf die basisvlak tot by die bopunt van die dak, oorskry nie.
  - (iii) Grondwalle en keerstrukture wat na die Stad se mening met bona fide-landbouaktiwiteite verband hou, is vrygestel van die vereistes van item 126.
- (e) Minimum onderverdelingsgrootte
 

Geen nuwe onderverdeling of enige restant wat vir landbou gesoneer is en bedoel is om as sulks behou te word, mag kleiner wees as:

  - (i) die minimum onderverdelingsgrootte wat 'n goedgekeurde plaaslikegebiedoorlegsonering bepaal nie; of
  - (ii) 20 ha waar geen sodanige oorlegsone bestaan nie,

tensy die betrokke nuwe onderverdeling of restant gekonsolideer word met 'n eiendom wat vir landbou gesoneer is ten einde 'n gekonsolideerde grondeenheid van ten minste die minimum vereiste onderverdelingsgrootte te skep, en mits die nakoming van hierdie vereiste nie die Stad se bevoegdhede beperk om 'n aansoek om onderverdeling wat die Stad as onwenslik ag, te weier nie.

## 110 Landbounywerheid

Die Stad kan 'n vergunningsgebruik vir 'n landbounywerheid goedkeur, mits:

- (a) hy tevrede is dat die landbounywerheid op die betrokke grondeenheid wenslik is;
- (b) die landbounywerheid ondergeskik en verwant is aan die oorheersende landbougebruik van die eiendom;
- (c) die landbounywerheid nie die landboupotensiaal van die eiendom benadeel nie; en
- (d) die oppervlakte wat aan die landbounywerheid toegewys is, duidelik op 'n opmetingsdiagram aangetoon word.

### 111 Tweede woning en bykomende wooneenhede

Een tweede woning word as 'n bykomende gebruikreg toegelaat, en bykomende wooneenhede kan met die Stad se goedkeuring opgerig word, met dien verstande dat:

- (a) die digtheid van bykomende wooneenhede tesame met enige tweede wooneenhede nie een eenheid per 10 ha oorskry nie;
- (b) nie meer as vyf eenhede, wat bykomende wooneenhede en enige tweede woning insluit, op 'n grondeenheid toegelaat word nie;
- (c) 'n woning vir 'n persoon wat by bona fide-landbouaktiwiteite op die grondeenheid betrokke is en waarin sodanige persoon permanent woon, nie as 'n tweede woning of bykomende wooneenhede beskou word nie; en
- (d) die ontwikkelingsreëls in item 53 op tweede wonings en bykomende wooneenhede in hierdie sonering van toepassing is.

### **Deel 2: Landelike sonering ("RU")**

(items 112 - 116)

*Die RU-sonering maak voorsiening vir kleiner landelike eiendomme wat vir landbou gebruik kan word, maar wat ook as woonplekke kan dien vir persone wat na 'n landelike leefstyl op soek is en vir wie landbou 'n sekondêre rede vir die bewoning van hulle eiendom is. Sodanige eiendomme kan binne óf buite 'n erkende stedelike rand voorkom.*

### 112 Gebruik van die eiendom

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is 'n woonhuis, landbou en bykomende gebruikregte soos wat paragraaf (b) bepaal.
- (b) Bykomende gebruikregte wat die bewoner van 'n eiendom as 'n primêre gebruik kan uitoefen, is 'n tweede woning en tuisberoep, of 'n bed-en-ontbytonderneming, of tuiskindersorg, onderworpe daaraan dat:
  - (i) slegs een van die aktiwiteite wat as bykomende gebruikregte gelys word van enige grondeenheid bedryf mag word, met dien verstande dat dit nie op 'n tweede woning van toepassing is nie, en dat indien meer as een sodanige aktiwiteit vereis word, die Stad se goedkeuring daarvoor bekom moet word;
  - (ii) die eienaar van die betrokke aktiwiteit op die eiendom woon; en
  - (iii) die ontwikkelingsreëls in item 23, 24 en 25, wat ook al van toepassing is, nagekom word.
- (c) Vergunningsgebruike is 'n gastehuis, toeristeverblyf, toeristefasiliteite, oesting van natuurlike hulpbronne, mynbou, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, akwakultuur, intensiewe veeboerdery, intensiewe tuinbou, perdestalle, diersorgsentrum, plaaswinkel en landbounywerheid.

### 113 Ontwikkelingsreëls

Die volgende ontwikkelingsreëls is van toepassing:

- (a) Vloerruimte
  - (i) Die totale vloerruimte van alle geboue op 'n grondeenheid mag nie 1 500 m<sup>2</sup> oorskry nie.
  - (ii) Die vloerruimte van geen plaaswinkel mag 100 m<sup>2</sup> oorskry nie.
- (b) Dekking
 

Die dekking vir alle geboue op 'n grondeenheid mag nie 40% oorskry nie.
- (c) Boulyne
  - (i) Die straatgrensboulyn is 10 m.
  - (ii) Die gemeenskaplikegrensboulyn is 5 m.
  - (iii) Die algemene boulynoorskrydings in item 121 is van toepassing.
- (d) Parkering

Parkering op, en toegang tot, die grondeenheid moet ooreenkomstig hoofstuk 15 voorsien word.

(e) Hoogte

- (i) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die muurplaat, is 9 m, en 11 m tot by die bopunt van die dak.
- (ii) Grondwalle en keerstrukture is onderworpe aan item 126.

#### **114 Minimum onderverdelingsgrootte**

Geen nuwe onderverdeling of enige restant wat as landelik gesoneer is en bedoel is om as sulks behou te word, mag kleiner wees as:

- (a) die minimum onderverdelingsgrootte wat 'n goedgekeurde oorlegsone bepaal nie; of

(b) 2 ha waar geen sodanige oorlegsone bestaan nie, tensy die betrokke nuwe onderverdeling of restant gekonsolideer word met 'n eiendom wat as landelik gesoneer is ten einde 'n gekonsolideerde grondeenheid van ten minste die minimum vereiste onderverdelingsgrootte te skep, mits die nakoming van hierdie vereiste nie die Stad se bevoegdhede beperk om 'n aansoek om onderverdeling wat die Stad as onwenslik ag, te weier nie.

#### **115 Landbounywerheid**

Die Stad kan 'n vergunningsgebruik vir 'n landbounywerheid goedkeur, mits:

- (a) hy tevrede is dat die landbounywerheid op die betrokke grondeenheid wenslik is; en
- (b) die oppervlakte wat aan die landbounywerheid toegewys is, duidelik op 'n opmetingsdiagram aangetoon word.

#### **116 Tweede woning**

Die ontwikkelingsreëls in item 53 is van toepassing, met dien verstande dat 'n wooneenheid vir persone wat by bona fide-landbouaktiwiteite op die grondeenheid betrokke is, nie as 'n tweede woning beskou word nie.

### ***Deel 3: Beperktegebruiksonering ("LU")*** *(items 117 - 120)*

*Die LU-sonering is 'n oorgangsmeganisme vir die hantering van grond wat in vorige soneringskemas as onbepaald gesoneer was. Bestaande regmatige gebruike kan voortduur, maar geen ander gebruike word toegelaat nie. Die doel is om hierdie sonering toenemend uit te faseer en dus behoort geen grond tot hierdie sonering hersoneer te word nie. Enige ontwikkeling wat bykomende gebruikregte buiten die bestaande beperkte gebruik vereis, moet van LU tot 'n ander, meer geskikte sone hersoneer word.*

#### **117 Gebruik van die eiendom**

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is beperk tot regmatige gebruike wat op die inwerkingtreddingsdatum bestaan.
- (b) Vergunningsgebruike: Geen.

#### **118 Ontwikkelingsreëls**

Geen nuwe gebou of struktuur en geen verandering aan 'n bestaande gebruik of wysiging aan die eksterne struktuur van 'n bestaande gebou of struktuur word toegelaat nie.



### 119 Hersonering tot hierdie sonering verbode

Geen eiendom mag ná 1 Maart 2013 tot hierdie sonering hersoneer word nie, en indien bykomende gebruike of ontwikkelingsregte vereis word, moet 'n aansoek om hersonering tot 'n ander, meer toepaslike sonering ingevolge hierdie ontwikkelingsbestuurskema verwerk word.

### 120 Herbouing van vernietigde eiendom

Eiendom wat gedeeltelik of in die geheel deur toevallige oorsake vernietig of beskadig is, kan ooreenkomstig die ontwikkelingsregte wat voor die inwerkingtredingsdatum bestaan het, herbou word, mits bouplanne vir sodanige herbouing binne 12 maande ná die datum van die toevallige vernietiging of beskadiging goedgekeur word.

## AFDELING III: ALGEMENE BEPALINGS

### HOOFSTUK 14.: ALGEMENE BEPALINGS

(items 121 - 136)

### 121 Oorskryding van boulyne

(1) Die volgende bykomende ontwikkelingsreëls is van toepassing met betrekking tot die oorskryding van boulyne:

- (a) Ondanks die boulynvereistes in afdeling II, kan die volgende strukture of gedeeltes daarvan binne die voorgeskrewe boulyne opgerig word, mits dit nie verby die grense van 'n grondeenheid strek nie:
  - (i) Grensmure, heinings en hekke
  - (ii) Oop en onoordekte stoepe
  - (iii) Ingangstrappe, trapportale en ingangsportale
  - (iv) 'n Oordekte ingang of hekhuys met 'n oordekte oppervlakte van hoogstens 5 m<sup>2</sup> en 'n dakhoogte van hoogstens 3 m, gemeet vanaf die vloer tot by die hoogste punt
  - (v) Dakrande en sonkappe wat hoogstens 1 m van die muur van 'n gebou uitsteek
  - (vi) Kroonlyste, skoorsteenborste, blombakke, waterpype, afvoerpype en klein sierkenmerke wat hoogstens 500 mm van die muur van die gebou uitsteek
  - (vii) 'n Skermmuur van hoogstens 2,1 m hoog bo die bestaande grondvlak waaraan die betrokke muur grens
  - (viii) Swembaddens nie nader as 1 m aan enige erfgrens nie
  - (ix) 'n Kelder, mits geen deel daarvan bo die bestaande grondvlak uitsteek nie
  - (x) 'n Vulliskamer soos wat die Stad ingevolge item 145 vereis

(2) 'n Boulyn van 5 m is van toepassing op enige grens met 'n aangewese metropolitaanse pad, tensy die Stad tot 'n ander boulyn toestem.

### 122 Straatmiddellynterugset

Die gedeelte van 'n grondeenheid wat binne 'n straatmiddellynterugsetgebied val, word uitgesluit vir die doeleindes van die bepaling van dekking en maksimum vloer ruimte, tensy die eienaar die betrokke gedeelte kosteloos aan die Stad oordra. In so 'n geval word die gedeelte ingesluit by die berekening van dekking of maksimum vloer ruimte op 'n grondeenheid.

### 123 Terreinontwikkelingsplanne

(1) Benewens die sonerings wat bepaald 'n terreinontwikkelingsplan vereis, kan die Stad ook vir die volgende soorte ontwikkeling op 'n terreinontwikkelingsplan aandrang:

- (a) Winkelsentrums en -komplekse
- (b) Sake- en kantoorparkontwikkelings
- (c) Nywerheidsparkontwikkelings
- (d) Ontwikkelings in bewaringsgebiede
- (e) Ontwikkelings ingevolge 'n deeltitelskema
- (f) Inkrementele residensiële ontwikkelings

- (g) Groot ontwikkelings waar daar kommer bestaan oor stedelike vorm, erfenis, verkeer of ruimtelike beplanning in die algemeen
- (2) Die Stad kan sommige van of ál die volgende inligting vir 'n terreinontwikkelingsplan vereis:
  - (a) Bestaande biofisiese kenmerke van die eiendom
  - (b) Bestaande en voorgestelde kadastrale grense
  - (c) Die uitleg van die eiendom wat die gebruik van die verskillende gedeeltes daarvan aantoon
  - (d) Die bondeling, plasing, gebruik en omvang van geboue
  - (e) Sketsplanne en aansigte van voorgestelde strukture, wat inligting oor die eksterne afwerking daarvan insluit
  - (f) Dwarsprofiel van die terrein en geboue daarop
  - (g) Die belyning en algemene spesifikasies van voertuigtoegang, paaie, parkeergebiede, laaisones, voetgangerbeweging en voetpaaie
  - (h) Die ligging en omvang van privaat, openbare en gemeenskaplike ruimtes
  - (i) Tipiese besonderhede van heinings of mure om die buitengrens van die grondeenheid sowel as op die eiendom
  - (j) Elektriesiteitsvoorsiening en buiteverligtingsvoorstelle
  - (k) Voorsiening vir watertoevoer, hantering van stormwater en wegdoening van riool en vullis
  - (l) Buitereklamebesonderhede
  - (m) Algemene buiteontwerpvoorstelle, wat insluit plantegroei wat bewaar, verwyder of aangeplant moet word, buiteplaveisel, en maatreëls vir die stabilisering van buiteruimtes, waar van toepassing
  - (n) Die fasering van 'n ontwikkeling
  - (o) Die voorgestelde ontwikkeling in verhouding tot bestaande en voltooide grondvlakke, wat uitgrawings, insnyding en opvulling insluit
  - (p) Statistiese gegewens oor die omvang van die voorgestelde ontwikkeling, vloerruimtetoewysings en parkeervoorsiening
  - (q) Die verhouding tussen die voorgestelde ontwikkeling en die gehalte, veiligheid en aantreklikheid van die omliggende openbare omgewing
  - (r) Die verhouding tussen die voorgestelde ontwikkeling en persele waaraan dit grens, veral met betrekking tot toegang, oorskadu-effek en skaal
  - (s) 'n Driedimensionele uitbeelding wat die visuele impak van die voorgestelde ontwikkeling op die perseel in verhouding tot omliggende geboue aantoon
  - (t) Enige ander besonderhede wat die Stad redelikerwys kan vereis
- (3) Die Stad kan vereis dat 'n terreinontwikkelingsplan 'n groter gebied as net die betrokke terrein insluit indien die voorgestelde ontwikkeling na die Stad se mening 'n wyer impak sal hê. Die Stad kan die omvang van sodanige groter gebied bepaal.
- (4) Waar hierdie ontwikkelingsbestuurskema 'n terreinontwikkelingsplan vereis, moet dit vir goedkeuring by die Stad ingedien word voordat enige ontwikkeling op 'n grondeenheid 'n aanvang mag neem.
- (5) 'n Terreinontwikkelingsplan mag nie geweier word indien dit in pas is met die ontwikkelingsreëls van 'n basissonering, oorlegsonering of 'n goedkeuringsvoorwaarde nie.
- (6) Die Stad kan wysigings aan die besonderhede van 'n terreinontwikkelingsplan vereis om gegronde kommer oor toegang, parkering, argitektoniese vorm, stedelike vorm, buiteontwerp, omgewingsbestuur, ingenieursdienste of soortgelyke sake uit die weg te ruim.
- (7) Die volgende bepalings is van toepassing op terreinontwikkelingsplanne:
  - (a) Die eiendom moet in algemene ooreenstemming met 'n goedgekeurde terreinontwikkelingsplan ontwikkel word.
  - (b) Indien die Stad dit nodig ag, kan 'n vervoer- of verkeersimpakverklaring of -studie in samehang met 'n terreinontwikkelingsplan vereis word, waarvan die Stad die omvang na gelang van die grootte van die ontwikkeling sal bepaal.
  - (c) Indien die Stad dit nodig ag, kan 'n stormwaterimpakstudie en/of stormwaterbestuursplan in samehang met 'n terreinontwikkelingsplan vereis word,

waarvan die Stad die omvang na gelang van die grootte van die ontwikkeling sal bepaal.

- (d) Ingeval 'n terreinontwikkelingsplan ingevolge hierdie ontwikkelingsbestuurskema vereis word, sal die Stad nie enige bouplangoedkeuring ingevolge die Nasionale Bouwet toestaan alvorens 'n terreinontwikkelingsplan goedgekeur is nie.
- (e) 'n Goedgekeurde terreinontwikkelingsplan word as bykomende ontwikkelingsreëls vir die basissonering beskou, en enige aansoek om wysiging moet aan die Stad se vereistes vir sodanige wysigings voldoen.

#### **124 Gevaarlike stowwe**

(1) Enige gebruik of aanvullende aktiwiteit wat die berging of aanhou van gevaarlike stowwe behels wat daartoe kan lei dat 'n aanleg ingevolge beroepsgesondheid-en-veiligheidswetgewing as 'n beduidende gevaarlike aanleg verklaar word, is verbode, tensy die eienaar 'n plan vir risikobestuur en -voorkoming indien en die Stad dit goedkeur.

(2) Die Stad se goedkeuring ingevolge subitem (1) hierbo onthef nie die eienaar van die verantwoordelikheid om ingevolge ander toepaslike wetgewing om toestemming aansoek te doen nie.

#### **125 Afskerming**

Die Stad kan ooreenkomstig die volgende bepalings afskerming vereis:

- (a) Enige deel van 'n grondeenheid wat vir die berging of op-/aflaai van goedere gebruik word, moet deur 'n geskikte muur en/of buiteontwerpafskerming omring word.
- (b) Enige eksterne nutsdiens of -toerusting wat vir 'n gebou benodig word, moet op gepaste wyse afgeskerm word sodat dit nie vanaf 'n openbare straat sigbaar is nie, en sodanige afskerming moet ten opsigte van materiaal, kleur, vorm en grootte by die gebou geïntegreer word.

#### **126 Grondwalle, keerstrukture, steunstrukture en soortgelyke konstruksies**

Sonder die goedkeuring van die Stad mag:

- (a) geen grondwal, keerstruktuur, kolom, hangvloer, ander konstruksie of reeks sodanige konstruksies gebou word waarmee die grondvlak van 'n gebou met meer as 1,5 m bo die bestaande grondvlak verhoog kan word nie, met dien verstande dat waar sodanige verhoging plaasvind, die hoogte daarvan steeds vanaf die bestaande grondvlak gemeet sal word;
- (b) geen grondwal of keerstruktuur wat gebruik word om grond of los klippe terug te hou, ongeag of dit met 'n gebou verband hou of nie, tot 'n hoogte van meer as 2 m bo die bestaande grondvlak gebou word nie; en
- (c) geen reeks grondwalle of keerstrukture tot 'n gesamentlike hoogte van meer as 2,5 m bo die bestaande grondvlak gebou word nie, tensy daar vir elke 2 m in gesamentlike hoogte voorsiening gemaak word vir 'n bykans gelyk oppervlakte van ten minste 2 m breed tussen opeenvolgende grondwalle of keerstrukture.

#### **127 Instandhouding van eiendom**

Die eienaar of bewoner van 'n eiendom moet die eiendom behoorlik in stand hou, en die eiendom mag nie:

- (a) in 'n verwaarloosde of aanstootlike toestand, soos wat die Stad kan bepaal, gelaat word nie;
- (b) 'n onooglike ophoping van papiere, kartonne, tuinvullis, rommel en/of ander afvalmateriaal, soos wat die Stad kan bepaal, bevat nie;
- (c) 'n ophoping van motorwrakke, onpadwaardige motors of gebruikte motoronderdele bevat nie, tensy dit deel uitmaak van 'n primêre of vergunningsgebruik ingevolge hierdie ontwikkelingsbestuurskema;

- (d) die buiteberging van boumateriaal, toestelle of soortgelyke items bevat nie, tensy dit:
  - (i) deel uitmaak van 'n primêre of vergunningsgebruiksreg ingevolge hierdie ontwikkelingsbestuurskema;
  - (ii) tydelik geberg word vir die doel van bouwerk ooreenkomstig 'n geldige bouplangoedkeuring vir die eiendom; of
  - (iii) geberg word in samehang met die hou van 'n werf- of motorhuisverkoop wat hoogstens twee opeenvolgende dae duur.

### **128 Parkering van voertuie in residensiële sones**

Die volgende ontwikkelingsreëls is van toepassing op die parkering van voertuie in enkelresidensiële en algemene residensiële sonerings:

- (a) 'n Motorvoertuig in die besit van die bewoner van 'n wooneenheid en wat vir kommersiële aktiwiteite weg van die wooneenheid gebruik word, mag geparkeer word op die eiendom waar die bewoner woon, mits:
  - (i) daar voldoende ruimte op die betrokke eiendom is;
  - (ii) hoogstens een kommersiële voertuig per wooneenheid op die eiendom geparkeer word; en
  - (iii) die bruto gewig van enige sodanige kommersiële voertuig nie 3 500 kg oorskry nie.

### **129 Mobiele huise en karavane**

(1) 'n Ontspanningsvoertuig soos 'n mobiele huis of karavaan mag nie sonder die Stad se goedkeuring vir permanente bewoning gebruik word nie, tensy die betrokke sonering sodanige aktiwiteit toelaat.

(2) Die volgende bykomende ontwikkelingsreëls is van toepassing op mobiele huise wat goedgekeur is om vir residensiële doeleindes op 'n grondeenheid te staan:

- (a) Die mobiele huis of karavaan moet op 'n fondasieblad geplaas word en moet behoorlik geanker wees.
- (b) 'n Soliede omranding van 'n materiaal en kleur wat by die kleur van die mobiele huis of karavaan aanpas, moet van die onderkant van die mobiele huis tot op die grondoppervlak voorsien word.
- (c) Die dak en buitebekleding van die mobiele huis of karavaan moet van 'n nuweerkaatsende materiaal wees.
- (d) Enige strukturele aanbouings moet van materiale wees wat na die Stad se mening versoenbaar is met dié van die mobiele huis of karavaan.

### **130 Basistelekommunikasiestasie as 'n primêre of vergunningsgebruik**

(1) 'n Dakgemonteerde of vrystaande basistelekommunikasiestasie wat as 'n primêre of vergunningsgebruik ingevolge hierdie ontwikkelingsbestuurskema opgerig mag word, is onderworpe aan enige tersaaklike vereistes van die Wet op Nasionale Omgewingsbestuur.

(2) Geen dakgemonteerde basistelekommunikasiestasie mag sonder voorafgoedkeuring van die Stad meer as 3 m in hoogte bo die deel van die gebou waaraan dit vasgeheg is, uitsteek nie.

(3) 'n Vrystaande basistelekommunikasiestasie is nie onderworpe aan die ontwikkelingsreëls met betrekking tot hoogte in die toepaslike basissonering in soverre dit nie 'n maksimum hoogte van 25 m oorskry nie.

### **131 Buite diens gestelde antennes of basistelekommunikasiestasies**

Die volgende bepalings is van toepassing met betrekking tot buite diens gestelde antennes of basistelekommunikasiestasies:

- (a) Die eienaar of operateur moet alle buite diens gestelde infrastruktuur verwyder.
- (b) Waar die terrein versteur is, moet die eienaar of operateur dit tot sy oorspronklike toestand rehabiliteer, of tot 'n toestand wat vir die Stad aanvaarbaar is.

- (c) Waar die eienaar of operateur nalaat om binne 'n tydperk van 90 dae na buitediensstelling aan bostaande paragraaf (a) of (b) te voldoen, kan die Stad sodanige infrastruktuur verwyder en die terrein op die eienaar of operateur se onkoste rehabiliteer.

### **132 Satellietskottelantennastelsels**

- (1) Enige satellietskottelantenna met 'n deursnee van meer as 1,5 m moet so geplaas word dat dit die visuele impak op die omliggende omgewing tot die Stad se bevrediging beperk.
- (2) Enige satellietskottelantenna met 'n deursnee van 1,5 m en minder en wat slegs vir die doel van televisieontvangs of telekommunikasie gebruik word, sal nie die goedkeuring van die Stad vereis nie en word uitgesluit vir die doeleindes van hoogtemeting.

### **133 Geisers en sonpanele of soortgelyke infrastruktuur wat op die dak van 'n gebou geïnstalleer word**

Geen eksterne geisers en verwante toerusting of sonpanele of soortgelyke infrastruktuur wat op die dak van 'n gebou geïnstalleer word, mag op enige punt meer as 1,5 m bo die dakoppervlak, loodreg gemeet vanaf sodanige oppervlak, uitsteek nie.

### **134 Vloedgevaargebiede**

Ontwikkeling in vloedgevaargebiede moet die Stad se beleid oor vloedgevaargebiede in ag neem.

### **135 Elektroniese of meganiese speeltoestelle**

- (1) 'n Maksimum van vyf elektroniese of meganiese speeltoestelle word toegelaat in 'n gebou in 'n sonering met die primêre gebruike sakeperseel, hotel of plek van samekoms, maar wat huiswinkels uitsluit.
- (2) Waar die vloer ruimte van 'n gebou op 'n eiendom wat vir die doeleindes in subitem (1) gesoneer is 5 000 m<sup>2</sup> oorskry, word meer as vyf elektroniese of meganiese speeltoestelle toegelaat, met dien verstande dat:
- (a) hoogstens vyf sulke toestelle op 'n spesifieke perseel in sodanige gebou toegelaat word; en
  - (b) die Stad die getal sodanige persele in 'n gebou waar sulke toestelle toegelaat word, kan beperk ten einde die impak daarvan op die omringende gebruike te temper, ongeag of die toestelle binne of buite die gebou of eiendom is.

### **136 Plannepakket**

- (1) Die algemene doel van 'n plannepakket is om 'n meganisme te bied om die ontwikkeling van groot of strategiese stedelike ontwikkelingsgebiede te beplan en te bestuur. Dit is 'n gefaseerde proses van onderhandeling, beplanning en goedkeuring waardeur toepaslike vlakke van beplanningsbesonderhede goedgekeur word, tesame met voorwaardes vir sodanige goedkeuring. Gebiede waar die plannepakketbenadering gebruik word, word spesiale beplanningsgebiede (SPA) genoem en word as spesiale beplanningsgebiede in bylae B aangeteken.
- (2) Die Stad kan vereis dat 'n plannepakket met betrekking tot die volgende basissonerings en oorlegsonering vir goedkeuring ingedien word:
- (a) Algemene residensiële subsonerings GR2-GR6
  - (b) Gemeenskapsonering 2: Streek
  - (c) Algemene sakesubsonerings
  - (d) Gemengdegebruiksubsonerings
  - (e) Algemene nywerheidssubsonerings
  - (f) Risikonywerheidssonering
  - (g) Onderverdelingsgebiedoorlegsonering
- (3) 'n Plannepakket bestaan uit die volgende dele, wat hiërargies van hoërorde- na laerordeplanne gelys word. Die laerordeplanne moet met die hoërordeplanne strook.

(4) Die Stad kan alle of enige van die volgende dele van die plannepakket vereis:

(a) Kontekstuele raamwerk:

'n Kontekstuele raamwerk lê algemene grondgebruikbeleid vir 'n ontwikkeling en die omliggende gebied neer. Dit kan beginsels of punte van ooreenkoms insluit wat die algemene verpligtinge van die Stad en die ontwikkelaar met betrekking tot die ontwikkeling saamvat. Die kontekstuele raamwerk kan deur die Stad, die grondeienaar of 'n ontwikkelingsagentskap onder die Stad se toesig opgestel word en mag nie teenstrydig wees met 'n raamwerk vir ruimtelike ontwikkeling of 'n struktuurplan wat die Stad goedgekeur het nie.

(b) Ontwikkelingsraamwerk:

'n Ontwikkelingsraamwerk lê die algehele beleid, breë doelwitte en ontwikkelingsbeginsels binne die ontwikkeling neer. Die ontwikkelingsraamwerk bepaal die omvang van gebruike, algemene ruimtelike verspreiding van gebruike, vernaamste vervoer- en voetgangerkoppeling, infrastruktuur en enige beperkinge binne die ontwikkeling, wat insluit dog nie beperk is nie tot digtheid en vloerruimte.

(c) Gebiedsplanne:

Gebiedsplanne is van toepassing op spesifieke gebiede binne die ontwikkelingsraamwerk wat oor gemeenskaplike kenmerke, funksionele verwantskappe of faseringsvereistes beskik. 'n Ontwikkeling kan uit verskeie gebiedsplanne bestaan. 'n Gebiedsplan bied 'n uitvoerige omskrywing van die ontwikkelingsoogmerke en -voornemens vir 'n spesifieke gebied in die ontwikkeling, sowel as van die beginsels vir stedelike vorm, grondgebruik, voetgangerkoppeling, verkeersvloei, vloerruimte en omgewingsbestuur.

(d) Onderverdelingsplanne:

Onderverdelingsplanne, indien dit vereis word, word ingevolge hierdie verordening verwerk ten einde nuwe kadastrale grense te skep en die oordrag van grondeenhede te fasiliteer. Onderverdelingsplanne kan in enige stadium ná die goedkeuring van die ontwikkelingsraamwerk goedgekeur word, en die voorskrifte van subitem (6) is van toepassing.

(e) Terreinontwikkelingsplanne:

Terreinontwikkelingsplanne beeld meer uitvoerige ontwerp- en ontwikkelingsbepalings vir een of meer grondeenhede in 'n ontwikkeling uit. Hierdie bepalinge kan insluit, dog is nie beperk nie tot, besonderhede oor grondgebruik, vloerruimte, boulyne, hoogte, parkeervereistes, munisipale dienste en buiteontwerp, sowel as besonderhede met betrekking tot die plasing en voorkoms van geboue, oop ruimte, voetgangerkoppeling en verkeersvloei. 'n Terreinontwikkelingsplan kan voor of ná 'n onderverdelingsplan vereis word en behoort vir die inligting in item 123(2) voorsiening te maak.

(f) Bouplanne:

Bouplanne bevat uitvoerige spesifikasies soos wat die Nasionale Bouwet vereis, en magtig die uitvoering van bouwerk sodra die planne goedgekeur is.

(5) Die Stad kan vereis dat 'n kontekstuele raamwerk 'n groter gebied as net die betrokke grond insluit indien die voorgestelde ontwikkeling na die Stad se mening 'n wyer impak sal hê, en die Stad kan die omvang van sodanige gebied bepaal.

(6) By die goedkeuring van enige deel van 'n plannepakket moet die Stad die totale vloerruimte of toegelate digtheid binne die ontwikkeling bepaal, wat as 'n goedkeuringsvoorwaarde opgelê moet word.

(7) Die toewysing van vloerruimte moet oorweging skenk aan die dravermoë van interne en eksterne infrastruktuur, wat insluit, dog nie beperk is nie tot, paaie en nutsdienste, sowel as enige stedelikeontwerpbeginsels wat die Stad as deel van 'n hersonering of kontekstuele raamwerk goedkeur.

(8) Die goedgekeurde vloerruimte kan as 'vlottende vloerruimte' dien wat aan die algehele ontwikkeling toegeken is om later toegewys te word, of kan toegewys word aan spesifieke gebiede of eiendomme wanneer 'n gebiedsplan goedgekeur word, en moet in ieder geval in individuele onderverdelings of terreinontwikkelingsplanne toegewys word.



- (9) Wanneer 'n plannepakket ingevolge hierdie ontwikkelingsbestuurskema vereis word, moet die tersaaklike dele vir goedkeuring aan die Stad voorgelê word voordat enige ontwikkeling op 'n grondeenheid 'n aanvang kan neem, met dien verstande dat:
- (a) goedkeuring nie geweier sal word indien dit met die ontwikkelingsreëls van 'n basissonering, oorlegsonering of goedkeuringsvoorwaarde strook nie, maar
  - (b) die Stad wysigings aan die besonderhede van die tersaaklike deel van 'n plannepakket kan vereis om gegronde kommer oor toegang, parkering, argitektoniese vorm, stedelike vorm, buiteontwerp, omgewingsbestuur, ingenieursdienste of soortgelyke sake uit die weg te ruim.
- (10) Die bepalings in item 123 is van toepassing op terreinontwikkelingsplanne.

## **HOOFSTUK 15.: PARKERING, OP-/AFLAAI EN INFRASTRUKTUUR**

*(items 137 - 145)*

### **Deel 1: Konvensionele parkeervereistes**

*(items 137 - 139)*

#### **137 Terreinparkeervereistes**

Die volgende parkeervereistes is van toepassing tensy hierdie ontwikkelingsbestuurskema elders anders bepaal:

- (a) In gevalle waar parkeervereistes nie vir 'n spesifieke gebruik bepaal word of kragtens 'n bepaalde voorwaarde deur die Stad opgelê is nie, word parkering teen 'n minimum verhouding ooreenkomstig die tabel "Minimum terreinparkeervereistes" voorsien. Indien die vereistes in die tabel teenstrydig is, geld die mees beperkende parkeervereistes. Vir grondgebruike wat nie in die tabel "Minimum terreinparkeervereistes" verskyn nie, bepaal die Stad die terreinparkeervereistes.
- (b) Die tweede kolom in die tabel, getiteld "Standaardgebiede", verwys na vereistes wat van toepassing is op gebiede met standaardparkeerbehoeftes of waar openbare vervoer nie bepaald bevorder word of beskikbaar is nie. Die kolom "PT1-gebiede" verwys na gebiede waar die gebruik van openbare vervoer bevorder word, maar waar die Stad die voorsiening van openbare vervoer as onvoldoende beskou of waar die gebruik van motorvoertuie beperk is. Die kolom "PT2-gebiede" verwys na gebiede waar die gebruik van openbare vervoer bevorder word en die Stad die voorsiening van openbare vervoer as goed beskou of waar die gebruik van motorvoertuie baie beperk is.
- (c) Die Stad kan 'n plan of planne van die gebiede wat as PT1- en PT2-gebiede beskou word, goedkeur en moet die betrokke planne bygewerk hou. Sodanige planne word in bylae C aangeteken en kan van tyd tot tyd na gelang van behoefte en ná goedkeuring deur die Stad gewysig word.
- (d) Indien die Stad nie 'n gebied bepaald as 'n PT1- of PT2-gebied aangewys het nie, is die parkeervereistes vir standaardgebiede van toepassing.
- (e) Ingevolge die bepalings van hoofstuk 17, kan die Stad oorlegsonerings skep om die maksimum parkeervereistes vir bepaalde gebiede vas te stel en/of verskillende parkeervereistes vir bepaalde gebiede te bepaal, na gelang van voertuiggebruik of -besit.
- (f) Terreinparkeerruimte moet voorsien word:
  - (i) op die eiendom waar die parkering benodig word;
  - (ii) in beskikbare openbare parkeergeriewe in die nabye omgewing, onderworpe aan die Stad se goedkeuring; of
  - (iii) ooreenkomstig item 138 hieronder.

#### **138 Alternatiewe parkeervoorsiening**

As alternatief vir voldoening aan die terreinparkeervereistes ingevolge hierdie ontwikkelingsbestuurskema, kan 'n eienaar met die goedkeuring van die Stad:

- (a) elders 'n gedeelte grond verkry op 'n plek wat die Stad goedgekeur het, wat voldoende is om in die betrokke parkeervereistes te voorsien; of
- (b) elders permanente regte op 'n parkeerfasiliteit of 'n gedeelte van 'n parkeerfasiliteit verkry op 'n plek wat die Stad goedgekeur het,

en moet 'n notariële verpligting of serwituut op die betrokke grond of parkeerfasiliteit geregistreer word ten einde die betrokke eiendomme vir die doeleindes van parkering aan mekaar te koppel, en moet die eienaar toesien dat die betrokke parkering ooreenkomstig die Stad se goedkeuring gebou en in stand gehou word. Die eienaar moet die koste van die registrasie van die notariële verpligting of serwituut dek.

#### Minimum terreinparkeervereistes

Grondgebruik	Standaardgebiede	PT1-gebiede	PT2-gebiede
Hoofwoonhuis (SR1-sonering)	2 parkeerplekke per wooneenheid (1 parkeerplek per wooneenheid vir erwe <350 m <sup>2</sup> )	1 parkeerplek per wooneenheid	Nul
Hoofwoonhuis (SR2-sonering)	1 parkeerplek per wooneenheid (Nul per wooneenheid vir erwe <100 m <sup>2</sup> )	Nul	Nul
Tweede woning	1 parkeerplek per 2 <sup>de</sup> wooneenheid	1 parkeerplek per 2 <sup>de</sup> wooneenheid	1 parkeerplek per 2 <sup>de</sup> wooneenheid
Groepsbehuising	1,75 parkeerplekke per wooneenheid, plus 0,25 parkeerplekke per wooneenheid vir besoekers	1 parkeerplek per wooneenheid, plus 0,25 parkeerplekke per wooneenheid vir besoekers	0,75 parkeerplek per wooneenheid, plus 0,25 parkeerplek per wooneenheid vir besoekers
Woonstelle	1,75 parkeerplekke per wooneenheid, plus 0,25 parkeerplek per wooneenheid vir besoekers	1 parkeerplek per wooneenheid, plus 0,25 parkeerplek per wooneenheid vir besoekers	0,75 parkeerplek per wooneenheid, plus 0,25 parkeerplek per wooneenheid vir besoekers
Bed-en-ontbyt-onderneming	1 bykomende parkeerplek per gastekamer	1 bykomende parkeerplek per gastekamer	Nul
Losieshuis, gastehuis	1,25 parkeerplekke per slaapkamer	0,75 parkeerplek per slaapkamer	0,5 parkeerplek per slaapkamer
Rugsakstappersverblyf	1 parkeerplek per 6 beddens	1 parkeerplek per 8 beddens	1 parkeerplek per 10 beddens
Hotel	0,75 parkeerplek per slaapkamer, plus 20 parkeerplekke indien gelisensieer	0,75 parkeerplek per slaapkamer, plus 20 parkeerplekke indien gelisensieer	0,5 parkeerplek per slaapkamer, plus 10 parkeerplekke indien gelisensieer
Ouetehuis, weeshuis	0,5 parkeerplek per slaapkamer	0,3 parkeerplek per slaapkamer	0,2 parkeerplek per slaapkamer
Bewaarskool	1 parkeerplek per 10 kinders, plus stop-en-aflaafasiliteit	1 parkeerplek per 10 kinders	1 parkeerplek per 30 kinders
Skool	1 parkeerplek per klaskamer of kantoor, plus stop-en-aflaafasiliteit	1 parkeerplek per klaskamer of kantoor, plus stop-en-aflaafasiliteit	1 parkeerplek per klaskamer of kantoor, plus stop-en-aflaafasiliteit
Plek van onderrig (naskoolse vlak)	0,4 parkeerplek per student, plus 1 parkeerplek per klaskamer of kantoor	0,4 parkeerplek per student, plus 1 parkeerplek per klaskamer of kantoor	1 parkeerplek per klaskamer of kantoor

Grondgebruik	Standaardgebiede	PT1-gebiede	PT2-gebiede
Biblioteek, museum	2 parkeerplekke per 100 m <sup>2</sup> BVR	1,5 parkeerplekke per 100 m <sup>2</sup> BVR	1 parkeerplek per 100 m <sup>2</sup> BVR
Plek van samekoms, plek van aanbidding, plek van vermaak, begrafnisonderneming	1 parkeerplek per 6 sitplekke of persone, bereken teen 1,4 m <sup>2</sup> vloerruimte = 1 persoon	1 parkeerplek per 8 sitplekke of persone, bereken teen 1,4 m <sup>2</sup> vloerruimte = 1 persoon	1 parkeerplek per 10 sitplekke of persone, bereken teen 1,4 m <sup>2</sup> vloerruimte = 1 persoon
Sportstadion	1 parkeerplek per 4 sitplekke of persone (of soos per vervoer-bestuursplan)	3 parkeerplekke per 20 sitplekke of persone (of soos per vervoer-bestuursplan)	3 parkeerplekke per 40 sitplekke of persone (of soos per vervoer-bestuursplan)
Ontspannings- of sportkompleks	1 parkeerplek per 8 sitplekke of persone	1 parkeerplek per 10 sitplekke of persone	1 parkeerplek per 15 sitplekke of persone
Gimnasium, gesondheidsklub	10 parkeerplekke per 100 m <sup>2</sup> BVR	8 parkeerplekke per 100 m <sup>2</sup> BVR	6 parkeerplekke per 100 m <sup>2</sup> BVR
Hospitaal (algemeen en privaat)	1 parkeerplek per bed, plus 3 parkeerplekke per spreekkamer	1 parkeerplek per bed, plus 2 parkeerplekke per spreekkamer	1 parkeerplek per bed
Kliniek, mediese spreekkamers	4 parkeerplekke per spreekkamer	3 parkeerplekke per spreekkamer	2 parkeerplekke per spreekkamer
Winkels (wat supermark uitsluit)	4 parkeerplekke per 100 m <sup>2</sup> BVR	2 parkeerplekke per 100 m <sup>2</sup> BVR	1 parkeerplek per 100 m <sup>2</sup> BVR
Supermark, winkelsentrum	6 parkeerplekke per 100 m <sup>2</sup> BVR	4 parkeerplekke per 100 m <sup>2</sup> BVR	2 parkeerplekke per 100 m <sup>2</sup> BVR
Restaurant	2 parkeerplekke per 25 m <sup>2</sup> BVR	1 parkeerplek per 25 m <sup>2</sup> BVR	1 parkeerplek per 25 m <sup>2</sup> BVR
Kantore	4 parkeerplekke per 100 m <sup>2</sup> BVR	2,5 parkeerplekke per 100 m <sup>2</sup> BVR	1 parkeerplek per 100 m <sup>2</sup> BVR
Konferensiesentrum	6 parkeerplekke per 10 sitplekke	4 parkeerplekke per 10 sitplekke	2 parkeerplekke per 10 sitplekke
Motorvertoonlokaal	3 parkeerplekke per 100 m <sup>2</sup> BVR	3 parkeerplekke per 100 m <sup>2</sup> BVR	3 parkeerplekke per 100 m <sup>2</sup> BVR
Motorherstelhawe, diensstasie	4 parkeerplekke per diensruimte, plus 4 parkeerplekke per 100 m <sup>2</sup> BVR, minimum 8 parkeerplekke	4 parkeerplekke per diensruimte, plus 4 parkeerplekke per 100 m <sup>2</sup> BVR, minimum 8 parkeerplekke	4 parkeerplekke per diensruimte
Monteringsentrum vir voertuie	2 parkeerplekke per diensruimte	2 parkeerplekke per diensruimte	1 parkeerplek per diensruimte
Nywerheid	2 parkeerplekke per 100 m <sup>2</sup> BVR	1,5 parkeerplekke per 100 m <sup>2</sup> BVR	1 parkeerplek per 100 m <sup>2</sup> BVR
Pakhuis, stoorgebou	1 parkeerplek per 100 m <sup>2</sup> BVR	1 parkeerplek per 100 m <sup>2</sup> BVR	1 parkeerplek per 100 m <sup>2</sup> BVR

### 139 Gekombineerde parkeervereistes

Waar twee of meer gebruike saamgevoeg word om 'n gemeenskaplike parkeergebied te deel, kan die Stad parkeervereistes goedkeur wat minder is as die totale parkeervereistes vir die afsonderlike gebruike, met dien verstande dat:

- die Stad tevrede is dat die gebruik van dieselfde parkeergebied deur die verskillende soorte gebruike of aktiwiteite in die sonerings nie tot gelyktydige gebruik van die parkeergebied sal aanleiding gee nie; en
- parkeerplekke wat vir gemengde gebruike bedoel is, nie agterna sonder die Stad se goedkeuring aan ander gebruike toegewys mag word nie.

**Deel 2: Terreintoegang en parkeeruitlegvereistes**  
(items 140 - 141)

**140 Terreintoegang en -uitgange**

- (1) Die volgende terreintoegangsvereistes is van toepassing:
- (a) Die Stad kan vereis dat daar aan standaard- munisipale of provinsiale toegangspasiëringstryke voldoen word.
  - (b) Geen voertuigtoegang of -uitgang mag nader wees as 10 m aan 'n kruising nie, soos wat die verlenging van die straatgrense bepaal, behalwe vir nywerheidgesoneerde eiendomme, waar die afstand 15 m moet wees.
  - (c) Die Stad kan toegang beperk of verbied indien sodanige toegang tot 'n voetganger- of verkeersgevaar lei of waarskynlik kan lei.
- (2) Voertuiginge en -uitgange van 'n eiendom moet aan die volgende vereistes voldoen:
- (a) Voertuigrybaankruisings word beperk tot een per terrein per openbare straat of pad wat aan die terrein grens.
  - (b) Nieteenstaande paragraaf (a) hierbo, ingeval die totale lengte van enige straatgrens van 'n terrein 30 m oorskry, kan een bykomende rybaankruising toegelaat word, met dien verstande dat geen twee rybaankruisings nader as 12 m aan mekaar mag wees nie.
  - (c) Die minimum en maksimum breedte van voertuigrybaankruisings moet met die tabel "Breedte van voertuigrybaankruisings" strook.

**Breedte van voertuigrybaankruisings**

Soort rybaankruising	Minimum breedte	Maksimum breedte
Enkelingang of -uitgang	2,7 m	4,0 m
Gekombineerde ingang en uitgang	5,0 m	8,0 m

**141 Parkeeruitlegvereistes**

- (1) Die volgende parkeeruitlegvereistes is van toepassing tensy hierdie ontwikkelingsbestuurskema elders anders bepaal:
- (a) Parkeeruitlegsamestelling, minimum afmetings en inritte na 'n parkeergebied moet met die bepalings van hierdie ontwikkelingsbestuurskema of 'n goedgekeurde terreinontwikkelingsplan strook.
  - (b) Die uitleg van enige parkeergebied, met die uitsondering van parkering in SR1- en SR2-sonerings, moet verseker dat voertuie die perseel gereedlik kan verlaat sonder om oor die syaadjie terug te stoot, tensy die Stad dit goedkeur.
  - (c) 'n Tandemparkeerplek met plek vir twee motorvoertuie moet vir die doeleindes van hierdie ontwikkelingsbestuurskema as een parkeerplek beskou word, behalwe in enkelresidensiële sonerings, waar 'n tandemparkeerplek as twee parkeerplekke beskou word.
  - (d) Besoekersparkeerplekke moet duidelik gemerk en maklik sigbaar en toeganklik wees vir besoekers en moet ook verkieslik saamgegroepeer word.
  - (e) Parkeergebiede word gebruik word vir die parkering van voertuie wat regmatig daar toegelaat word, en enige aktiwiteit wat voertuigverkeer of voetgangers se gebruik van 'n syaadjie verhinder, is verbode.
  - (f) Parkeergebiede moet so gebou en in stand gehou word dat dit vir voertuigparkering en -beweging geskik is.
  - (g) Nieteenstaande paragraaf (a) tot (f), kan die Stad meer beperkende vereistes in verband met parkering, terreintoegang of voertuigrybaankruisings neerlê indien dit uit 'n voetganger- of verkeersveiligheidsoogpunt nodig geag word.
- (2) Die Stad kan vereis dat 'n parkeeruitlegplan ingedien word wat die beoogde voertuigparkering, voertuiginge en -uitgange, buiteontwerpvoorstelle sowel as konstruksiebesonderhede aantoon.

- (3) Die Stad kan die parkeeruitlegplan goedkeur of afkeur en goedkeuringsvoorwaardes opleë.

### **Deel 3: Onkonvensionele parkeervereistes**

(items 142 - 145)

#### **142 Parkering vir persone met fisiese gestremdhede**

(1) Die Stad kan vereis dat geskikte parkering vir gebruik deur persone met fisiese gestremdhede op enige grondeenheid voorsien word om sodanige persone se maklike en gerieflike toegang te verseker tot dienste en fasiliteite wat in die algemeen vir die publiek en vir residensiële gebruike beskikbaar is.

(2) As deel van enige parkeerfasiliteit wat die publiek bedien, moet parkering vir persone met fisiese gestremdhede ooreenkomstig die volgende tabel, "Toeganklike parkering vir persone met fisiese gestremdhede", voorsien word.

**Toeganklike parkering vir persone met fisiese gestremdhede**

<b>Totale getal parkeerplekke</b>	<b>Vereiste aantal toeganklike parkeerplekke vir persone met fisiese gestremdhede</b>
1-50	1
51-100	2
101-150	3
151-200	4
Vir elke bykomende 100 parkeerplekke of gedeelte daarvan	1 bykomende parkeerplek

- (3) Parkering vir persone met fisiese gestremdhede moet aan die volgende vereistes voldoen:
- Parkeerplekke moet minstens 3,7 m breed en 5 m lank wees.
  - Parkering en toegangspaadjies moet gelyk wees.
  - Parkeerplekke moet so na as moontlik aan toeganklike gebou- of terreiningange geleë wees, en moet so geplaas word om gerieflike toegang tot randsteenopritte te voorsien.
  - Elke parkeerplek wat vir persone met fisiese gestremdhede bedoel is, moet op die parkeeroppervlak met die internasionale simbool vir toeganklikheid vir persone met gestremdhede gemerk word.
  - Die Stad kan aandrang op bykomende inligtingstekens wat aandui dat 'n parkeerplek vir uitsluitlike gebruik deur persone met fisiese gestremdhede bestem is.
  - Waar vyf of minder parkeerplekke voorsien word, moet ten minste een parkeerplek 4 m breed en afgemerk wees ten einde 'n parkeerruimte van 2,5 m en 'n toegangspaadjie van 1,5 m te voorsien, hoewel dié parkeerplek nie vir uitsluitlike gebruik deur persone met fisiese gestremdhede uitgehou hoef te word nie.
- (4) Parkering vir persone met fisiese gestremdhede moet as deel van die nakoming van terreinparkeervereistes gereken word.

#### **143 Motorfiets- en fietsparkeerplekke**

- (1) Die Stad kan vereis dat parkering vir motorfietse en fietse voorsien word.
- (2) Vir elke vier motorfiets- en ses fietsparkeerplekke wat voorsien word, kan 'n toegif van een parkeerplek as deel van die nakoming van die parkeervereistes gegee word, met dien verstande dat:
- die totale toegif nie 2,5% van die vereiste parkeerplekke oorskry nie;
  - die minimum afmeting van 'n motorfietsparkeerplek 2,2 m in lengte en 1 m in breedte moet wees; en
  - die minimum afmeting van 'n fietsparkeerplek 2 m in lengte en 0,6 m in breedte moet wees.
- (3) Inligtingstekens, toupale, rakke of ander toestelle vir die berging van fietse en motorfietse op die betrokke parkeerplekke moet aangebring word.

**144 Op-/aflaai**

(1) Tensy die Stad goedkeuring verleen het om hierdie vereiste te laat vaar, moet laaisones ooreenkomstig die tabel “Minimum laaisonevereistes op die terrein” voorsien word. Die Stad kan laaisonevereistes bepaal vir gebruike wat nie in die tabel verskyn nie.

**Minimum laaisonevereistes op die terrein**

Grondgebruik	Vloerruimte (m <sup>2</sup> )	Getal laaisones
Kantore	0 – 5 000	0
	5 001 – 15 000	1
	15 001 – 30 000	2
	Elke bykomende 30 000 of deel daarvan	1 bykomende sone
Sakepersele (buiten kantore, supermark), nywerheid	0 – 1 000	0
	1 001 – 2 500	1
	2 501 – 5 000	2
	5 001 – 10 000	3
	Elke bykomende 10 000 of deel daarvan	1 bykomende sone
Supermark	0 – 500	1
	501 – 1 000	2
	1 001 en groter	3 x vereiste in ry 2

(2) Die volgende minimum vereistes is van toepassing op laaisones:

- Die afmetings vir 'n laaisone is minstens 4,5 m x 10 m vir loodregte sones en 2,5 m x 12 m vir parallelle sones.
- Geen rybaankruising waartoe laaivoertuie toegang moet verkry, mag minder as 3 m breed wees nie, en geen gekombineerde ingang en uitgang mag minder as 6 m breed wees nie.
- Oordekte laaisones moet 'n minimum vrydeurryhoogte van 3,7 m hê.

**145 Vulliskamers**

Die Stad kan vir die doeleindes van vullisverwydering vereis dat 'n eienaar 'n vullisopgaarplek op 'n eiendom voorsien wat:

- groot genoeg is om die vullis wat op die eiendom voortgebring word vir 'n week te berg;
- langs 'n openbare straat geleë is of op 'n plek waartoe 'n vullisverwyderingsvoertuig voldoende toegang het;
- so ontwerp is dat dit argitektonies met die ander strukture op die eiendom versoenbaar is en ook die vullisdromme afskerm sodat dit nie vir die publiek sigbaar is nie; en
- voldoen aan enige voorwaarde of standaardvereistes wat die Stad met betrekking tot toegang, gesondheid, besoedelingsbeheer, veiligheid of estetika kan opleë.

**HOOFSTUK 16.: ONDERVERDELING VAN GROND**

(items 146 - 147)

**146 Veronderstelde goedkeuring van boulyn- en dekkingsafwykings**

Wanneer die Stad goedkeuring verleen vir die onderverdeling van 'n eiendom met een of meer bestaande goedgekeurde strukture ten einde verskillende strukture op aparte grondeenhede te vestig, sal daar veronderstel word dat die Stad ook sy goedkeuring verleen het vir enige boulyn- of dekkingsafwyking wat uit die onderverdeling spruit, met dien verstande dat toekomstige strukture aan die vereistes van hierdie ontwikkelingsbestuurskema moet voldoen.



### **147 Onderverdeling van 'n eiendom met vergunningsgebruikregte of 'n tydelike grondgebruikafwyking**

Indien 'n eiendom waarvoor 'n vergunningsgebruikreg of tydelike grondgebruikafwyking toegestaan is, agterna onderverdeel word, is die vergunningsgebruikreg of tydelike grondgebruikafwyking van toepassing op slegs een van die onderverdeelde gedeeltes, tensy die Stad anders bepaal by wyse van 'n goedkeuringsvoorwaarde vir die onderverdeling.

## **AFDELING IV: OORLEGSONERING** (items 148-191)

*Hierdie hoofstuk handel oor die prosedures vir die voorbereiding, aanvaarding, vervanging, wysiging of aanbeveling van oorlegsonerings, en sit die regstatus daarvan uiteen.*

### **HOOFSTUK 17.: ALGEMENE BEPALINGS IN VERBAND MET OORLEGSONERINGS** (items 148 - 152)

*Die algemene bepalinge is van toepassing op alle oorlegsonerings in hierdie afdeling.*

#### **148 Vereistes vir voorbereiding van 'n oorlegsonering**

- (1) In die voorbereiding van 'n oorlegsonering moet die volgende vereistes, na gelang van omstandighede, in ag geneem word:
  - (a) Die ontwikkelingsbeginsels wat in SPLUMA, die Ordonnansie en hierdie verordening vervat word
  - (b) Die Stad se beplanningsvisie en -beginsels wat in die geïntegreerde ontwikkelingsplan verskyn
  - (c) Gewenste stedelike vorm, wat insluit dog nie beperk is nie tot die ontwikkeling van openbare en privaat grond, infrastruktuurbelegging, benutting van ruimte, ruimtelike herstrukturering, ligging en aard van ontwikkeling, stedelike rand, uitsigpaaie, gebiede vir strategiese ingryping, en tempering van enige ontwikkelingsimpak
  - (d) Die beginsels wat in 'n goedgekeurde raamwerk vir ruimtelike ontwikkeling of beleidsplan uiteengesit word
  - (e) Omgewings-en-erfenisbeskerming en -bewaring
  - (f) Die beginsels van samewerkende regering sowel as die pligte en doelstellings van plaaslike regering soos wat die Wet op Munisipale Stelsels en die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal.
- (2) 'n Oorlegsonering mag nie afbreuk doen aan die Stad se vermoë om in die behoeftes van die munisipale gebied in die geheel te voorsien nie.

#### **149 Identifikasie en nommering**

By die aanvaarding van 'n oorlegsonering sal die Stad 'n unieke naam en nommer daarvoor goedkeur.

#### **150 Status van 'n oorlegsonering**

- (1) 'n Oorlegsonering is van toepassing op grond wat volgens 'n kennisgewing van die Stad in die *Provinsiale Koerant* oor sodanige oorlegsonering beskik.
- (2) Grond wat oor 'n oorlegsonering beskik, word gereguleer deur die bepalinge vir daardie oorlegsonering in hierdie ontwikkelingsbestuurskema ten opsigte van –
  - (a) algemene bepalinge;
  - (b) spesifieke bepalinge;
  - (c) gebruik van eiendom; en
  - (d) ontwikkelingsreëls.
- (3) 'n Oorlegsonering kan die ontwikkelingsreëls of gebruikregte met betrekking tot 'n gebied of grondeenheid wysig of kan nuwe ontwikkelingsreëls of gebruikregte bepaal.

(4) Die bepalings van 'n oorlegsonering kan meer beperkend óf meer toegeeflik as die bepalings van toepassing op die basissonering van die betrokke eiendom wees, of kan spesifieke ontwikkelingsreëls vir 'n spesifieke gebied of grondeenheid bepaal.

(5) Indien die bepalings van 'n oorlegsonering verskil van, of teenstrydig is met, die bepalings van die basissonering, sal die meer beperkende bepalings geld, tensy die betrokke oorlegsonering anders bepaal.

(6) Enige ontwikkelingsreëls in die oorlegsonering wat die beperkings van die basissonering oorskry of méér beperkend is, sal as goedgekeurde afwykings van die bepalings van die basissonering beskou word.

(7) Die Stad kan afwykings van die ontwikkelingsreëls of beperkings of bepalings van enige oorlegsonering toestaan deur die prosedures vir afwyking in hierdie verordening te volg.

(8) Die oorlegsonering kan algemene bepalings of spesifieke bepalings bevat en die aanwysing moet aandui watter bepalings op 'n grondeenheid, gebied of op die stad van toepassing is.

(9) Die bepalings van meer as een oorlegsonering kan op 'n grondeenheid of gebied van toepassing wees.

### **151 Ontwikkelingsreëls**

(1) Die ontwikkelingsreëls kan oor die algemeen van toepassing wees op alle grondeenhede wat oor die spesifieke oorlegsonering beskik, of spesifieke reëls kan vir spesifieke grondeenhede geld.

(2) Die Stad kan op eie inisiatief die ontwikkelingsreëls vir 'n oorlegsonering wysig, vervang of skrap deur hierdie ontwikkelingsbestuurskema te wysig.

(3) Die volledige bepalings van 'n oorlegsonering moet in pas wees met 'n beleidsplan en die geïntegreerde ontwikkelingsplan wat die Stad goedgekeur het.

### **152 Proses om 'n grondeenheid, gebied of die stad vir oorlegsonering aan te wys**

(1) Nadat dit 'n kennisgewingsprosedure gevolg het wat in artikel 81 van hierdie verordening beoog word en die besware, kommentaar of verhoë wat ontvang is, oorweeg het, kan die Stad 'n grondeenheid, gebied of die stad vir 'n spesifieke oorlegsonering aanwys.

(2) Voordat die Stad 'n grondeenheid, gebied of die stad as sodanig aanwys, moet die Stad oorweging skenk aan enige goedgekeurde beleidsplan wat met die spesifieke oorlegsonering verband hou.

## **HOOFSTUK 18.: OORLEGSONERINGS WAT MET SPESIFIEKE ONTWIKKELINGSVOORSKRIFTE GEPAARDGAAN** (items 153 - 154)

*Die SAO-sonering wys grond vir toekomstige onderverdeling mét ontwikkelingsregte aan deur ontwikkelingsvoorskrifte aan die hand van spesifieke voorwaardes ingevolge hierdie verordening te voorsien. Die SAO-sonering aanvaar die beginsel van die ontwikkeling en toekomstige onderverdeling van grond, dog nog nie die uitvoerige uitleg nie. Dít word eers bepaal wanneer 'n werklike aansoek om onderverdeling goedgekeur word. Die SAO-sonering doen nie afbreuk aan hersonering tot onderverdelingsgebied ingevolge hierdie verordening nie, maar gee uitvoering aan sodanige voorskrifte deur die bepalings van hierdie ontwikkelingsbestuurskema. Die SAO-sonering kan in samehang met die meganisme van spesiale beplanningsgebiede gebruik word, of nie.*

### **153 Gebruik van die eiendom: Onderverdelingsgebiedoorlegsonering**

Die volgende gebruiksbepelings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is dié wat in die goedkeuringsvoorwaardes kragtens hierdie verordening neergelê word.
- (b) Bykomende gebruike is dié wat in die goedkeuringsvoorwaardes kragtens hierdie verordening sowel as item 154(4) neergelê word.

- (c) Vergunningsgebruike is dié wat in die goedkeuringsvoorwaardes kragtens hierdie verordening neergelê word.

#### **154 Ontwikkelingsreëls: Onderverdelingsgebiedoorlegsonering**

- (1) Grond wat as onderverdelingsgebied gesoneer is, kan aan die hand van hierdie verordening onderverdeel word.
- (2) Goedkeuringsvoorwaardes vir hersonering tot onderverdelingsgebied moet onder meer die volgende in ag neem:
- (a) Die vereistes van 'n toepaslike struktuurplan of raamwerk vir ruimtelike ontwikkeling soos wat artikel 3 van hierdie verordening beoog
  - (b) Impakstudies met betrekking tot die omgewing, erfenishulpbronne, vervoer of gevaarlike aanlegte
  - (c) Hoofvervoerroetes
  - (d) Hoofgrondgebruike en die omvang daarvan
  - (e) Fisiese ontwikkelingsbeperkings of -geleenthede
  - (f) Die voorsiening van dienste
  - (g) Massa-infrastruktuur
  - (h) Ontwikkelingsdigtheid
  - (i) Vloerruimtebeperkings
  - (j) Oopruimtevereistes
  - (k) Die vereistes van staatsorgane
- (3) Die goedkeuringsvoorwaardes wat met die hersonering van die eiendom tot onderverdelingsgebied ingevolge hierdie verordening opgelê word, is van toepassing.
- (4) Enige bestaande gebruik of ontwikkeling op 'n eiendom wat regmatig is ten tyde van die hersonering van die eiendom tot onderverdelingsgebied kan voortduur solank die onderverdelingsgebiedsonering behoue bly, met dien verstande dat:
- (a) die Stad bykomende gebruike en uitbreidings op die bestaande regmatige ontwikkeling kan goedkeur indien dit die bestaande regmatige gebruike aanvul; en
  - (b) sodra 'n onderverdeling bevestig word, alle toekomstige ontwikkeling op die betrokke onderverdeling aan die ontwikkelingsreëls van die basissonering op die bevestigde grondeenhede, enige oorlegsonerings wat dalk van toepassing kan wees, sowel as enige voorwaardes ingevolge hierdie verordening sal voldoen.

### **HOOFSTUK 19.: OORLEGSONERINGS WAT MET STRATEGIESE ONTWIKKELINGSVOORSKRIFTE GEPAARDGAAN** (items 155 - 158)

#### ***Deel 1: Aansporingsoorlegsonering ("ICO")*** (items 155 - 156)

*Die ICO bied 'n meganisme vir die bepaling van ontwikkelingsaansporingsmaatreëls vir grond ten einde ontwikkelingsprioriteite en -strategieë te bevorder soos wat die Stad se goedgekeurde geïntegreerde ontwikkelingsplan of ruimtelike planne bepaal. Die ontwikkelingsaansporingsmaatreëls kan insluit, dog is nie beperk nie tot, aansporings of toegewings met betrekking tot parkering, hoogte, vloerruimte, dekking en digtheid. Sodanige aansporings kan 'n verhoging in vloerruimte of digtheid behels wat andersins ingevolge hierdie ontwikkelingsbestuurskema toegelaat word.*

#### **155 Algemene bepaling: Aansporingsoorlegsonering**

Hierdie oorlegsonering het geen algemene bepaling nie.

#### **156 Spesifieke bepaling: Aansporingsoorlegsonering**

Hierdie oorlegsonering het geen spesifieke bepaling nie.

## **Deel 2: Digtheidsoorlegsonering ("DO")** (items 157 - 158)

*Die DO bied 'n meganisme vir die bepaling van ontwikkelingsdigtheidsmaatreëls vir grond ten einde die ontwikkelingsprioriteite en -strategieë in die Stad se goedgekeurde geïntegreerde ontwikkelingsplan of ruimtelike planne te bevorder. Die ontwikkelingsdigtheidsmaatreëls kan insluit die bepaling van spesifieke minimum of maksimum ontwikkelingsdigthede (soos erfgrottes), gedagtig aan die beskikbaarheid van infrastruktuur of die gebrek aan beskikbare infrastruktuur, sowel as aansporingsmaatreëls om ontwikkelingsprioriteite en -strategieë aan te moedig en te ondersteun.*

### **157 Algemene bepaling: Digtheidsoorlegsonering**

Hierdie oorlegsonering het geen algemene bepaling nie.

### **158 Spesifieke bepaling: Koeberg-beperkingsgebiedoorlegsonering**

(1) In hierdie item beteken:

- (a) **'dringendebeskeringsaksiesone (UPZ)'** grond binne 'n omtrek van 16 km vanaf 'n punt wat deur die koördinate  $X = -52727,4000$  en  $Y = -3727966,6500$  in WGS84 transversale Mercatorprojeksie aangedui word, maar wat die voorsorgaksiesone (PAZ) uitsluit;
- (b) **'ontwikkelingsaansoek'** enige bouwerk of aanwending van grond of enige aansoek by 'n bevoegde owerheid om bykomende of nuwe regte ingevolge beplanningswetgewing of die soneringskema regulasies buiten dié wat reeds ingevolge die ontwikkelingsbestuurskema toegestaan is, en wat hetsy die tydelike of permanente bevolking binne die voorsorgaksiesone (PAZ) of dringendebeskeringsaksiesone (UPZ) laat toeneem en/of die doeltreffende implementering van die Koebergkernkragnoodplan in gevaar kan stel; en
- (c) **'voorsorgaksiesoneringsone (PAZ)'** grond binne 'n omtrek van 5 km vanaf 'n punt wat deur die koördinate  $X = -52727,4000$  en  $Y = -3727966,6500$  in WGS84 transversale Mercatorprojeksie aangedui word.

(2) In die voorsorgaksiesone (PAZ):

- (a) word geen ontwikkelingsaansoek toegelaat nie, behalwe ontwikkeling deur die Koebergkernkragoperateur wat aanvullend is tot die plasing, ontwerp, bou, bedryf en uitdiensstelling van die Koebergkernkragssentrale ingevolge die bedryfslisensie daarvan;
- (b) met dien verstande dat grondeienaars, onderworpe aan goedkeuring deur die bevoegde owerheid, bykomende of nuwe regte kan uitoefen wat nie aanleiding sal gee tot enige tydelike of permanente bevolkingsgroei nie, en waar die bevoegde owerheid tevrede is dat die vereiste rampbestuurinfrastruktuur vir die doeltreffende inwerkingstelling van die goedgekeurde verkeersontruimingsplan én verwante ramprisikobestuursprosedures voldoende is.

(3) In die dringendebeskeringsaksiesone (UPZ):

- (a) word ontwikkeling slegs toegelaat met die goedkeuring van die bevoegde owerheid waar sodanige owerheid tevrede is dat die vereiste rampbestuurinfrastruktuur vir die doeltreffende inwerkingstelling van die goedgekeurde verkeersontruimingsplan én verwante ramprisikobestuursprosedures voldoende is;
- (b) met dien verstande dat grondeienaars, onderworpe aan goedkeuring deur die bevoegde owerheid, bykomende of nuwe regte kan uitoefen wat nie aanleiding sal gee tot tydelike of permanente bevolkingsgroei nie; en
- (c) met dien verstande dat in die oorweging van ontwikkelingsaansoeke om goedkeuring ingevolge paragraaf (a) hierbo, oorweging geskenk sal word aan die volgende:
  - (i) Geskatte bestaande bevolking en beoogde bevolkingsgroei in die UPZ as gevolg van die voorgestelde ontwikkeling

- (ii) Impak van die beoogde bevolkingsgroei op die doeltreffende implementering van die Koebergkernkragnoodplan en die goedgekeurde verkeersontruimingsplan
- (iii) Vermoë van rampbestuurinfrastruktuur om met betrekking tot die beoogde bevolkingsgroei aan die vereistes van die Koebergkernkragnoodplan te voldoen
- (iv) Enige ander oorweging wat as toepaslik beskou word en wat die potensiaal het om die doeltreffende implementering van die Koebergkernkragnoodplan te benadeel.

## **HOOFSTUK 20.: OORLEGSONERINGS VIR SPESIFIEKE BESTUURSMEGANISMES** (items 159 - 191)

*Hierdie oorlegsonerings bied meganismes vir die bepaling van hetsy stadswye of plaaslike ontwikkelingsbestuursreëls, benewens die bepalings van 'n basissonering, om spesifieke kwessies te hanteer. Hierdie oorlegsonerings behoort toegepas te word om die Stad se beplanningsbeginsels, -mikpunte, -doelwitte en -strategieë te bevorder wat dalk in die goedgekeurde geïntegreerde ontwikkelingsplan, strategieë van die geïntegreerde metropolitaanse omgewingsbeleid of ruimtelike planne bepaal word.*

### **Deel 1: Erfenisbewaringsoorlegsonering ("HPO")** (items 159 - 164)

*Die HPO maak voorsiening vir die beskerming van erfenisplekke wat in die provinsiale erfenishulpbronowerheid se erfenisregister verskyn, en vir die beskerming van erfenisgebiede waarvoor die Nasionale Wet op Erfenishulpbronne voorsiening maak. Dit bied ook 'n meganisme vir die beskerming van erfenisplekke wat die Stad ingevolge sy erfenisstrategieë as bewarenswaardig ag. Die HPO maak dit moontlik om sodanige erfenisplekke en erfenisgebiede op die soneringskaart aan te wys.*

#### **159 Veronderstelde erfenisbewaringsoorlegsonerings**

Die volgende erfenisplekke word as erfenisbewaringsoorlegsones beskou en is onderworpe aan die bepalings van hierdie oorlegsonering:

- (a) Enige erfenisplek wat in die register van erfenishulpbronne verskyn wat die provinsiale erfenishulpbronowerheid ooreenkomstig die Nasionale Wet op Erfenishulpbronne byhou
- (b) Enige erfenisplek wat ooreenkomstig die Nasionale Wet op Erfenishulpbronne as 'n erfenisgebied aangewys is

#### **160 Gebruik van die eiendom: Erfenisbewaringsoorlegsonering**

Die volgende grondgebruikbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is soos wat die basissonering bepaal.
- (b) Bykomende gebruikregte is soos wat die basissonering bepaal.
- (c) Vergunningsgebruike is soos wat die basissonering bepaal, of enige gebruik wat die Stad as 'n aansporing ingevolge item 161(1) goedkeur.

#### **161 Ontwikkelingsreëls: Erfenisbewaringsoorlegsonering**

(1) Die Stad kan enige gebruik as 'n vergunningsgebruik in hierdie oorlegsonering goedkeur, met dien verstande dat:

- (a) die betrokke gebruik in ooreenstemming is met gebruike wat die Stad se goedgekeurde erfenisbestuursplan as toepaslik bepaal, ten einde die eienaar aan te spoor om die erfenishulpbron te bewaar, en
- (b) die Stad die staking van die vergunningsgebruik kan vereis indien die erfenisplek wat by wyse van die erfenisbewaringsoorlegsonering beskerm word, nie in stand gehou en bewaar word ooreenkomstig die voorwaardes wat die Stad se goedgekeurde erfenisbestuursplan vir die eiendom voorskryf of waarvoor die Stad

en die eienaar ooreengekom het nie, in welke geval artikel 127 van hierdie verordening van toepassing sal wees.

- (2) Enige ontwikkelingsreëls ingevolge 'n goedgekeurde erfenisbewaringsoorlegsonering wat die beperkings van 'n basissonering oorskry of méér beperkend is, sal as goedgekeurde afwykings van die bepaling van die basissonering beskou word.

### **162 Algemene bepaling: Erfenisbewaringsoorlegsonering**

- (1) Tensy vrystelling bekom is, vereis die volgende aktiwiteite met 'n impak op 'n plek of gebied wat as 'n erfenisbewaringsoorlegsonering beskerm word, die goedkeuring van die Stad:

- (a) Enige verandering, wat insluit enige handeling wat die struktuur, voorkoms of fisiese eienskappe van 'n erfenisplek beïnvloed, hetsy deur strukturele of ander werk, verwerk, pleisterwerk of ander versiering, of op enige ander wyse
- (b) Enige ontwikkeling, wat insluit enige fisiese ingryping, uitgraving of handeling buiten dié wat deur natuurkragte veroorsaak word, wat op enige manier aanleiding gee tot 'n verandering in die voorkoms of fisiese aard van 'n erfenisplek, of die stabiliteit en toekomstige welstand daarvan beïnvloed, wat insluit –
  - (i) bouwerk, aanpassing, sloping, verwydering of verandering in die gebruik van 'n erfenisplek of 'n struktuur by 'n erfenisplek;
  - (ii) die uitvoer van enige werk op, oor of onder 'n erfenisplek;
  - (iii) onderverdeling of konsolidasie van grond wat deel uitmaak van 'n erfenisplek, wat die strukture of lugruimte van 'n erfenisplek insluit;
  - (iv) enige verandering aan die natuurlike of bestaande toestand of topografie van grond; en
  - (v) enige permanente verwydering of vernietiging van bome, of verwydering van plantegroei of bogrond.
- (c) Byvoeging van enige nuwe struktuur
- (d) Gedeeltelike sloping van 'n struktuur
- (e) Verandering aan of verwydering van enige historiese landskap of enige landskapkenmerk, wat insluit grenslanings en volwasse aanplantings, of die byvoeging, verwydering of verandering van harde landskapoppervlakke, straatmeubels of tekens
- (f) Enige ondergrondse uitgraving.

- (2) Die Stad kan 'n spesifieke aktiwiteit of lys aktiwiteite in 'n geografiese gebied wat as 'n erfenisbewaringsoorlegsone beskerm word, uitsluit van die vereistes van subitem (1).

### **163 Spesifieke bepaling: Erfenisbewaringsoorlegsonering**

- (1) Die Stad kan spesifieke voorskrifte toepas op 'n erfenisplek of erfenisgebied wat as 'n erfenisbewaringsoorlegsone bewaar word, wat bykomend tot of as alternatief vir die algemene bepaling in item 162 kan wees, mits dit met grondgebruik en ontwikkelingsreëls verband hou en aangeteken word in 'n erfenisbestuursplan wat die Stad ingevolge hierdie verordening goedgekeur het.

- (2) Die Stad moet die eienaar(s) van die erfenisplek of -gebied raadpleeg voordat spesifieke bepaling ingestel word met betrekking tot die plek of gebied wat as erfenisbewaringsoorlegsone beskerm word.

### **164 Oorweging van aansoeke**

- (1) Wat betref 'n aansoek om goedkeuring van 'n aktiwiteit waarna item 162 of 163 verwys, kan die Stad enige inligting van 'n aansoeker vereis wat as nodig beskou word om 'n ingeligte besluit met betrekking tot die aansoek moontlik te maak, wat onder andere kan insluit
- (a) besonderhede van die aktiwiteite waarom aansoek gedoen word;
  - (b) 'n verklaring van belang of 'n erfenisverklaring;
  - (c) 'n verklaring van die bewaringsbeleid met betrekking tot die voorgestelde werk wat uitgevoer sal word;



- (d) 'n opgawe met aantekeninge van die erfenisplek of dele van die erfenisplek wat deur die aktiwiteite beïnvloed sal word;
  - (e) erfenis- en historiese navorsing; en
  - (f) foto's.
- (2) By die oorweging van 'n aansoek waarna item 162(1) verwys, moet die Stad die impak van sodanige aktiwiteit op die belang van die betrokke erfenisplek of -gebied in ag neem.
- (3) By die goedkeuring van 'n aansoek waarna item 162(1) verwys, kan die Stad voorwaardes opleë wat dit as toepaslik vir die beskerming en verbetering van die erfenisplek of -gebied beskou, wat onder andere insluit voorwaardes met betrekking tot:
- (a) vereistes vir buiteontwerp;
  - (b) gebruik van materiale en afwerkings;
  - (c) erfenisbestuursplanne;
  - (d) herwinning of hergebruik van materiale;
  - (e) verklaring van werkswyse; en
  - (f) tydraamwerke waarbinne goedgekeurde werk gereed of afgehandel moet wees.
- (4) Goedkeuring vir 'n aktiwiteit in 'n erfenisbewaringsoorlegsonering waarna item 162(1) verwys, onthef nie 'n aansoeker of eienaar daarvan om ander vereiste goedkeurings te bekom nie.

## **Deel 2: Omgewingsbestuursoorlegsonering ("EMO")**

### **(items 165 - 168)**

*Die EMO maak voorsiening vir die beskerming en bestuur van die spesiale natuurlike en omgewingskenmerke van omgewings sensitiewe plekke en gebiede, of plekke en gebiede wat ooreenkomstig die Stad se omgewingsbestuursraamwerke as bewarenswaardig beskou word, om te verseker dat ontwikkeling sensitief op dié kenmerke reageer en dat impakte getemper word, en om volhoubare ontwikkeling tot voordeel van die algemene publiek, onder meer toeriste, te bevorder. Die EMO maak dit ook moontlik om sodanige omgewings sensitiewe plekke of gebiede op die soneringskaart aan te wys.*

### **165 Ontwikkelingsreëls: Omgewingsbestuursoorlegsonering**

Die Stad kan enige gepaste gebruik as 'n vergunningsgebruik in hierdie oorlegsonering goedkeur, met dien verstande dat:

- (a) die Stad die betrokke gebruik as wenslik of geregverdig beskou ten einde die eienaar aan te spoor om die omgewingshulpbron te bewaar, en
- (b) die Stad die staking van die vergunningsgebruik kan vereis indien die omgewingshulpbron nie tot die Stad se bevrediging na behore in stand gehou en beskerm word nie, in welke geval artikel 127 van hierdie verordening sal geld.

### **166 Algemene bepalinge: Omgewingsbestuursoorlegsonering**

- (1) Tensy vrystelling bekom is, vereis die volgende aktiwiteite met 'n impak op 'n gebied wat deur 'n omgewingsbestuursoorlegsonering beskerm word, die goedkeuring van die Stad:
- (a) Enige verandering in grondgebruik wat uit 'n aansoek ingevolge hierdie verordening spruit
  - (b) Enige onderverdeling
  - (c) Die byvoeging van enige nuwe struktuur wat ingevolge die Nasionale Bouwet bouplangoedkeuring vereis
  - (d) Die verwydering van inheemse plantegroei of die skoonmaak van 'n terrein, of die afkap, snoei, top of ander beskadiging van enige boom wat óf hoër as 6 m óf meer as 500 mm in deursnee is, buiten die verwydering van gevaarlike takke of bona fide-snoeiery
  - (e) Enige ondergrondse uitgraving of verandering aan waterlope
- (2) Aktiwiteite wat van goedkeuring ingevolge subitem (1) vrygestel is, sluit die volgende in:
- (a) Verwydering van uitheemse indringerplantegroei
  - (b) Roetinegebou-instandhouding en -herstel

- (c) Enige ander aktiwiteit wat die Stad spesifiek vrygestel het
- (3) Benewens subitem (2), kan die Stad enige ander aktiwiteit of lys aktiwiteite in 'n geografiese gebied wat as 'n omgewingsbestuursoorlegsone beskerm word, van die vereistes van subitem (1) vrystel.

#### **167 Spesifieke bepalings: Omgewingsbestuursoorlegsonering**

- (1) Die Stad kan spesifieke voorskrifte benewens of as alternatief vir die algemene voorskrifte in item 166 op 'n omgewingsbestuursoorlegsone toepas, mits dit met grondgebruik en ontwikkelingsreëls verband hou en aangeteken word in 'n omgewingsterrein- of aktiwiteitsbestuursplan wat die Stad ingevolge hierdie ontwikkelingsbestuurskema goedgekeur het.
- (2) Die Stad moet die eienaar(s) van die grond of gebied wat deur 'n omgewingsbestuursoorlegsone geraak word, raadpleeg voordat spesifieke voorskrifte met betrekking tot 'n omgewingsbestuursoorlegsonering ingestel word.

#### **168 Oorweging van aansoeke**

- (1) Wat betref 'n aansoek om die goedkeuring van 'n aktiwiteit waarna item 166(1) verwys, kan die Stad enige inligting van 'n aansoeker vereis wat nodig beskou word om 'n ingeligte besluit met betrekking tot die aansoek moontlik te maak, wat onder andere kan insluit:
- (a) verklarings van belang;
  - (b) omgewing-, botaniese of ander oudit- of navorsingsinligting; en
  - (c) foto's.
- (2) By die goedkeuring van 'n aansoek waarna item 166(1) verwys, kan die Stad enige voorwaarde opleë wat dit as toepaslik beskou vir die beskerming en verbetering van die gebied wat deur 'n omgewingsbestuursoorlegsonering beskerm word, wat onder andere insluit voorwaardes met betrekking tot:
- (a) vereistes vir buiteontwerp;
  - (b) gebruik van materiale en afwerkings;
  - (c) omgewingsterrein- of aktiwiteitsbestuursplanne;
  - (d) herwinning of hergebruik van materiale; en
  - (e) verklarings van werkswyse.
- (3) Goedkeuring vir 'n aktiwiteit in 'n omgewingsbestuursoorlegsone waarna item 166(1) verwys, onthef nie 'n aansoeker of eienaar daarvan om ander vereiste goedkeurings te bekom nie.

### ***Deel 3: Stedelikerandoorlegsonering ("UEO")*** *(items 169 - 170)*

*Die UEO-sonering rig ontwikkeling in die stedelikerandgebied ten einde 'n sensitiewe oorgang tussen stedelike en landelike of bewaringsgebiede te bewerkstellig, om stadskruip te beperk, en om waardevolle natuurlike en landbouhulpbronne te beskerm wat aan stedelike ontwikkeling grens.*

#### **169 Ontwikkelingsreëls: Stedelikerandoorlegsonering**

Hierdie oorlegsonering het geen algemene bepalings nie.

#### **170 Spesifieke bepalings: Stedelikerandoorlegsonering**

Hierdie oorlegsonering het geen spesifieke bepalings nie.

### ***Deel 4: Uitsigpadoorlegsonering ("SDO")*** *(items 171 - 172)*

*Die SDO-sonering beskerm die natuurlike en kulturele landskap langs belangrike toeriste- en vervoerroetes en verdiep die uitsigervaring van reisigers op dié roetes en bevorder die toerismepotensiaal van die stad.*

### 171 Algemene bepalings: Uitsigpadoorlegsonering

(1) Buiten soos wat subitem (3) bepaal, mag niks hetsy permanent of tydelik gebou, opgerig, geïnstalleer of geplaas word op grond wat:

- (a) aan die onderkant van 'n uitsigpad grens; of
- (b) grens aan enige grond (onder meer enige straat) wat Stadseiendom is of waarvan eienaarskap by die Stad berus en wat aan die onderkant van 'n uitsigpad grens,

sodat dit bo die vlak van die naaste punt op die aangrensende voetpad van sodanige uitsigpad of, waar geen sodanige voetpad bestaan nie, bo die hoogste punt van die aangrensende padoppervlak uitsteek nie.

(2) Die vloer of grondvlak van enige voertuigparkeergebied op grond waarna subitem (1)(a) of (1)(b) verwys, moet 2 m of meer onder die vlak van die naaste punt op die voetpad van die uitsigpad of, waar geen sodanige voetpad bestaan nie, onder die hoogste punt van die aangrensende padoppervlak wees.

(3) Omheining, traliwerk, hekke en soortgelyke strukture wat:

- (a) nie op enige punt 'n maksimum hoogte van 1,2 m bo die naaste punt op die voetpad van sodanige uitsigpad of, waar sodanige voetpad nie bestaan nie, die hoogste punt van die aangrensende padoppervlak, oorskry nie; of
- (b) oor 'n visueel deursigtige ontwerp tot die Stad se bevrediging beskik,

kan, ooreenkomstig planne wat die Stad goedkeur, bo die vlak van die naaste punt op die voetpad van sodanige uitsigpad of, waar geen sodanige voetpad bestaan nie, bo die hoogste punt van die aangrensende padoppervlak opgerig word.

### 172 Spesifieke bepaling: Victoriaweg, Clifton

Geen gebou mag op enige terrein wat aan Victoriaweg, Clifton, grens aan die bokant van die straat opgerig word indien sodanige gebou meer as 13 m bo die straatvlak van Victoriaweg op punte oorkant sodanige gebou uitsteek nie.

### **Deel 5: Plaaslikegebiedoorlegsonering ("LAO")** (items 173 - 191)

*Die LAO-sonering bied die Stad die geleentheid om spesifieke plaaslike ontwikkelingsmaatreëls toe te pas wat plaaslike omstandighede weerspieël. Die LAO-sonering kan aan die Stad meganismes bied om plaaslike bepalings neer te lê vir die aansporing van ontwikkeling ter ondersteuning van die plaaslike ekonomie, of spesiale bestuursbepalings om toepaslike ontwikkeling in antwoord op plaaslike, kulturele, stedelike-ontwerp- of landskapomstandighede aan te moedig. Dit is belangrik om die LAO-sonering te erken as 'n instrument wat die Stad in belang van die hele stad kan toepas, en plaaslike belange moet dus met die belang van die algemene gemeenskap gebalanseer word.*

### 173 Algemene bepalings: Plaaslikegebiedoorlegsonering

Hierdie oorlegsonering het geen algemene bepalings nie.

### 174 Spesifieke bepalings: Plaaslike gebied Strand-seekant ("LAO/1")

(1) Die gebied wat op plan LAO/1 verskyn, is onderworpe aan die bepalings in hierdie item.  
(2) Voordat enige aansoek ingevolge hierdie verordening of die Nasionale Bouwet oorweeg word:

- (a) moet die aansoeker die Stad van 'n landmetersertifikaat voorsien wat aantoon waar enige voorspelde styging in die seevlak die eiendom sal beïnvloed; en
- (b) kan die Stad in reaksie op 'n voorspelde styging in die seevlak vereis dat::
  - (i) daar aan 'n spesifieke straat- of gemeenskaplikegrensboulyn voldoen word; of
  - (ii) die voltooide vloervlak van 'n gebou gelig word.

(3) Op versoek van die aansoeker moet die Stad enige toepaslike inligting waaroor dit beskik, beskikbaar stel, ten einde nakoming van subitem (2) moontlik te maak.

**175 Spesifieke bepalings: Plaaslike gebied Gordonsbaai ("LAO/10")**

- (1) Die gebied wat op plan LAO/10 verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) Geen gebou op 'n eiendom wat as enkelresidensiële sone 1 (SR1) gesoneer en onder 'n pad geleë is, mag 'n hoogte van 4 m bo die hoogste punt van die aangrensende padoppervlak, gemeet tot by die bopunt van die dak van sodanige gebou, oorskry nie.
- (3) Geen gebou op 'n eiendom wat as enkelresidensiële sone 1 (SR1) gesoneer en bo 'n pad geleë is, mag 'n hoogte van 4 m bo die hoogste punt van die grond langs die gemeenskaplike grens daarvan oorskry nie.
- (4) Waar 'n eiendom aan meer as een kant deur 'n pad begrens word, of waar albei kante van die pad op dieselfde kontoervlak is, sal die Stad bepaal of subitem (2) of (3) óf slegs die beperkings in die basissonering moet geld.
- (5) Bostaande beperkings is slegs van toepassing waar dit méér beperkend is as die ontwikkelingsreëls wat in die basissonering uiteengesit word.

**176 Spesifieke bepalings: Plaaslike gebied Harfield Village ("LAO/2")**

- (1) Die gebied wat op plan LAO/2 verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) In hierdie item beteken:
  - (a) **'dakkamervenster'** 'n regop venster onder 'n gewel wat van 'n skuins dak uitgebou is;
  - (b) **'fasade'** 'n hoofinsluitingsmuur van 'n gebou, buiten 'n muur van 'n interne binnehof; en
  - (c) **'straatgrensmuur of -heining'** enige struktuur wat op of naby 'n straatgrens opgerig is met die doel om sodanige grens aan te toon, maar sluit dit enige aanplanting soos 'n laning langs die grens of op die betrokke struktuur, of 'n buitegebou uit.
- (3) Die maksimum hoogte van 'n gebou, gemeet vanaf die basisvlak tot by die muurplaat, is 6 m, en 8 m tot by die bopunt van die dak.
- (4) Alle dakke in nuwe ontwikkelings moet spitsdakke met hellings van tussen 35° en 42° wees.
- (5) Geen punt op enige gebou mag nader as 1 m aan enige straatgrens opgerig word nie.
- (6) Die gemeenskaplikegrensterugsette wat hierdie ontwikkelingsbestuurskema bepaal, is van toepassing op alle woonhuise, tweede wonings, groepsbehuising, woonstelblokke, residensiële geboue, of buitegeboue van enige van die voormelde.
- (7) Die dekkingsbepalings van hierdie ontwikkelingsbestuurskema is van toepassing op alle woonhuise, tweede wonings, groepsbehuising en woonstelblokke of buitegeboue op enige terrein van kleiner as 350 m<sup>2</sup>. Toelaatbare dekking vir al bogenoemde geboue op alle terreine groter as 350 m<sup>2</sup> is 65%.
- (8) Enige voorgestelde parkering of voertuigbergingsareas, sowel as die toegang daartoe, moet op bouplanne verskyn wat by die Stad ingedien word, en die Stad het die reg om sodanige planne goed of af te keur. Hierdie parkering of voertuigbergingsareas moet:
  - (a) nie voor die voorfasade van die hoofwoning op 'n grondeenheid geplaas word nie;
  - (b) ondergeskik wees aan die hoofwoning, met fronte wat nie 3 m in breedte oorskry nie;
  - (c) nie hoër wees as 3,3 m óf die dakrandlyn van die hoofgebou nie, wat ook al die laagste is; en
  - (d) geen dubbelmotorhuisdeure hê nie.
- (9) Geen persoon mag enige straatgrensmuur of -heining oprig sonder die voorafgoedkeuring van die Stad nie, en sodanige straatgrensmuur of -heining moet aan die volgende bepalings voldoen:
  - (a) 'n Visueel ondeursigtige straatgrensmuur of -heining, wat 'n soliede baksteenmuur insluit, mag nie 1,5 m in hoogte oorskry nie.
  - (b) Baksteenpilare of visueel deursigtige houtlatte, traliwerk of soortgelyke strukture mag nie 2,1 m in hoogte oorskry nie, met dien verstande dat die Stad die reg sal hê om op 'n hoogte van minder as 2,1 m aan te dring indien sodanige laer hoogte

na die Stad se mening vir estetiese of veiligheidsredes óf tot voordeel van die publiek vereis word.

- (c) Vir die doeleindes van paragraaf (a) en (b) moet die hoogte van sodanige straatgrensmuur of -heining gemeet word vanaf die vlak van die voetpad wat direk aan die muur of heining grens.

(10) Geen persoon mag enige volwasse boom of laning afkap, ontwortel of tot die vernietiging daarvan aanleiding gee sonder die voorafgoedkeuring van die Stad nie.

#### **177 Spesifieke bepalings: Plaaslike gebied Constantia–Tokai (“LAO/3”)**

- (1) Die gebied wat op plan LAO/3 verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) Geen onderverdeling van grond wat as enkelresidensiële sone 1 (SR1) gesoneer is, word toegelaat met 'n erfgrötte kleiner as die minimum erfgrötte wat plan LAO/3 bepaal nie.

#### **178 Spesifieke bepalings: Plaaslike gebied St James–Clovelly (“LAO/6”)**

- (1) Die gebied wat op plan LAO/6 verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) Geen gebou wat op enige grondeenheid in die gebied opgerig word, mag meer as twee verdiepings hoog wees nie.
- (3) Die toegelate vloerfaktor in enige plaaslike of algemene sakesone in die gebied is 0,8.
- (4) Met die uitsondering van die eiendom wat as ‘die privaat hotel Chartfield’, die privaat hotel Strathmore’ en ‘Sea Breezes’ bekend is, is dit toelaatbaar om 'n hotel op die terrein van enige bestaande hotel op te rig in die gedeelte van die gebied wat so omskryf en op plan LAO/6 aangetoon word, ten spyte daarvan dat sodanige terrein in 'n enkelresidensiële sonering (SR1) val.
- (5) Waar 'n hotel ooreenkomstig die bepalings van subitem (4) opgerig word, is die volgende bepalings van toepassing:
  - (a) Onderworpe aan die bepalings van subitem (2) en (3), word daar aanvaar dat die grondeenheid van sodanige hotel onderworpe is aan dieselfde ontwikkelingsreëls wat vir algemene residensiële sonering: subsonering 4 (GR4) geld.
  - (b) Grond wat nie deel is van sodanige grondeenheid nie, maar wat daaraan grens, kan by sodanige grondeenheid bygevoeg word, en enige bygevoegde grond sal as deel van sodanige grondeenheid beskou word.
- (6) Die volgende voorwaardes is van toepassing op subitem (5)(b):
  - (a) Geen grond mag so bygevoeg word indien:
    - (i) die werklike vloerruimte van die bestaande hotel op die bestaande grondeenheid minder is as die toegelate vloerruimte vir sodanige grondeenheid nie; en
    - (ii) die bestaande grondeenheid groot genoeg is om voorsiening te maak vir genoegsame onoordekte parkeerplek ingevolge hoofstuk 15 in soverre dit op 'n hotel van toepassing is nie.
  - (b) Geen verdere grond mag so bygevoeg word buiten die minimum vereiste hoeveelheid om:
    - (i) die toegelate vloerruimte op sodanige grondeenheid met die werklike vloerruimte van die bestaande hotel gelyk te stel nie; en
    - (ii) voldoende parking soos wat hierbo beskryf word, te voorsien nie.
  - (c) Vir die doeleindes van paragraaf (a) en (b), sluit ‘hotel’ alle buitegeboue van 'n hotel in.

#### **179 Spesifieke bepalings: Grond bokant Boyesrylaan, Kalkbaai (“LAO/7”)**

- (1) Die gebied wat op plan LAO/7 verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) In die gebied wat op plan LAO/7 verskyn, mag geen gebou op enige grondeenheid opgerig en geen grondeenheid onderverdeel word nie, tensy:
  - (a) die eienaar van sodanige grondeenheid die Stad tevrede gestel het dat sodanige oprigting of onderverdeling wenslik is, dat die voorsiening van 'n bevredigende padstelsel ooreenkomstig die Stad se standaard vir diensvoorsiening moontlik is, en dat die koste vir die voorsiening en instandhouding van noodsaaklike dienste nie buitensporig sal wees nie; of



- (b) daar voorgestel word dat 'n gebou opgerig word op 'n grondeenheid wat aan Boyesrylaan grens, in welke geval daar aanvaar moet word dat sodanige grondeenheid onderworpe is aan die bepalings van enkelresidensiële sonering 1: konvensionele behuising (SR1).

#### **180 Spesifieke bepalings: Marina Da Gama-uitbreiding 1, 2 & 4 ("LAO/8")**

- (1) Die gebied wat op plan LAO/8 verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) In hierdie item beteken '**Marina da Gama-huiseienaarsvereniging**' (voorheen die Eastlake-vereniging) 'n vereniging van eienaars van eiendomme in Marina da Gama-uitbreiding 1, 2 en 4 ingevolge die titelvoorwaardes van toepassing op sodanige eiendomme.
- (3) Die volgende spesiale bepalings is van toepassing op Marina Da Gama-uitbreiding 1, 2 en 4:
- (a) Voordat enige gebou opgerig mag word, moet die persoon wat voornemens is om sodanige gebou op te rig by die Stad bouplanne indien wat ooreenkomstig die Nasionale Bouwet geteken is en wat die onmiddellik beoogde ontwikkeling aantoon, sowel as die uiteindelijke totale beoogde ontwikkeling van die grondeenheid waarop sodanige gebou opgerig sal word.
  - (b) Sodanige bouplanne moet die aard en kleur van alle dakbedekkings aantoon, sowel as die aard, kleur en afwerking van alle buitemure van geboue, vrystaande mure en heinings, en die plasing van alle voorgestelde heinings, dreineerkanale, mangate en ander strukture (buiten geboue) in verhouding tot die grense van die grondeenheid waarop die gebou opgerig sal word.
  - (c) Voordat sodanige bouplanne by die Stad ingedien word, moet dit vir kommentaar aan die Marina Da Gama-huiseienaarsvereniging voorgelê word, welke vereniging sy skriftelike kommentaar binne 30 dae aan die Stad moet voorsien. Indien die vereniging in gebreke bly om dit te doen, sal die Stad die planne vir oorweging aanvaar.
  - (d) Voordat dit die aansoek beslis, moet die Stad enige kommentaar van die Marina Da Gama-huiseienaarsvereniging met betrekking tot sodanige bouplan oorweeg, welke kommentaar op skrif moet wees en saam met sodanige bouplanaansoek by die Stad ingedien moet word.
  - (e) Buiten met die skriftelike goedkeuring van die Stad, mag geen verbouing, aanbouing, herbouing, opknapping, hernuwing, oprig van heinings of ander werk (buiten werk in 'n gebou) en geen verskil van of verandering in kleure of buitemateriaal van enige gebou of enige vrystaande muur of heining wat op die goedgekeurde bouplan aangetoon word, onderneem of gemaak word nie.
  - (f) Benewens paragraaf (a) tot (e), is die volgende bepalings van toepassing op die gebied:
    - (i) 'n Gebou wat 'n groepshuis is of 'n groep woonhuise mag twee verdiepings in hoogte oorskry, maar nie drie verdiepings nie.
    - (ii) Parkering en voertuigbergingsareas vir sakegesoneerde eiendomme moet ooreenkomstig die bepalings van hoofstuk 15 van hierdie ontwikkelingsbestuurskema op die grondeenheid van elke gebou voorsien word, met dien verstande dat, nieteenstaande die bepalings van die genoemde hoofstuk, daar op elke sodanige grondeenheid 'n parkeer gebied voorsien sal word wat bestaan uit nie minder nie as:
      - (aa) een parkeerplek vir elke 20 m<sup>2</sup> van die werklike vloerruimte van alle winkels wat daarop opgerig is; en
      - (bb) een parkeerplek vir elke 30 m<sup>2</sup> van die werklike vloerruimte van alle sakegeboue wat daarop opgerig is.

#### **181 Spesifieke bepalings: Plaaslike gebied Houtbaai ("LAO/11")**

- (1) Die gebied wat op plan LAO/11 verskyn, is onderworpe aan die bepalings in hierdie item.



(2) Geen onderverdeling van grond wat as enkelresidensiële sone 1 (SR1) gesoneer is, word toegelaat met 'n erfgrootte kleiner as die minimum erfgrootte wat plan LAO/11 bepaal nie.

**182 Spesifieke bepalings: Plaaslike gebied Noordhoek ("LAO/12")**

- (1) Die gebied wat op plan LAO/12 verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) Geen onderverdeling van grond wat as enkelresidensiële sone 1 (SR1) gesoneer is, word toegelaat met 'n erfgrootte kleiner as die minimum erfgrootte wat plan LAO/12 bepaal nie.

**183 Spesifieke bepalings: Plaaslike gebied Muizenberg ("LOA/13")**

- (1) Die gebied wat op plan LAO/13(i) verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) Alle eiendomme in hierdie gebied wat as enkelresidensiële sonering 1 (SR1) gesoneer is, het die bykomende gebruikreg van 'n tweede woning, onderworpe aan die voorwaardes wat in item 53 van die ontwikkelingsbestuurskema gelys word.

**184 Spesifieke bepalings: Plaaslike gebied Llandudno ("LAO/14")**

- (1) Die gebied wat op plan LAO/14 verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) Ten einde die bestaande grondvlak te bepaal vir die vasstelling van die hoogtebeperking in subitem (3), sal die topografiese kaarte wat die voormalige Kaapse Afdelingsraad in Mei 1981 uitgereik het, naamlik velle 6064A, 6064B, 6164B en 6165A, gebruik word. In geval van enige geskille, bepaal die Stad die bestaande grondvlak vir die doeleindes van die toepassing van hierdie ontwikkelingsbestuurskema.
- (3) Geen deel van enige gebou of struktuur op 'n eiendom wat as enkelresidensiële sonering 1 (SR1) gesoneer is, mag hoër as 8 m gebou word bo enige punt op die bestaande grondvlak wat subitem (2) bepaal nie.
- (4) Nieteenstaande subitem (3), word gedeeltes van spitsdakke bo 'n vlak halfpad tussen die dakrand en die bopunt van die dak nie by die hoogtebepaling ingesluit nie, mits die helling van die dak 20° oorskry.

**185 Spesifieke bepalings: Hele Kaapstad-sakekern ("LAO/4")**

- (1) Die gebied wat op plan LAO/4 verskyn, word die Kaapstad-sakekerngebied genoem en is onderworpe aan die bepalings in hierdie item.
- (2) Die volgende bepalings is van toepassing op die hele Kaapstad-sakekerngebied, soos dit op plan LAO/4 verskyn:
- (a) Buiten in geval van diensstasies, is die bepalings van item 137, 138, 139, 142, 143 en 144 van die ontwikkelingsbestuurskema (met betrekking tot parkeer- en laaiverreistes) nie van toepassing nie.
  - (b) Nieteenstaande die bepalings van die ontwikkelingsbestuurskema met betrekking tot vloerfaktor:
    - (i) is grond wat as GB7 of MU3 gesoneer is, onderworpe aan die vloerfaktor wat plan LAO/4 vir die betrokke grondeenheid bepaal, tensy daar geen sodanige spesifikasie is nie, in welke geval die bepalings van die ontwikkelingsbestuurskema geld;
    - (ii) kan die vloerfaktor van voormelde grond met 30% verhoog word, mits ten minste 30% van die gebouvloerruimte as woonstelle in gebruik bly.
  - (c) Nieteenstaande die bepalings van die ontwikkelingsbestuurskema met betrekking tot hoogte en boulyne, is grond wat as MU3 gesoneer is, met 'n vloerfaktor van 6,8 of meer, onderworpe aan dieselfde hoogte- en boulynvereistes as vir GB7.
  - (d) Waar daar voorgestel word dat 'n hotel met ten minste 30 gastekamers opgerig word:
    - (i) word die volgende gedeeltes van sodanige hotel buite rekening gelaat by die berekening van die totale vloerruimte vir die gebou:
      - (aa) Vertrekke wat inwoners en gaste as eetkamers, banketsale, kroëë, restaurante, danssale, speletjies- en sportkamers, kroegsitkamers, sitkamers, leeskamers, skryfkamers en konferensiekamers gebruik

- (bb) Openbare voorportale en areas wat openbare of gemeenskaplike stoepe uitmaak, en verandas, balkonne, terrasse of sondekke wat hotelinwoners of -gaste gebruik
- (cc) Barbierwinkels, haarsalonne, bloemiste en soortgelyke winkels in die hotel vir uitsluitlike gebruik deur hotelinwoners
- (dd) Kantore wat deel uitmaak van die hotelperseel en wat uitsluitlik vir die administrasie en bestuur van die hotel gebruik word
- (ee) Kombuise, waskombuise, wasserye en soortgelyke dienstefasiliteite wat deel uitmaak van die hotelperseel
- (ff) Stoorkamers aanvullend tot die hotel
- (gg) Personeelkwartiere aanvullend tot die hotel, wat insluit gange, trappe en ander toegangsweë in sodanige personeelkwartiere, bykomstige kombuise, eetkamers, ontspanningskamers, wasserye en ander sodanige kamers vir uitsluitlike gebruik deur personeel
- (ii) word enige vertrek wat nie spesifiek in subparagraaf (i) genoem word nie, by die berekening van die vloerruimte van die gebou ingesluit; en
- (iii) indien 'n vertrek na die Stad se mening hoofsaaklik vir die gebruik van persone buiten hotelinwoners, personeel of besoekers gebruik word, word sodanige vertrek ook ingesluit by die berekening van die vloerruimte van die gebou, ten spyte daarvan dat subparagraaf (1) dalk daarna verwys.
- (e) Die straatmiddellynterugset is nie van toepassing op grond wat vir algemene sake, algemene residensiële doeleindes of gemengde gebruik gesoneer is nie.
- (f) Buiten met die goedkeuring van die Stad, mag geen parkeerplekke op die grondvloer (eerste verdieping) of tweedeverdiepingvlak van die grondeenheid, hetsy buite of binne 'n gebou, nader as 10 m aan die straatgrens wees nie, ten einde die aantreklikheid op straatvlak te verhoog.

#### **186 Spesifieke bepalings: Subgebied St George-straat**

- (1) Die bepalings in hierdie item is van toepassing op die subgebied St George-straat, soos dit op plan LAO/4(i)-(iii) verskyn.
- (2) Waar daar voorgestel word dat 'n gebou of gedeelte van 'n gebou opgerig word, moet die eienaar 'n konteksplan met tekeninge vir goedkeuring aan die Stad voorlê wat:
  - (a) uitvoerige aansigte toon van alle straatfasades, wat insluit alle bevenstering, balkonne, suilegange, baldakyn, tekens en versierings, die materiale wat gebruik sal word, sowel as die kleur, afwerking en tekstuur van sodanige materiale; en
  - (b) die verwantskap toon tussen die betrokke gebou en aanliggende geboue of gedeeltes daarvan wat betref fasadeversiering, die verdeling van vertikale en horisontale elemente, straatmuurhoogte en bondeling.
- (3) Buiten met die goedkeuring van die Stad, mag glas wat algemeen as 'spieëlglas' bekend is, nie in die fasade van enige gebou gebruik word nie.
- (4) Die gebruik van die grondverdiepinggedeelte van 'n gebou wat binne 10 m van enige straatgrens geleë is, mag nie verander word nie, ongeag of sodanige verandering die oprigting van 'n gebou behels, tensy:
  - (a) 'n terreinontwikkelingsplan ingedien is wat die voorgestelde aanwending van sodanige gedeelte, die uitleg van die voetgangerareas daarin en die toegangspunte daartoe aantoon; en
  - (b) die Stad sodanige terreinontwikkelingsplan goedgekeur het.
- (5) Buiten met die goedkeuring van die Stad, moet enige nuwe gebou wat op 'n straat uitkyk 'n uitsteeksel oor die straat insluit, wat bestaan uit 'n suilegang, baldakyn, balkon, sonskerm of soortgelyke oorhoofse struktuur vir beskerming teen die weer, tot die bevrediging van die Stad.
- (6) Buiten met die goedkeuring van die Stad, moet ten minste 75% van die breedte van enige nuwe gebou wat op 'n straat uitkyk, direk op sodanige straatgrens tot en met 'n hoogte van 25 m bo die gemiddelde straatvlak van sodanige grens opgerig word.
- (7) Nieteenstaande die bepalings van die ontwikkelingsbestuurskema met betrekking tot boulyne, mag geen punt op enige gebou uitsteek verby 'n denkbeeldige vlak wat teen 'n hoek van Stad Kaapstad Verordening op Munisipale Beplanning, 2015

50° terugstrek van 'n denkbeeldige horisontale lyn bo die St George-straatgrens nie, welke lyn 25 m bo die gemiddelde vlak van die straatrand op daardie grens moet wees.

### 187 Spesifieke bepalings: Subgebied Roggebaai

(1) Die bepalings in hierdie item is van toepassing op die subgebied Roggebaai, soos dit op plan LAO/4 verskyn.

(2) Vir die doeleindes van hierdie item, geld die volgende woordskrywings:

- (a) **'Bokant'** van 'n fasade beteken die bokant van 'n geutplank, of die borand van die borswering, of sodanige ander posisie wat die Stad met inagneming van die bedoeling van hierdie item kan voorskryf.
- (b) **'Boubeperkingslyn'** beteken 'n lyn op plan LAO/4 wat 'n interne grens tussen twee of meer gedeeltes van 'n erf aantoon waarop verskillende hoogtebepalings van toepassing is.
- (c) **'Dakverdieping'** beteken 'n bykomende verdieping wat bokant die vaste hoogte van 'n fasade toegelaat kan word, onderworpe aan die voorwaardes wat hieronder uiteengesit word.
- (d) **'Fasade'** van 'n gebou of gedeelte van 'n gebou beteken 'n hoofinsluitingsmuur van sodanige gebou of gedeelte daarvan, buiten 'n muur van 'n interne binnehof, wat enige uitsteeksels oor die straat uitsluit.
- (e) **'Hoogte'**, met betrekking tot 'n gebou, beteken die hoogte bo 'n uitgangslyn van 4,57 m bo die laagwatermerk by gewone springgety in Tafelbaai, of die gelykstaande 3,89 m bo gemiddelde seevlak, op grond van die hoogtebaken wat die Stad in Roggebaai gevestig het, en het 'vaste hoogte' 'n ooreenstemmende betekenis.
- (f) **'Hoogtesone'** beteken daardie gedeelte van 'n erf wat deur boubeperkingslyne of terreingrense of albei begrens word, en waarop 'n spesifieke vaste hoogte van toepassing is.
- (g) **'Vaste hoogte'** van 'n fasade van 'n gebou beteken 'n presiese hoogte wat vir alle punte aan die bokant van sodanige fasade bereik word en nie oorskry mag word nie.

(3) Waar 'n gebou opgerig word op 'n eiendom wat op plan LAO/4 met die verwysing 'FH' verskyn, is die vaste hoogte van elke fasade vir elke gedeelte van sodanige gebou die toepaslike hoogte wat op sodanige plan aangetoon en in die volgende tabel getiteld "Vaste hoogte van fasades" bepaal word:

**Vaste hoogte van fasades**

Erfnommer	Vaste hoogte van fasade (FH)
85, 86, 110, 112, 113, 114, 115, 116, 117, 128, 129, 130, 131, 132, 134, 171 & 252	36,58 m

(4) Nieteenstaande subitem (3), kan die Stad die oprigting van watertenks, lugversorgingsinstallasies, transformatorkamers, stoorkamers, opsigterskwartiere of ander strukture toelaat bo die vlak wat deur die vaste hoogte van die fasade bepaal word, met dien verstande dat:

- (a) 'n dakverdieping bo sodanige vlak opgerig word; en
- (b) die dakverdieping aan die volgende voorwaardes voldoen:
  - (i) Die hoogte van elke punt van die dak van die dakverdieping bo die vlak wat deur die vaste hoogte van die fasade bepaal word, mag nie minder as 2,24 m of meer as 3,96 m wees nie, en geen gebou, struktuur of enige gedeelte van sodanige gebou of struktuur mag bo die vlak van die dakverdieping uitsteek nie, buiten masjienkamers wat vir die hysbakstelsel van die gebou vereis word.
  - (ii) Waar 'n dakverdieping op enige aangrensende eiendom opgerig is, moet die hoogte van die voorgestelde dakverdieping saamval met die hoogte op die aangrensende eiendom.

- (iii) Die dak van die dakverdieping moet die hele oppervlakte van die gebou onder sodanige verdieping bedek, behalwe enige interne ligskagareas in sodanige gebou.
  - (iv) Die vloer van sodanige dakverdieping mag nie bo die vlak wees wat deur die vaste hoogte van die fasade van die gebou bepaal word nie.
  - (v) Die buitemure van die dakverdieping moet vir 'n afstand van 2,44 m teruggeset wees van alle grense van die eiendom, buiten dat geen terugset vereis word in geval van 'n gemeenskaplike grens waar die dakverdieping 'n gebou begrens met 'n vaste fasadehoogte gelyk aan, of groter as, die gebou waarop sodanige dakverdieping opgerig word nie.
  - (vi) Die ruimte binne die buitemure en die dak van die dakverdieping, en slégs sodanige ruimte, mag gebruik word vir watertenks, lugversorgingsinstallasies, transformatorkamers, stoorkamers, opsigterskwartiere, vensterskoonmaak- en soortgelyke installasies en toerusting.
  - (vii) Die dakverdieping mag nie deur die hoofhysbakstelsel van die gebou bedien word nie.
- (5) Nieteenstaande die bepalings van subitems (3) en (4), kan die Stad toelaat dat kenmerke soos vlagpale en radio- of televisielugdrade uitsteek bo die vlak wat deur die vaste hoogte van die fasade bepaal word, onderworpe aan sodanige voorwaardes wat die Stad kan opla.
- (6) Waar 'n gebou op 'n eiendom opgerig word wat op plan LAO/4 met die verwysing H verskyn, moet die maksimum hoogte van elke fasade vir elke gedeelte van sodanige gebou die toepaslike hoogte wees wat op sodanige plan verskyn en in die volgende tabel getiteld "Maksimum hoogte van fasades" bepaal word:

**Maksimum hoogte van fasades**

<b>Erfnommer</b>	<b>Maksimum hoogte van fasade (H)</b>
144	44 m
147	89 m
156	37 m
161 & 162	38 m
166	76 m en 14 m
169	46 m
205	38 m
206 & 207	42 m en 17 m

- (7) Waar 'n eiendom nie 'n vaste hoogtevereiste of 'n maksimum hoogtegrens het soos wat die tabel hierbo toon nie, is die hoogtebeperking van die toepaslike basissonering in die ontwikkelingsbestuurskema van toepassing.
- (8) Nieteenstaande die bepalings van die ontwikkelingsbestuurskema, is die vloerfaktor van enige gebou wat vir algemene sake of gemengde gebruik gesoneer is, onbeperk, en sal die maksimum vloer ruimte deur die vaste of maksimum toegelate hoogte vir die gebou bepaal word.
- (9) Nieteenstaande die bepalings van die ontwikkelingsbestuurskema, is die boulyne wat vir algemene sake of gemengde gebruik voorgeskryf word, nie van toepassing nie.
- (10) 'n Gebou op 'n erf wat in die volgende tabel getiteld "Serwituutbepalings" verskyn, moet voldoen en onderworpe wees aan die bepalings en serwituut wat die tabel vir die betrokke erf bepaal:

**Serwituutbepalings**

<b>Kategorie</b>	<b>Erfnommer</b>	<b>Aard van serwituut</b>
A	85, 86, 108, 109, 110, 112, 113, 114, 115, 116, 128, 129, 149 & 150	Hierdie eiendomme is geregtig op 'n serwituut van uitbreiding en projeksie op die restant van Roggebaai.

Kategorie	Erfnommer	Aard van serwituut
B	169	Hierdie eiendom is geregtig op 'n serwituut van uitbreiding en projeksie op die restant van Roggebaai.
C	7, 42, 46, 48, 148 & 171	Hierdie eiendomme is geregtig op 'n serwituut van uitbreiding en projeksie op die restant van Roggebaai.
D	170	<p>Hierdie eiendom is onderworpe aan 'n serwituut ten gunste van die Stad en die publiek vir voetgangerdeurlope en ondergrondse dienste oor gebiede wat as 'serwituutgebiede' op die tersaaklike diagramme verskyn, op die volgende voorwaardes.</p> <ul style="list-style-type: none"> <li>• Geen gebou wat opgerig word, mag op enige manier inmeng met die vryelike gebruik van sodanige voetgangerdeurlope en ondergrondse diensgebiede nie, en geen deel van genoemde gebou mag sonder die skriftelike goedkeuring van die Stad oor dié gebiede uitsteek nie, met dien verstande dat ondersteuningskolomme tot die bevrediging van die Stad opgerig kan word.</li> <li>• Onderworpe aan bostaande bepaling en nakoming van bouregulasies, mag die eindpunte van voetgangerdeurlope vir klimaats- en sekuriteitsbeheerdoeleindes met geglasuurde skerms en deure omsluit word, onderworpe aan die Stad se goedkeuring.</li> </ul>
E	163 & 164	Hierdie erwe is onderworpe aan 'n serwituut vir voetgangerdeurlope en ondergrondse dienste oor die gebiede wat as 'serwituutgebiede' op die tersaaklike diagramme aangetoon word. 'n Voetgangerdeurloop moet tot bevrediging van die Stad voorsien word waarvan die vloervlak gelyk is met die aangrensende sypaadjie ingeval dit die sypaadjie begrens, en waarvan die dak op geen punt laer as 3,66 m bo sodanige vloervlak mag wees nie, tot die Stad se bevrediging.
F	157	Hierdie erf is onderworpe aan 'n serwituut vir 'n voetgangerdeurloop oor die gebied wat as 'serwituutgebied' op die tersaaklike plan aangetoon word. Die gebou wat op die eiendom opgerig word, moet van 'n hoogte van 4 m bo die uitgangslyn (wat 3,89 m bo gemiddelde seevlak is) tot die volle toegelate hoogte van die gebou oor die genoemde serwituutgebied uitstrek.
G	166 & 167	<p>Vir enige geboue wat op hierdie erwe opgerig word, word 'n terugset op grondvlak vereis om te voldoen aan die boubeperkingslyn wat op die tersaaklike diagram aangetoon word, en is daardie gedeelte van die perseel wat tussen die perseelgrense en boubeperkingslyne geleë is, onderworpe aan 'n serwituut op die volgende voorwaardes:</p> <ul style="list-style-type: none"> <li>• Die serwituut moet 'n deurgangsreg ten gunste van die algemene publiek en die Stad bly, en sal te alle tye reg op toegang voorsien.</li> <li>• Die vloer van sodanige voetgangerdeurloop moet op dieselfde vlak wees as die aangrensende sypaadjie waar dit die sypaadjie begrens, of op sodanige vlak wat die Stad goedkeur, en die dak mag op geen punt laer as 3,66 m bo sodanige vloervlak wees nie.</li> <li>• Die serwituutgebied bly die eiendom van die eienaars of opvolgers in titel, en mag op geen tydstip as die Stad se eiendom beskou word nie.</li> <li>• 'n Gebou wat op erf 166 opgerig word, moet deur kolomme op al vier kante op die buitegrens van die serwituutgebied ondersteun word om 'n suilegang tot die bevrediging van die Stad te vorm.</li> <li>• 'n Soortgelyke suilegang kan op die Roggebaaiplein-kant van erf 167 opgerig word.</li> </ul>

Kategorie	Erfnommer	Aard van servituut
H	146	Geen gebou of struktuur buiten 'n voetgangerdeurloop en 'n baldakyn oor sodanige deurloop, kelderparkering, kelderinkopieruimtes, kelderberging en kelderlaaifasiliteite mag sonder die skriftelike goedkeuring van die Stad opgerig word in die gebied wat as 'n voetgangerdeurloop gemerk en as sodanig op die tersaaklike diagram aangetoon word nie.
I	144, 146 & 147	Voertuigtoegang tot elk van hierdie erwe mag slegs vanaf Sauerstraat langs die servituutryvlak volgens die tersaaklike diagramme geskied, en ingeval een of meer van hierdie eiendomme apart verkoop word, is die nodige servitute van toepassing soos wat die transportakte beskryf.

(11) Waar 'n eiendom onderworpe is aan die servituutbepalings in kategorie A in bostaande tabel getiteld "Servituutbepalings", moet die eerste, tweede en derde verdiepings van 'n gebou op sodanige eiendom oor die straat- en openbareplekgrense uitsteek om 'n voetgangerdeurloop ooreenkomstig die volgende bepaling te skep:

- Die omvang en hoogte van die uitsteeksel moet voldoen aan die afmetings wat die uitvoerige tekeninge TPX 7773/1 tot 7773/3 aantoon, met verkleinings daarvan op plan LAO/4(i)-(iii).
- Die uitsteeksels moet met behulp van silindriese of poligonale kolomme, elk met 'n algehele deursnee van 508 mm, ondersteun word wat ooreenkomstig die afmetings op genoemde tekeninge gespasieer moet word.
- Die ontwerp en besonderhede van die uitsteeksels en van alle materiale en afwerkings moet in alle opsigte aan die spesifikasies op genoemde tekeninge voldoen.
- Alle kenmerke van die uitsteeksels, wat die voegwerk van materiale insluit, moet tot die bevrediging van die Stad inpas by die ooreenstemmende kenmerke van bestaande aanliggende eiendomme.
- Die dakke van die uitsteeksels moet gelyk wees oor die hele oppervlakte daarvan, buiten enige daling wat vir dreineringsdoeleindes nodig kan wees.

(12) Waar 'n eiendom onderworpe is aan die servituutvoorwaardes van kategorie B in bostaande tabel getiteld "Servituutbepalings", moet die hele gebou by en bo die eerste verdieping oor die openbareplekgrense uitsteek om 'n voetgangerdeurloop te skep ooreenkomstig die bepaling in subitem (11)(a) tot (11)(e), soos wat subitem (10) bepaal.

(13) Waar 'n eiendom onderworpe is aan die servituutvoorwaardes van kategorie A, B of C in bostaande tabel getiteld "Servituutbepalings", mag geen kelder onder die servituutgebied toegelaat word nie, buiten met die goedkeuring van die Stad en onderworpe aan sodanige voorwaardes wat die Stad kan opleë.

(14) Waar 'n eiendom onderworpe is aan die servituutvoorwaardes van kategorie D, E, F of G in bostaande tabel getiteld "Servituutbepalings", moet die eienaar van die eiendom die gedeelte van die eiendom waarop die servituut van toepassing is, plavei en in stand hou tot die bevrediging van die Stad wat betref materiale, vlakke en ander voorwaardes wat die Stad kan opleë.

(15) Die minimum vryhoogte van enige voetgangerdeurloop is 3,66 m, en 7 m vir enige voertuigdeurgang, en sodanige vryhoogte word gemeet vanaf die hoogste punt van die afgewerkte voetpad of straatvlak in sodanige deurloop of deurgang.

### 188 Spesifieke bepaling: Gebied Bakoven, Clifton en Glen Beach-bungalow ("LAO/5")

(1) Die bepaling in hierdie item is van toepassing op die gebied Bakoven, Clifton en Glen Beach-bungalow, soos dit op plan LAO/5(i) en (ii) verskyn.

(2) In hierdie item beteken:

- 'belat' 'n samestelling uit parallelle vertikale stroke met 'n breedte wat nie 150 mm oorskry nie;
- 'die gebied Bakoven, Clifton en Glen Beach-bungalow' die gebied soos wat plan LAO/5(i) en (ii) aantoon;



- (c) '**droogwerf**' enige ingeslote, onbedekte oppervlakte van nie groter as 20 m<sup>2</sup> nie;
  - (d) '**geriffel**' die tekstuur wat deur middel van afwisselende rûe en trôe gevorm word sodat:
    - (i) die vertikale afstand tussen die hoogste punte op die rûe en die laagste punte in die trôe nie 40 mm oorskry nie; en
    - (ii) die horisontale afstand tussen die sentrale as van die trôe en rûe nie 95 mm oorskry nie;
  - (e) '**grensplantegroei**' enige plantegroei wat op of binne 2 m van enige terreingrens groei;
  - (f) '**maksimum ontwikkelingsomvang**' die parameters van die driedimensionele diagram wat op plan TPZ 11246/1 tot en met TPZ 11246/103, TPZ 11731/1 tot en met TPZ 11731/58, en TPZ 11730/1 tot en met TPZ 11730/14 verskyn, maar sluit dit enige oorskryding uit wat op sodanige plan aangetoon word;
  - (g) '**oorslag**' 'n samestelling uit horisontaal oorvleuelende stroke wat nie 'n breedte van 150 mm oorskry nie;
  - (h) '**plantegroei**', sonder om die gewone betekenis daarvan te beperk, onder meer ook enige heiningplant of -struik.
  - (i) '**sertifikaat**', vir die doeleindes van subitem (k), 'n skriftelike verklaring wat onderteken is deur of namens die hoof van die tersaaklike diensdepartement, wat uiteensit watter grensplantegroei of bome beskadig, mee gepeuter of verwyder is, sowel as die koste om dit met soortgelyke plantegroei te vervang;
  - (j) '**spitspale**' 'n samestelling uit parallelle vertikale stroke met 'n breedte wat nie 100 mm oorskry nie, en 'n maksimum spasiëring van 75 mm; en
  - (k) '**tekens**' enige teken wat 'n naam of enige inligting hoegenaamd uitbeeld.
- (3) Die volgende bepalings is van toepassing op die gebied Bakoven, Clifton en Glen Beach-bungalow, soos dit op plan LAO/45(i) verskyn:
- (a) Geen punt op enige struktuur wat op 'n grondeenheid opgerig is of opgerig sal word, mag by die maksimum ontwikkelingsomvang verbysteek of -strek nie.
  - (b) Alle buitemure van enige geboue wat op 'n grondeenheid opgerig word, moet 'n afgewerkte voorkoms van oorslag- of belatte hout hê, of moet geriffel wees.
  - (c) Alle dakafwerkings moet geriffel wees, behalwe waar die Stad 'n leiklipafwerking goedkeur, en die minimum helling van sodanige dakke is 15°, behalwe waar dít verhoed word deur die grense van die maksimum ontwikkelingsomvang.
  - (d) Alle vrystaande heinings:
    - (i) moet belat of van spitspale wees; en
    - (ii) mag hoogstens 1,25 m hoog wees, behalwe in die geval van die omheining van 'n droogwerf, wat tot 'n maksimum hoogte van 2,1 m opgerig mag word.
  - (e) Enige vrystaande muur:
    - (i) moet gepleisterde, kleurgeverfde baksteenmesselwerk wees; en
    - (ii) mag hoogstens 1,25 m hoog wees.
  - (f) Geen droogwerf mag nader as 3 m aan enige grens wees wat 'n grondeenheid van enige openbare deurgang of openbare oop ruimte of straat skei nie.
  - (g) Geen buite-grondkeermuur mag 1,25 m in hoogte oorskry nie.
  - (h) Geen dakligte, niebaksteenskoorstene, sonwaterverhitters, satellietskottels of enige ander voorwerp mag sonder die Stad se goedkeuring in, op of bo die dak van enige gebou of op enige ander plek op 'n terrein geplaas word nie.
  - (i) Geen teken mag sonder die vooraf- skriftelike goedkeuring van die Stad op 'n terrein vertoon word nie.
  - (j) Geen persoon mag sonder die skriftelike goedkeuring van die Stad 'n volwasse boom of heining afkap, ontwortel of tot die vernietiging daarvan aanleiding gee nie.
  - (k) Ingeval enige grensplantegroei of boom beskadig, mee gepeuter of verwyder word, kan die Stad sodanige grensplantegroei of boom op die betrokke terreineienaar se onkoste vervang, in welke geval 'n sertifikaat wat deur die Stadsbestuurder onderteken is die finale bewys van sodanige skade, peutery of verwydering sowel as die vervangingskoste daarvan uitmaak.

- (l) Geen buiteglasmuurwerk buiten die deursigtige of mat soort mag in enige gebou op 'n terrein aangebring word nie.

### 189 Spesifieke bepalings: Plaaslike gebied Victoriaweg, Clifton ("LAO/5(ii)")

- (1) Die bepalings in hierdie item is van toepassing op die Clifton-gebied aan die onderkant van Victoriaweg, soos dit op plan LAO/5(iii) verskyn.
- (2) Elke hoof- en buitegebou wat op 'n terrein in hierdie gebied opgerig word, moet aan die volgende bepalings voldoen:
- (a) Buiten soos wat hierná bepaal word, mag geen hoof- of buitegebou so opgerig word dat enige punt op sodanige gebou of buitegebou nader aan die grens van 'n terrein is as die afstand wat in die volgende tabel getiteld "Vereiste boulynterugset in Victoriaweg, Clifton" bepaal word nie:

**Vereiste boulynterugset in Victoriaweg, Clifton**

Grens	Vereiste terugset vir punte op 'n gebou
Straat	4,5 m
Seekant	'n Derde van die gemiddelde diepte van die terrein vanaf die straatgrens tot by die seekantgrens
Ander grense	6 m of 0,5H, wat ook al die mees beperkende is

- (b) In die toepassing van die voorafgaande tabel, buiten soos wat hierná bepaal word, is die volgende voorskrifte van toepassing:
- (i) Die simbool 'H' beteken die hoogte in meter van die betrokke punt.
- (ii) Die term 'terugset', met betrekking tot 'n bepaalde grens en 'n spesifieke gebou of 'n punt op 'n gebou, beteken 'n minimum afstand in meter wat sodanige gebou of punt (na gelang van die geval) van sodanige grens geleë moet wees.
- (iii) Waar bostaande tabel getiteld "Vereiste boulynterugset in Victoriaweg, Clifton" twee alternatiewe terugsette vir 'n spesifieke punt of gebou voorskryf, is die grootste van sodanige terugsette van toepassing.
- (c) Elke verdieping onder die grondverdieping, buiten 'n verdieping geheel en al onder die grondvlak, word vir die doeleindes van hierdie item as die grondverdieping beskou.
- (d) Die breedte van 'n hoofgebou, wanneer dit parallel met Victoriaweg gemeet word, mag nie die helfte van die totaal van die straatfronte van sodanige terrein oorskry nie.
- (e) Van ten minste een van die twee punte waar die sygrense van 'n grondeenheid by die straatgrens aansluit, moet dit moontlik wees om teen 'n hoek van 25° 'n reguit lyn oor sodanige grondeenheid tot by 'n sygrens te trek, sodat geen gebou of struktuur tussen sodanige lyn en die sygrens opgerig word nie.
- (f) Geen gebou op sodanige grondeenheid, buiten 'n gebou wat nie meer as 18 m vanaf die straatgrens is, mag 13 m in hoogte oorskry nie.

### 190 Spesifieke bepalings: Plaaslike gebied Kampsbaai en Bakoven ("LAO/9")

- (1) Die gebied wat op plan LAO/9(i) verskyn, is onderworpe aan die bepalings in hierdie item.
- (2) Geen gebou in die gebied Kampsbaai en Bakoven mag drie verdiepings in hoogte oorskry nie.
- (3) Geen punt op die fasade van enige gebou in die gebied Kampsbaai en Bakoven mag meer as 10 m wees bo die vlak van die grond wat direk onder sodanige punt aan die fasade grens nie.
- (4) Vir die doeleindes van subitem (3) beteken 'fasade' 'n hoofinsluitingsmuur van 'n gebou, buiten 'n muur van 'n interne binnehof.
- (5) Binne die gebied wat op plan LAO/9(ii) verskyn, nieteenstaande die bepalings van subitems (2) tot (4), mag:
- (a) geen gebou twee verdiepings in hoogte oorskry nie; en

- (b) geen punt op enige struktuur hoër as 6 m bo die bestaande grondvlak direk onder sodanige punt wees nie.

**191 Spesifieke bepalings: Plaaslike gebied Tuine, Tamboerskloof, Groenpunt, Bantrybaai en Kampsbaai/Bakoven ("LAO/13(ii)")**

- (1) Die gebied wat op plan LAO/13(ii) verskyn, is onderworpe aan die bepalings in hierdie item.  
 (2) Alle eiendomme in hierdie gebied wat as enkelresidensiële sone 1 (SR1) gesoneer is, het die bykomende gebruikreg van 'n tweede woning, onderworpe aan die voorwaardes wat in item 53 van die ontwikkelingsbestuurskema gelys word.

**AFDELING V: BYLAES  
 HOOFSTUK 21.: BYLAES  
 BYLAE A**

**LYS VAN SPESIALE GEBRUIKE INGEVOLGE ITEM 15**

Naam van spesiale gebruik	Omskrywing van spesiale gebruik	Verwysingsnommer (indien van toepassing)
<b>Infrastruktuur vir geïntegreerde snelvervoer (GSV)</b>  Van toepassing op 'Vervoersonering 1: Vervoergebruik (TR1)' en 'Vervoersonering 2: Openbare pad en openbare parkering (TR2)'. Slegs in die TR2-sonering vereis die Stad dat 'n terreinontwikkelingsplan ingedien word vir GSV-hoofstasies en aanvullende gebuie (nie vir GSV-toevoerhaltes nie) ten einde ontwikkelingsreëls te bepaal. Die bepalings vir 'n terreinontwikkelingsplan in item 123 is van toepassing.	'Infrastruktuur vir geïntegreerde snelvervoer (GSV)' beteken die gebruik van grond, geboue of strukture vir alle infrastruktuur, dienste en ontwikkeling wat vereis word vir die doeltreffende funksionering van 'n geïntegreerde snelvervoerdiens vir die vervoer van passasiers, wat insluit die gebruik van sodanige grond, gebou of struktuur vir die doel van 'n busstasie, bushalte, wisselaar, wagarea, skofgebied of depot, sowel as aanvullende gebuie.	

**BYLAE B**

**REKORD VAN SPESIALE BEPLANNINGSGBIEDE INGEVOLGE ITEM 136(1)**

Naam van spesiale beplanningsgebied	Nommer van spesiale beplanningsgebied	Verwysingsnommer (indien van toepassing)
Spesiale beplanningsgebied Kaapstad-filmateljee (Dreamworld)		

LET WEL: Spesiale beplanningsgebiede kan op die soneringskaart deur die kode SPA aangetoon word, gevolg deur die nommer van die betrokke spesiale beplanningsgebied.

**BYLAE C**  
**LYS VAN PLANNE WAT PT1- EN PT2-GEBIEDE INGEVOLGE ITEM 137 AANTOON**

<b>Beskrywing van gebied</b>	<b>Plannommer</b>	<b>Verwysingsnommer (indien van toepassing)</b>

**ISIXEKO SASEKAPA  
UMTHETHO KAMASIPALA WOCWANGCISO LUKAMASIPALA, 2015**

## **UMTHETHO KAMASIPALA**

### **IMBULAMBETHE**

**NANGONA** iCandelo 156(1) loMgaqosiseko leRiphabliki yoMzantsi Afrika, ka-1996 linika oomasipala igunya nelungelo lokulawula imicimbi yoorhulumente bemimandla elichazwe kwiSiqendu B seShedyuli 4 neSiqendu B seShedyuli 5 yoMgaqosiseko;

**NANGONA** iSiqendu B seShedyuli 4 yoMgaqosiseko sidwelisa ucwangciso koomasipala njengomba worhulumente wommandla;

**NANGONA** iCandelo 156(2) loMgaqosiseko linika amandla oomasipala ukwenza nokulawula imithetho yolawulo olululo lwemicimbi abanelungelo yokuyilawula;

**NANGONA** iPalamente iphumeze umthetho iSpatial Planning and Land Use Management Act, 2013 (UMthetho 16 ka-2013) kanti nePalamente yePhondo leNtshona Koloni iphumeze umthetho iLand Use Planning Act (UMthetho 3 ka-2014), ethi phakathi kwezinye izinto ibeke imigqaliselo yophuhliso echaphazela onke amacandelo karhulumente anoxanduva lokumisela imithetho elawula usetyenziso nophuhliso lomhlaba;

**NANGONA** iSixeko sizimisele ukulawula nokwenza imithetho emalunga nezicwangciso zoomasipala abakummandla weSixeko.

**NGOKO KE, MAWUMISELWE** liBhunga leSixeko saseKapa ngolu hlobo lulandelayo:

### **INDLELA OLANDELELANA NGAY LO MTHETHO KAMASIPALA**

#### **ISIXEKO SASEKAPA**

##### **ISIAHLUKO 1.**

##### **IINKCAZELO**

- 1 linkcazelo

##### **ISIAHLUKO 2.**

#### **UKUSETYENZISWA KWALO MTHETHO KAMASIPALA NONGQUZULWANO NEMITHETHO**

- 2 Ukusetyenziswa kwalo mthetho kamasipala nongquzulwano nemithetho

##### **ISIAHLUKO 3.**

#### **UCWANGCISO LWEMIHLABA ENGAMABALA**

##### **Isiqendu 1**

**Imiqathango yolwaziso emalunga neZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala**

- 3 IZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala

##### **Isiqendu 2**

#### **ISikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala**

- 4 Inkqubo yokuyiliSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala  
5 Inkqubo yokwenza iZilungiso KwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala  
6 Isigqibo sokwamkela okanye sokwenza iZilungiso KwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala

- 7 Ukungeniswa kweSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala kuMphathiswa wePhondo
- 8 Upapasho lweSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala esamkelweyo okanye esenziwe izilungiso
- 9 Ubume beSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala
- 10 Uphononongo lweSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala

### Isiqendu 3

#### Izikhokelo zeSithili zoPhuhliso loCwangciso lweMihlaba engamabala neZikhokelo zoMmandla zoPhuhliso loCwangciso lweMihlaba engamabala

- 11 Izikhokelo zeSithili zoPhuhliso loCwangciso lweMihlaba engamabala
- 12 Izikhokelo zoMmandla zoPhuhliso loCwangciso lweMihlaba engamabala
- 13 Inkqubo yokuyila okanye yokwenza izilungiso kwiSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla
- 14 Isigqibo ngokwamkela okanye ngokwenza izilungiso kwiSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla
- 15 Ukupapashwa kweSikhokelo esamkelweyo okanye esenziwe izilungiso sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala seningqi
- 16 Ubume besikhokelo sophuhliso lwemihlaba engamabala sesithili kunye nesikhokelo sophuhliso lwemihlaba engamabala seningqi
- 17 Ukuphononongwa kweSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla
- 18 Ukurhoxiswa kwesikhokelo sophuhliso lwemihlaba engamabala sesithili okanye iSikhokelo sophuhliso lwemihlaba engamabala seningqi

### Isiqendu 4

#### Imiqathango-gabalala malunga noCwangciso lweMihlaba engamabala

- 19 Irekhodi lokufikelela kwiZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala
- 20 Izicwangciso zoBume beSakhiwo
- 21 Imigaqonkqubo yokukhokela ukwenziwa kwezigqibo
- 22 Ubungqina bokungalandelwa kweZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala
- 23 Izikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala ezichaphazela umhlaba okummandla weSixeko

## ISAHLUKO 4. ULAWULO LOPHUHLISO

### Isiqendu 1

#### Inkqubo yokuzowuna

- 24 Ukuzowuna
- 25 Inkqubo yokuzowuna
- 26 Inkqubo yolawulo lophuhliso
- 27 Uphononongo lolawulo lwenkqubo yophuhliso
- 28 Imephu yokuzowuna
- 29 Ulwamkelo, ukwenziwa kwezilungiso nokutshintshwa kwemephu yokuzowuna
- 30 Impazamo kwimephu yokuzowuna
- 31 Ubume bemephu yokuzowuna kunye nokungatyatyekwa kweSixeko ngayo nayiphi na impazamo
- 32 Irejista yokuzowuna
- 33 Ukufikelela kwimephu yokuzowuna kunye nerejista yokuzowuna
- 34 Ukuqhubeka neenkqubo zokuzowuna

### Isiqendu 2

#### Ilungelo lokusebenzisa kunye nosetyenziso olwaphula imiqathango

- 35 Ilungelo lokusebenzisa



- 36 Isigqibo sokuzowuna  
37 Usetyenziso olwaphula imiqathango

### **Isiqendu 3**

#### **Umgqo wophelelo gabalala**

- 38 Umgqo wophelelo gabalala

### **ISAPHLUKO 5.**

#### **IIMFUNO GABALALA ZOKUFAKWA KWESICELO**

- 39 Izicelo  
40 Abantu abanokufaka isicelo ngokwalo Mthetho kaMasipala  
41 Ukuqhubeka nesicelo komnini omtsha  
42 Iintlobo zezicelo  
43 Imiqathango elawula izicelo

### **ISAPHLUKO 6.**

#### **IMIQATHANGO EYODWA YEZICELO EZITHILE**

### **Isiqendu 1**

#### **Ukuzowuna kwakhona, utyeshelo-mthetho nosetyenziso ngemvume**

- 44 Ukuzowuna kwakhona  
45 Utyeshelo-mthetho  
46 Usetyenziso ngemvume  
47 Ukuphelelwa kokuzowuna kwakhona, usetyenziso ngemvume okanye utyeshelo-mthetho

### **Isiqendu 2**

#### **Imiqathango yothintelo**

- 48 Ukususwa, ukumiswa okanye ukwenziwa kwezilungiso kwimiqathango yothintelo  
49 Ulwamkelo lotshintsho, lobhangiso okanye lokususwa kwezithintintelo okanye izinyanzeliso

### **Isiqendu 3**

#### **Uhlanganiso lwemihlaba**

- 50 Uhlanganiso lwemihlaba  
51 Ukuphelelwa kohlanganiso lwemihlaba

### **Isiqendu 4**

#### **Ulwahlula-hlulo**

- 52 Ukwamkelwa kolwahlulahlulo  
53 Ukwamkelwa kweplani okanye umzobo nguMhloli-mihlaba  
54 Ukudluliselwa komhlaba ngenxa yolwahlula-hlulo olwamkelweyo  
55 Uqinisekiso lolwahlula-hlulo  
56 Ukuphelelelwa kolwahlula-hlulo nokongezwa kwexesha lokusebenza kwalo  
57 Umhlaba beendawo zoluntu neminye imisebenzi  
58 Ubunini beendawo zikawonke-wonke nomhlaba ofunelwa iinkonzo zobunjineli zikamasipala nezibonelelo zoluntu  
59 Ilungelo lobunini-mhlaba kwiinkonzo ezivele ngenxa yolwahlula-hlulo  
60 Ukulungiswa okanye ukucinywa kweplani okanye ulwahlula-hlulo

### **Isiqendu 5**

#### **Umbutho wabanini-mhlaba**

- 61 Ukumiselwa okanye ukusebenza kombutho wabanini-mhlaba  
62 Umgqosiseko wombutho wabanini-mhlaba  
63 Umbutho wabanini-mhlaba ongathobeli imiqathango okanye oyekayo ukusebenza

### **Isiqendu 6**

#### **Iinkonzo zobunjineli**

- 64 Iinkcazelo kwesi Siqendu

- 65 Uxanduva lweenkonzo zobunjineli  
66 Imali ebizwayo yokuphuhlisa

#### **Isiqendu 7**

#### **Ukungavumeleki kolwahlula-hlulo nohlanganiso lwemihlaba ethile**

- 67 Ukungavumeleki kolwahlula-hlulo nohlanganiso lwemihlaba ethile

#### **Isiqendu 8**

#### **Ukuhlaliswa koluntu ngexesha likaxakeka nokunika indawo yokuhlala ngokukhawuleza**

- 68 Ukuhlaliswa koluntu ngexesha likaxakeka  
69 Ukunika indawo yokuhlala ngokukhawuleza

### **ISAPHLUKO 7.**

### **IINKQUBO GABALALA YEZICELO ZONKE**

#### **Isiqendu 1**

#### **Ukufaka isicelo**

- 70 Intlanganiso yokubonisana phambi kokufaka isicelo  
71 Iinkcukacha ezidingekayo  
72 Intlawulo yokufaka isicelo  
73 Ukungavumi ukwamkela isicelo  
74 Ukwamkelwa kwesicelo nokufunwa kweenkcukacha ezongezelelekileyo  
75 Iinkcukacha ezongezelelekileyo  
76 Isicelo esiphelileyo  
77 Ukurhoxiswa kwesicelo  
78 Umsebenzi womfaki-sicelo

#### **Isiqendu 2**

#### **Isaziso novakaliselo-luvo**

- 79 Isaziso sofako-sicelo  
80 Isiqulatho sesaziso  
81 Isaziso kumajelo eendaba  
82 Isaziso esiya emntwini  
83 Isaziso esiya kummeli womntu  
84 Isaziso sokungabikho kwesichaso  
85 Isaziso esiya kubanini beenxalenye zeendawo zokuhlala  
86 Isaziso esiya kuRhulumente wePhondo  
87 Isaziso esiya kwelinye iziko likarhulumente ngaphandle koRhulumente wePhondo  
88 Uhanjiso lwesaziso kumacandelo angaphakathi  
89 Umngeneleli  
90 Isichaso kwisicelo  
91 Uxwebhu lwezikhalazo  
92 Impendulo yomfaki-sicelo  
93 Ukulungiswa kwesicelo phambi kwesigqibo sokugqibela  
94 Esinye isaziso  
95 Ukufikelela kwiinkcukacha malunga nesaziso

#### **Isiqendu 3**

#### **Inkqubo yokugqiba ngesicelo**

- 96 Igunya lokwenza uhlobo  
97 Ukuvavanywa kwesicelo  
98 Ukugqiba ngesicelo  
99 Inkqubo yokugqiba ngesicelo  
100 Imiqathango yolwamkelo  
101 Eminye imiqathango nokwenziwa kwezilungiso kwimiqathango  
102 Ixesha elisekelwe ukuthatha isigqibo  
103 Ukungaphumeleli ukwenza isigqibo ngexesha elibekiweyo

**Isiqendu 4****Isigqibo**

- 104 Isinyanzeliso sokubhala nokwazisa ngesigqibo
- 105 Umhla wokuqala ukusebenza kwesigqibo
- 106 Impazamo nezinto ezishiyiweyo

**Isiqendu 5****Ukongezwa kwesithuba sokusebenza solwamkelo**

- 107 Ukongezwa kwesithuba sokusebenza solwamkelo

**Isiqendu 6****Isibheni**

- 108 Isibheni
- 109 Inkqubo yokubhena

**Isiqendu 7****Imfuno ezibekiweyo nesaziso**

- 110 Imfuno ezibekiweyo zezicelo
- 111 Inkqubo nomhla wokwazisa
- 112 Iindleko zokwazisa

**Isiqendu 8****Izigqibo ezihlanganisiweyo**

- 113 Isaziso kulandelwa inkqubo ehlanganisiweyo

**ISAHLUKO 8.****ABATHATHI-ZIGQIBO**

- 114 Abathathi-zigqibo
- 115 Umiselo lweSigqeba soCwangciso lweMihlaba kaMasipala
- 116 Isithuba sokusebenza kwamalungu eSigqeba soCwangciso lweMihlaba kaMasipala
- 117 Imiqathango yokunikeza inkonzo neyokuZiphatha kweSigqeba soCwangciso lweMihlaba kaMasipala.
- 118 Ukungabi naTyala noMelo lwaseMthethweni
- 119 Isithuba okanye ukususwa kwelungu
- 120 Ukusebenza kweSigqeba soCwangciso lweMihlaba kaMasipala
- 121 Iqela lokuCebisa
- 122 Umcebisi ngobucukubhede

**ISAHLUKO 9.****UNYANZELISO****Isiqendu 1****Imiqathango yentshayeleyo yesi Sahluko**

- 123 Iinkcazelo ezikwesi Sahluko
- 124 Amanyanthelo onyanzeliso ekunokukhethwa kuwo

**Isiqendu 2****Isikhalazo**

- 125 Isikhalazo

**Isiqendu 3****Unyanzeliso-mthetho lukarhulumente**

- 126 Isaziso sothotyelo
- 127 Urhoxiso lolwamkelo
- 128 Umyalelo
- 129 Intlawulo ehlawulelwa umsebenzi owenziweyo
- 130 Ulungiso lolwaphulo-mthetho

- 131 Unyanzeliso lwesigwebo  
132 Umba ongxamisekileyo

**Isiqendu 4  
Umiselo lwesigwebo**

- 133 Amatyala nezigwebo  
134 Utshutshiso lwequmrhu elilawula isakhiwo namahlakani alo

- Isiqendu 5  
Amagunya ophando nawonyanzeliso-mthetho egosa eligunyazisiweyo**
- 135 Amagunya nomsebenzi wegosa eligunyazisiweyo

- ISAPHLUKO 10.  
UKUTHIYA NOKUNOMBOLISHA IZITALATO**
- 136 Ukuthiya nokunombolisha izitalato

- ISAPHLUKO 11.  
ISATIFIKETHI SONIKEZELO**
- 137 Isatifikethi sonikezelo

- ISAPHLUKO 12.  
IMIQATHANGO YOLAWULO GABALALA**
- 138 Imigaqonkqubo, iinkqubo, imigaqo, imigangatho, iimfuno nezikhokelo  
139 Unikezo-gunya  
140 Isaphulelo  
141 Uxanduva lweSixeko  
142 Ugcino nemiqathango yethutyana  
143 Isihloko esifutshane nokuqala ukusebenza kwalo mthetho

**ISHEDYULI 1  
IZICWANGCISO ZOBUME BESAKHIWO EZICHONGWE NJENGESIKHOKELO SOPHUHLISO  
LWEMIHLABA ENGAMABALA YESITHILI**

**ISHEDYULI 2  
IZICWANGCISO ZOBUME BESAKHIWO EZICHONGWE NJENGESIKHOKELO SOPHUHLISO  
LWEMIHLABA ENGAMABALA YEMIMANDLA**

**ISHEDYULI 3  
INKQUBO YOLAWULO LOPHUHLISO YESIXEKO SASEKAPA  
ISAPHLULO I: INGCACISO NEENKQUBO  
ISAPHLUKO 1.: IINKCAZELO NEENGCACISO**

- 1 Iinkcazelo kule nkqubo yolawulo lophuhliso  
2 Ingcaciso  
3 Iindlela zokumeta imigama, ubude namazinga  
4 Ingcaciso yemida  
5 Ingcaciso yoluhlu lokusebenzisa nelokuzowuna  
6 Ukuphepha injongo yenkqubo yolawulo lophuhliso

- ISAPHLUKO 2.: IINKQUBO ZOKUFAKA ISICELO NEZOLWAMKELO LWESICELO**
- 7 Imiqathango esebenza kusetyenziso ngemvume olwamkelweyo

**ISAPHLULO II: IZINTLU ZOKUZOWUNA, IINDAWO EZIZOWUNIWEYO EZISISISEKO  
NEMIGAQO YOPHUHLISO**

**ISAPHLUKO 3.: UKUZOWUNA NOKUSETYENZISWA KWEPROPATI**

- Isiqendu 1: Iindawo eziZowuniweyo**
- 8 Iindawo eziZowuniweyo  
9 Iindawana eziZowuniweyo

**Isiqendu 2: Usetyenziso oluvumelekileyo ngokwelungelo**

- 10 Usetyenziso olungundoqo
- 11 Amalungelo osetyenziso ongezelelekileyo
- 12 Ukusetyenziselwa ezinye iinkonzo

**Isiqendu 3: Usetyenziso oluvumelekileyo ngokwemvume yeSixeko**

- 13 Usetyenziso ngemvume
- 14 Usetyenziso ngamaxesha athile
- 15 Usetyenziso olulodwa

**Isiqendu 4: Umhlaba othathwa njengozowuniweyo**

- 16 Umhlaba ongamabala kawonke-wonke nezitalato zikawonke-wonke
- 17 Imihlaba exhomekeke kwimiqathango yecandelo 13 lomthetho iLegal Succession of the South African Transport Services Act, 1989 (UMthetho 9 ka-1989)
- 18 Umhlaba othathwa njengommandla welifa lemveli ngokomthetho iNational Heritage Resources Act
- 19 Imiqathango eyodwa

**ISIAHLUKO 4.:ISISHWANKATHELO SEENDAWO EZIZOWUNIWEYO**

- 20 Itheyibhile yoshwankathelo yokuzowuna

**ISIAHLUKO 5: IINDAWO ZOKUHLALA EZIZINDLU ZOSAPHO OLUNYE****Isiqendu 1: Ukuzowunwa kweZindlu zoSapho oLunye 1: Izindlu zeSiqhelo (SR1)**

- 21 Ukusetyenziswa kwepropati
- 22 Imigaqo yophuhliso
- 23 Ukusebenzisa indlu
- 24 Indlu yeendwendwe yokulala neyokudla isidlo sakusasa
- 25 Indlu eliziko lokukhathalela abantwana

**Isiqendu 2: Ukuzowunwa kweZindlu zoSapho oLunye 2: Izindlu ezimana zixokozelwa (SR2)**

- 26 Ukusetyenziswa kwepropati
- 27 Imigaqo yophuhliso
- 28 Ivenkile esendlwini
- 29 Indawo yokuhlala
- 30 Urhwebo olungekho sikweni
- 31 Umhlaba ekwenziwe kuwo iindlela okanye obekelwe iindlela
- 32 Umhlaba osetyenzisiweyo okanye ochongelwe ukunqanda ukuqhambuka kwemililo
- 33 Ukwamkelwa kweepiani zokwakha

**ISIAHLUKO 6 :IINDAWO EZIZOWUNELWE UKUHLALA ULUNTU****Isiqendu 1: Iindawana ezowunelwe ukuhlala uluntu 1: Iqela lezindlu (GR1)**

- 34 Ukusetyenziswa kwepropati
- 35 Imigaqo yokuphuhlisa iqela lezindlu
- 36 Iplanini yophuhliso lwesiza
- 37 Iiflethi njengelungelo elongeziweyo lokuzisebenzisa njengeqela lezindlu
- 38 Ukusebenzisa indlu njengelungelo elongeziweyo lokuyisebenzisa njengeqela lezindlu
- 39 Imigaqo yophuhliso lwendlu engekho kwiqela lezindlu

**Isiqendu 2: Iindawana eziZowunwe njengeZindlu zokuHlala uLuntu (GR2, GR3, GR4, GR5 & GR6)**

- 40 Ukusetyenziswa kwepropati
- 41 Imigaqo yophuhliso yeeflethi, ihostele neehotele
- 42 Indlu yokuhlala kunye nendawo yesibini yokuhlala
- 43 Iqela lezindlu

- 44 Iziko, isikolo nendawo yokuhlanganela  
45 livenkile

#### **ISAHLUKO 7: IINDAWO EZIZOWUNWE UKUBA ZIBE NGAMAZIKO OLUNTU**

##### **Isiqendu 1: Ukuzowuna amaziko oluntu 1: KwiiNgingqi (CO1)**

- 46 Ukusetyenziswa kwepropati  
47 Imigaqo yophuhliso

##### **Isiqendu 2: Ukuzowuna amaziko oluntu 2: KwiMimandla (CO2)**

- 48 Ukusetyenziswa kwepropati  
49 Imigaqo yophuhliso

#### **ISAHLUKO 8: IINDAWO EZIZOWUNELWE UKUBA NGAMASHISHINI EENGINGQI**

##### **Isiqendu 1: Indawo ezowunwe njengeshishini lengingqi 1: Ishishini eliphakathi (LB1)**

- 50 Ukusetyenziswa kwepropati  
51 Imigaqo yophuhliso  
52 Ukusebenzisa indlu, indlu yeendwendwe yokulala neyokudla isidlo sakusasa kunye nendlu eliziko lokukhathalela abantwana  
53 Indawo yesibini yokuhlala  
54 Ivenkile esendlwini

##### **Isiqendu 2: Indawo ezowunwe njengeshishini lengingqi 2: Ishishini leNgingqi (LB2)**

- 55 Ukusetyenziswa kwepropati  
56 Imigaqo yophuhliso  
57 Igaraji yokutha amafutha emoto neyokulungisa iimoto  
58 Urhwebo olungekho sikweni

#### **ISAHLUKO 9: IINDAWO EZIZOWUNELWE UKUSETYENZISELWA USHISHINO KUNYE NEZINYE IZINTO**

##### **Isiqendu 1: Iindawo ezizowunelwe uShishino Gabalala (GB1, GB2, GB3, GB4, GB5, GB6 & GB7)**

- 59 Ukusetyenziswa kwepropati  
60 Imigaqo yophuhliso  
61 Igaraji yokutha amafutha emoto neyokulungisa iimoto  
62 Urhwebo olungekho sikweni

##### **Isiqendu 2: Iindawo ezizowunelwe ukuSetyenziselwa iZinto eZahlukileyo (MU1, MU2 & MU3)**

- 63 Ukusetyenziswa kwepropati  
64 Imigaqo yophuhliso  
65 Igaraji yokutha amafutha emoto neyokulungisa iimoto  
66 Urhwebo olungekho sikweni

#### **ISAHLUKO 10: IINDAWO EZIZOWUNELWE IIFEMU**

##### **Isiqendu 1: Iindawana ezizowunelwe ushishino gabalala (GI1 & GI2)**

- 67 Ukusetyenziswa kwepropati  
68 Imigaqo yophuhliso  
69 Izinto ezinobungozi  
70 Igaraji yokutha amafutha emoto neyokulungisa iimoto  
71 Ifektri  
72 Ivenkile yezinto zesondo  
73 Urhwebo olungekho sikweni



**Isiqendu 2: Iindawo ezizowunelwe amashishini anobungozi (RI)**

- 74 Ukusetyenziswa kwepropati
- 75 Imigaqo yophuhliso
- 76 Izinto ezinobungozi
- 77 Igaraji yokutha amafutha emoto neyokulungisa iimoto
- 78 Ifektri
- 79 Urhwebo olungekho sikweni

**ISAHLUKO 11: IINDAWO EZIZOWUNWE NJENGEZISETYENZISWA NJENGEZIBONELELO, EZOTHUTHO NAMANXWEME ESIZWE****Isiqendu 1: Iindawo ezizowunwe njengeziseteyenziswa njengezibonelelo (UT)**

- 80 Ukusetyenziswa kwepropati
- 81 Imigaqo yophuhliso

**Isiqendu 2: Iindawo ezizowunwe njengeziseteyenziselwa ezothutho 1: Usetyenziso lwezithuthi (TR1)**

- 82 Ukusetyenziswa kwepropati
- 83 Imigaqo yophuhliso
- 84 Igaraji yokutha amafutha emoto neyokulungisa iimoto
- 85 Urhwebo olungekho sikweni
- 86 Ilungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni

**Isiqendu 3: Iindawo ezizowunwe njengeziseteyenziselwa ezothutho 2: Indlela kawonkewonke nendawo yokupaka kawonkewonke (TR2)**

- 87 Ukusetyenziswa kwepropati
- 88 Imigaqo yophuhliso
- 89 Ukwakha nokulahla imathiriyeli
- 90 Ilungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni
- 91 Isitrato sikawonke-wonke esicetywayo, ukongezwa kwendlela nokuvalwa kwesitrato
- 92 Urhwebo olungekho sikweni

**Isiqendu 4: Iindawo ezizowunwe njengamanxweme esizwe (NP)**

- 93 Ukusetyenziswa kwepropati
- 94 Imigaqo yophuhliso
- 95 Isicwangciso sesikhokelo sophuhliso lwamachweba
- 96 Umhlaba othathwa njengozowuniweyo onikezwe kwiNational Ports Authority

**ISAHLUKO 12: IINDAWO EZIZOWUNWE NJENGOMHLABA ONGAMABALA****Isiqendu 1: Iindawo ezizowunwe njengamabala 1: Ulondolozo lokusingqongileyo (OS1)**

- 97 Ukusetyenziswa kwepropati
- 98 Imigaqo yophuhliso

**Isiqendu 2: Iindawo ezizowunwe njengamabala 2: Umhlaba ongamabala kawonke-wonke (OS2)**

- 99 Ukusetyenziswa kwepropati
- 100 Imigaqo yophuhliso
- 101 Ukwakha nokulahla imathiriyeli
- 102 Ilungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni
- 103 Urhwebo olungekho sikweni

**Isiqendu 3: Iindawo ezizowunwe njengamabala 3: Amabala awodwa (OS3)**

- 104 Ukusetyenziswa kwepropati
- 105 Imigaqo yophuhliso
- 106 Ulwamkelo losetyenziso ngemvume
- 107 Urhwebo olungekho sikweni

### **ISAPHLUKO 13: IINDAWO EZIZOWUNWE NJENGEZOLIMO, AMAPHANDLE NOKUSETYENZISELWA IZINTO EZITHILE KUPHELA**

#### **Isiqendu 1: Iindawo ezizowunwe njengezolimo (AG)**

- 108 Ukusetyenziswa kwepropati
- 109 Imigaqo yophuhliso
- 110 Ushishino lwezolimo
- 111 Indawo yesibini yokuhlala neeyunithi zokuhlala ezongezelelekileyo

#### **Isiqendu 2: Iindawo ezizowunwe njengamaphandle (RU)**

- 112 Ukusetyenziswa kwepropati
- 113 Imigaqo yophuhliso
- 114 Owona mlinganiselo mncinci wolwahlulahlulo
- 115 Ushishino lwezolimo
- 116 Indawo yesibini yokuhlala

#### **Isiqendu 3: Iindawo ezizowunwe uokusetyenziselwa izinto ezithile kuphela (LU)**

- 117 Ukusetyenziswa kwepropati
- 118 Imigaqo yophuhliso
- 119 Ukungavumeleki kokuzowuna kwakhona kwindawo esele izowuniwe
- 120 Ukwakha kwakhona ipropati etshatyalalisiweyo

### **ISAPHLULO III: IMIQATHANGO-GABALALA**

#### **ISAPHLUKO 14: IMIQATHANGO-GABALALA**

- 121 Ukudlula kwimida ebekelwe isakhiwo
- 122 Umbindi womda
- 123 Iiplani zophuhliso lweziza
- 124 Into enobungozi
- 125 Uhlolo
- 126 Iziduli zomhlaba eziyimida, izakhiwana zokuxhasa nezinye izinto ezibunjalo
- 127 Ukumenteyina ipropati
- 128 Ukupakishwa kweemoto kwizowuni ezizindlu
- 129 Amakhaya angomahambehlala neekharaveni
- 130 Isitishi sonxibelelwano esisiseko okanye esisetyenziswa ngemvume
- 131 Iieriyali okanye izitishi zonxibelelwano ezisisiseko eziyekisiweyo
- 132 Iieriyali zedishi yesathelayithi
- 133 Iigiza neephaneli zombane otsalwa elangeni nezinto ezifana nezo eziseluphahleni lwesakhiwo
- 134 Imimandla ethandwa ziimpuphuma
- 135 Izixhobo zokudlala zombane okanye ezingoomatshini
- 136 Umqulu weepiani

### **ISAPHLUKO 15: IINDAWO YOKUPAKA, YOKULAYISHA NEZIBONELELO**

#### **Isiqendu 1: Iimfuno zendawo yokupaka zesiqhelo**

- 137 Iimfuno zendawo yokupaka esesitratweni
- 138 Ezinye iindawo zokupaka iimoto
- 139 Iimfuno zendawo yokupaka ezihlanganisiweyo

#### **Isiqendu 2: Ufikelelo kwisiza nemfuno zobume bendawo yokupaka iimoto**

- 140 Iindawo zokungena nokuphuma kwisiza
- 141 Imiqathango yobume bendawo yokupaka

#### **Isiqendu 3: Iimfuno zendawo yokupaka engeyoyesiqhelo**

- 142 Indawo yokupaka yabantu abakhubazekileyo
- 143 Iindawo zokupaka iibhayisekile
- 144 Ukulayisha

145 Amagumbi enkunkuma

#### **ISAPHLUKO 16: ULWAHLULAHLOLO LOMHLABA**

146 Into ethathwa njengeyamkelweyo kumda wesakhiwo nakutyeshelo-mthetho

147 Ulwahlula-hlulo lwepropati namalungelo osetyenziso ngemvume okanye utyeshelo-mthetho losetyenziso-mhlaba okwethutyana

#### **ISAPHLULO IV: IZOWUNI ENEMIQATHANGO EYODWA**

##### **ISAPHLUKO 17: IMIQATHANGO-GABALALA KWIZOWUNI EZINEMIQATHANGO EYODWA**

148 Izinto ezifunekayo ukulungiselela iZowuni eneMiqathango eYodwa

149 Ukuchonga nokunombolisha

150 Ubume bezowuni eneMiqathango eYodwa

151 Imigaqo yophuhliso

152 Inkqubo yokuchongiyunithi yomhlaba, ummandla okanye isixeko ukuze kubekho iZowuni eneMiqathango eYodwa

##### **ISAPHLUKO 18: IIZOWUNI EZINEMIQATHANGO EYODWA EZINEMIYALELO EYODWA YOPHUHLISO**

153 Ukusetyenziswa kwepropati: Ulwahlulahlulo lommandla onezowuni eneMiqathango eYodwa

154 Imigaqo yophuhliso: Ulwahlulahlulo lommandla onezowuni eneMiqathango eYodwa

##### **ISAPHLUKO 19: IIZOWUNI EZINEMIQATHANGO EYODWA EZINEMIYALELO YOPHUHLISO ECWANGCISIWEYO**

###### **Isiqendu 1: IZowuni eneMiqathango eYodwa eneNzuzo kuLuntu (ICO)**

155 Imiqathango-gabalala: IZowuni eneMiqathango eYodwa eneNzuzo kuLuntu

156 Imiqathango engqalileyo: IZowuni eneMiqathango eYodwa eneNzuzo kuLuntu

###### **Isiqendu 2: IZowuni eneMiqathango eYodwa enoLawulo loBungakanani boMmandla (DO)**

157 Imiqathango-gabalala: IZowuni eneMiqathango eYodwa enoLawulo loBungakanani boMmandla

158 Imiqathango engqalileyo: IZowuni eneMiqathango eYodwa eseKoeberg

##### **ISAPHLUKO 20: IIZOWUNI EZINEMIQATHANGO EYODWA UKULUNGISELELA IINKQUBO ZOLAWULO EZITHILE**

###### **Isiqendu 1: Iizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli (HPO)**

159 Iizowuni ezithathwa njengezineMiqathango eYodwa zoKhuselo lweLifa leMveli

160 Ukusetyenziswa kwepropati: Iizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli

161 Imigaqo yophuhliso: Iizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli

162 Imiqathango-gabalala: Iizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli

163 Imiqathango engqalileyo: Iizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli

164 Ukuqwalaselwa kwezicelo

###### **Isiqendu 2: Ulawulo lokuSingqongileyo kwiZowuni eneMiqathango eYodwa (EMO)**

165 Imigaqo yophuhliso: Ulawulo lokuSingqongileyo kwiZowuni eneMiqathango eYodwa

166 Imiqathango-gabalala: Ulawulo lokuSingqongileyo kwiZowuni eneMiqathango eYodwa

167 Imiqathango engqalileyo: Ulawulo lokuSingqongileyo kwiZowuni eneMiqathango eYodwa

168 Ukuqwalaselwa kwezicelo

###### **Isiqendu 3: IZowuni eneMiqathango eYodwa ekuMda weDolophu (UEO)**

169 Imigaqo yophuhliso: IZowuni eneMiqathango eYodwa ekuMda weDolophu

170 Imiqathango engqalileyo: IZowuni eneMiqathango eYodwa ekuMda weDolophu

###### **Isiqendu 4: IZowuni eneMiqathango eYodwa eyiNdelela eBukekayo (SDO)**

171 Imiqathango-gabalala: IZowuni eneMiqathango eYodwa eyiNdelela eBukekayo

172 Imiqathango engqalileyo: Victoria Road, Clifton

**Isiqendu 5: IZowuni eneMiqathango eYodwa ekwiNgingqi (LAO)**

- 173 Imiqathango-gabalala: IZowuni eneMiqathango eYodwa ekwiNgingqi
- 174 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseStrand Beachfront (LAO/1)
- 175 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseGordon's Bay (LAO/10)
- 176 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseHarfield Village (LAO/2)
- 177 Imiqathango engqalileyo: Constantia – Ummandla okwiNgingqi yaseTokai (LAO/3)
- 178 Imiqathango engqalileyo: St James – Ummandla okwiNgingqi yaseClovelly (LAO/6)
- 179 Imiqathango engqalileyo: Umhlaba oseNtla kweBoyes Drive, Kalk Bay (LAO/7)
- 180 Imiqathango engqalileyo: Marina Da Gama Extensions 1,2 & 4 (LAO/8)
- 181 Imiqathango engqalileyo: Hout Bay Local Area (LAO/11)
- 182 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseNoordhoek (LAO/12)
- 183 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseMuizenberg (LOA/13)
- 184 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseLandudno (LAO/14)
- 185 Imiqathango engqalileyo: wonke uMmandla okwiCape Town CBD (LAO/4)
- 186 Imiqathango engqalileyo: Ummandlana waseSt Georges Street
- 187 Imiqathango engqalileyo: Ummandlana waseRoggebaai
- 188 Imiqathango engqalileyo: Ummandla waseBakoven, Clifton neGlen Beach Bungalow (LAO/5)
- 189 Imiqathango engqalileyo: Ummandla oseVictoria Road, eClifton (LAO/5(ii))
- 190 Imiqathango engqalileyo: Ummandla waseCamps Bay naseBakoven (LAO/9)
- 191 Imiqathango engqalileyo: Ummandla wengingqi yaseGardens, Tamboerskloof, Green Point, Bantry Bay and Camps Bay / Bakoven (LAO/13(ii))

**ISIAHLULO V: IZIHLOMELO****ISIAHLUKO 21: IZIHLOMELO****ISIHLOMELO A****ULUDWE LOSETYENZISO OLULODWA NGOKOMBA 15****ISIHLOMELO B****UVIMBA WEMIMANDLA ENOCWANGCISO OLULODWA NGOKOMBA 136(1)****ISIHLOMELO C****ULUDWE LWEEPLANI EZICHONGA II-PT1 NEMIMANDLA YEPT2 NGOKOMBA 137**

## ISAPHLUKO 1. INKCAZELO (s 1)

### 1 linkcazelo

Kulo Mthetho kaMasipala, ngaphandle kokuba imeko ithetha enye into—

**‘ukwamkela’**, kwiSikhokelo sophuhliso lwemihlaba engamabala, inkqubo yolawulo lophuhliso, umgaqonkqubo okanye isicwangciso, kuthetha ulwamkelo siSixeko;

**‘Iqela lokuCebisa’** lithetha iqela lokuCebisa elixelwe kwicandelo 121;

**‘UGunyaziwe weSibheni’** uthetha uGunyaziwe weSibheni oxelwe kwicandelo 114(3);

**‘umfaki-sicelo’** uthetha umntu oxelwe kwicandelo 40;

**‘imvume’** ithetha imvume enikezelweyo ngokwalo Mthetho kaMasipala yaye ibandakanya imiqathango yolwamkelo;

**‘igosa eligunyazisiweyo’** lithetha umsebenzi weSixeko onoxanduva lokwenza nawuphi na umsebenzi okanye ongunya ngokwalo Mthetho kaMasipala yaye ubandakanya umsebenzi onikwe igunya okanye ochongwe okanye oyalelwe ukuba enze loo msebenzi okanye amisele elo gunya;

**‘ukuzowuna okusisiseko’** kuthetha ukuzowuna phambi kwesicelo sayo nayiphi iZowuni eneMiqathango eYodwa yaye kungabandakanya ukuzowuna iindawana njengoko kuchaziwe kwinkqubo yolawulo lophuhliso;

**‘ISixeko’** sithetha umasipala weSixeko saseKapa owamiselwa ngokweSaziso sikaRhulumente esinguNomb 479 sika-2000 esikhutshwe kulandelwa icandelo 12 lomthetho iLocal Government: Municipal Structures Act, 1998 (UMthetho 117 ka-1998), yaye apho imeko inyanzelisa, sibandakanya —

- (a) iBhunga leSixeko;
- (b) esinye isigqeba sopolitiko okanye igosa lezopolitiko leSixeko, elinikwe igunya ukwenza umsebenzi okanye ukumisela igunya lilandela lo Mthetho kaMasipala;
- (c) Isigqeba soCwangciso lweMihlaba kaMasipala esinikwe igunya lokwenza umsebenzi okanye lokumisela igunya ngokwalo Mthetho kaMasipala;
- (d) uManejala weSixeko; kunye
- (e) negosa eligunyazisiweyo;

**‘UManejala weSixeko’** uthetha umntu otyunjwe njengegosa elinika inkcaza ngokwenzeka kwiSixeko ngokwecandelo 54A loMthetho weNkqubo zikaMasipala;

**‘ukuqala kolwakhiwo’** kuthetha ukuqala umsebenzi wokwakha obambekayo kwisiza ulandela iiplani zolwakhiwo ezamkelwe ngokomthetho iNational Building Regulations and Building Standards Act, 1977, xa sele ugqibile ukucoca isiza, nokugromba ulungiselela isiseko;

**‘izibonelelo zoluntu ekuhlaleni’** zibandakanya izixhobo zokudlala, ifenitshala esezitratweni, iikritshi, iikliniki, amabala emidlalo, amabala angaphakathi kwizakhiwo namaholo oluntu;

**‘usetyenziso ngemvume’** luthetha usetyenziso-mhlaba oluvunywe kulandelwa inkqubo ethile yokuzowuna eyamkelwe siSixeko;

**‘uceba’** uthetha ilungu leBhunga leSixeko;

**‘umhla wolwaziso’** uthetha umhla oxelwe kwicandelo 111(6);

**‘Deeds Registries Act’** uthetha umthetho iDeeds Registries Act, 1937 (UMthetho 47 ka-1937);

**‘ISebe’** lithetha amacandelo eSixeko anoxanduva loCwangciso lweMihlaba engamabala, ulawulo losetyenziso-mhlaba nolawulo lophuhliso lolwakhiwo;

**‘utyeshelo-mthetho’** luthetha utyeshelo-mthetho olusisigxina okanye utyeshelo-mthetho lwethutyana;

**‘isigqibo’** sibandakanya nayiphi imiqathango ehambelana nokwenza isigqibo;

**‘imali ebizwayo yokuphuhlisa’** ithetha intlawulo ebizwa kanye siSixeko kumphuhlisi njengomqathango wolwamkelo lwesicelo sophuhliso-mhlaba ukuze kukhavarishwe iindleko zeenkonzo zobunjineli zikamasipala ngenxa yosetyenziso olumandla lomhlaba;

**‘indawo engumda wophuhliso’** uthetha umda osikiweyo njengoko ubonisiwe kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala;

**‘inkqubo yolawulo lophuhliso’** uthetha inkqubo yolawulo lophuhliso exelwe kwicandelo 26(2);

**‘umthetho wophuhliso’** uthetha umqathango okanye isithintelo kwinkqubo yolawulo lophuhliso ebeka imida evumelekileyo yosetyenziso-mhlaba ngokwemiqathango yokuzowuna;

**'unxaxho'** kwiSikhokelo sophuhliso lwemihlaba engamabala, luthetha

- (a) ulwamkelo olungathobeli imiqathango yeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala oluxelwe kwicandelo 22(2) leSPLUMA;
- (b) ukunxaxha kwimiqathango yeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala egunyaziswe licandelo 9(1) lalo Mthetho kaMasipala; okanye
- (c) ukunxaxha kwimiqathango yeSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi esigunyaziswe licandelo 16(2)(b) lalo Mthetho kaMasipala;

yaye **'ukunxaxha'** nako kukwanale ntsingiselo inye;

**'umzobo'** uthetha umzobo njengoko uchazwe kwicandelo 1 lomthetho iLand Survey Act;

**'isikhokelo sophuhliso lwemihlaba engamabala sesithili'** sithetha isikhokelo sophuhliso lwemihlaba engamabala sesithili esixelwe kwicandelo 11;

**'umhla wokuqala ukusebenza kwesigqibo'** uthetha umhla oxelwe kwicandelo 105(2);

**'inkonzo yobunjineli'** ithetha inkqubo yobonelelo ngamanzi, umbane, igesi, iindlela okanye ukudreyinwa kwamanzi eziphango, okanye ukuqokelelwa nokususwa kwenkunkuma nogutyulo, zinto ezo ekufuneka zenziwe xa kuza kuphuhliswa umhlaba;

**'isivumelwano seenkonzo zobunjineli'** sithetha isivumelwano phakathi komfaki-sicelo kunye neSixeko kwimeko apho umfaki-sicelo efakela iinkonzo zobunjineli zangaphandle endaweni yokuba ahlawule intlawulo epheleleyo okanye inxalenye yemali ebizwayo yokuphuhlisa nalapho amaqela aye avumelane ngeendima zawo kulwakhiwo, kufakelelo nokuhlawulwa kwezibonelelo, kunye noxanduva leqela ngalinye lokumenteyina nokulungisa izibonelelo ukusukela kusuku lokufakela ukuya kusuku lokunikezwa komhlaba;

**'iplani gabalala'** ithetha iplani gabalala njengoko ichaziwe kwicandelo 1 leLand Survey Act;

**'iSicwangciso soPhuhliso esiHlanganisiweyo'** sithetha isicwangciso esichazwe kwicandelo 25 loMthetho weNkqubo zikaMasipala;

**'uphuhliso lomhlaba'** luthetha ukumiswa kwesakhiwo kumhlaba okanye ukutshintshwa kokusetyenziswa komhlaba, kubandakanywa umiselo lweelokishi, ukuzowuna kwakhona, ulwahlula-hlulo okanye uhlanganiso lwemihlaba okanye naluphi na unxaxho kusetyenziso-mhlaba okanye usetyenziso oluvunyelwe ngokwenkqubo yolawulo lophuhliso, yaye **'uphuhliso lomhlaba'** kunye **'nomhlaba ophuhlisiweyo'** zinentsingiselo ezihambelanayo;

**'umhlaba'** uthetha nayiphi iyunithi yomhlaba okanye nayiphi inxalenye yeyunithi yomhlaba yaye ubandakanya naluphi na uphuculo okanye ulwakhiwo emhlabeni nalo naliphi ilungelo kumhlaba;

**'iyunithi yomhlaba'** ithetha inxalenye yomhlaba ebhalisiweyo okanye enokubhaliswa kuvimba wabanini-zipropati yaye ibandakanya inxalenye yomhlaba enelungelo lobunini-mhlaba elibhalisiweyo;

**'Usetyenziso-mhlaba'** luthetha injongo umhlaba onokusetyenziselwa yona ngokusemthethweni ngokwenkqubo yolawulo lophuhliso;

**'Land Use Planning Act'** ithetha iWestern Cape Land Use Planning Act (UMthetho 3 ka-2014);

**'Land Survey Act'** ithetha iLand Survey Act, 1997 (UMthetho 8 ka-1997);

**'iSikhokelo sophuhliso lwemihlaba engamabala sengingqi'** sithetha iSikhokelo sophuhliso lwemihlaba engamabala sengingqi esixelwe kwicandelo 12;

**'USodolophu'** uthetha uSodolophu oLawulayo weSixeko;

**'iBhunga likaMasipala'** lithetha iBhunga leSixeko yeSixeko;

**'iSigqeba soCwangciso lweMihlaba kaMasipala'** sithetha iSigqeba soCwangciso lweMihlaba kaMasipala ekubhekiswe kuso kwicandelo 114;

**'iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala'** sithetha iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala esamkelwe siSixeko silandela iSahluko 5 soMthetho weNkqubo zikaMasipala;

**'UMthetho weNkqubo zikaMasipala'** uthetha iLocal Government: Municipal Systems Act, 2000 (UMthetho 32 ka-2000);

**'i-National Building Act'** ithetha iNational Building Regulations and Building Standards Act, 1977 (UMthetho 103 ka-1977);

**'ulwaziso'** lunentsingiselo exelwe kwicandelo 111 yaye ibandakanya inkqubo yokuba iSixeko 'sifune' ukuba umntu enze into, yaye **'isaziso'** kunye **'nokwazisa'** kuneentsingiselo ezisondeleleneyo;



**'UMmiselo'** uthetha uMmiselo woCwangciso loSetyenziso-Mhlaba, 1985 (Cape) (UMmiselo 15 ka-1985);

**'iziko likarhulumente'** lithetha iziko likarhulumente njengoko lichaziwe kwicandelo 239 yoMgaqosiseko;

**'iZowuni eneMiqathango eYodwa'** ithetha indawo ezowunwe ngokukodwa ngaphezu kokuzowuna okusisiseko, apho kuchazwa iinjongo emazisetyenziselwe wona umhlaba kunye nemigaqo yophuhliso esenokuba nezibophelelo ezingaphezulu okanye ngaphantsi kwezi zokuzowuna okusisiseko;

**'umnini'** ubandakanya lowo ungene emva kwakhe njengomnini yaye uthetha –

- (a) umntu onegama elibhalisiweyo kuvimba wabanini-mhlaba njengomnini womhlaba;
- (b) umnini ozuze umhlaba ngokusemthethweni;
- (c) umnini womhlaba owufumene ngokwalo Mthetho kaMasipala okanye omnye umthetho; kunye
- (d) ummeli osemthethweni womnini okanye wepropati apho umnini obhalisiweyo engakwazi kuzimela ngenxa yobudala, impilo yengqondo, ukukhubazeka ngokwengqondo, ukufa okanye ukutshona ematyaleni;

**'umbutho wabanini-mhlaba'** uthetha umbutho wabanini-mhlaba omiselwe okanye othathwa njengomiselwe kulandelwa icandelo 61;

**'utyeshelo-mthetho olusisigxina'** luthetha ilungelo lokusebenzisa umhlaba ngokungahambelani nemigaqo yokuzowuna echaphazela loo propati;

**'umntu'** uthetha umntu okanye inkampani esemthethweni yaye ubandakanya urhulumente;

**'umthetho wocwangciso'** uthetha uMmiselo weLokishi nomb 33 ka-1934 okanye uMmiselo, lowo uchaphazelekayo.

**'ukumisela'** kubandakanya ukumisela ngenkqubo, umgangatho, imfuno okanye umgaqo;

**'inkqubo yokuzowuna yangaphambili'** ithetha –

- (a) inkqubo yokuplanwa kweedolophu;
- (b) inkqubo yokuplanwa kweedolophu xa kusenziwa amalungiselelo; okanye
- (c) imiqathango yenkqubo yokuzowuna esebenza kummandla weSixeko nanini na phambi kokuqala kokusebenza kwalo Mthetho kaMasipala;

**'isitrato esikumhlaba womntu'** sithetha umhlaba womntu onendlela yezithuthi eya kwenye iyunithi yomhlaba okanye iiyunithi zemihlaba esichongwe njengesitrato sabucala okanye isitrato esikumhlaba womntu kwiplanini okanye umzobo owamkelweyo wolwahlula-hlulo; sisenokubandakanya izinto ezilawula ukungena kweso sitrato ezifana nendlwana elisango, indlwana yokugada, igumbi lenkunkuma negumbi lezixhobo kodwa asibandakanyi indlela engena eyadini yepropati okanye kumhlaba womntu;

**'IPhondo'** lithetha iPhondo leNtshona Koloni;

**'URhulumente wePhondo'** uthetha uRhulumente wePhondo;

**'UMphathiswa wePhondo'** uthetha ilungu leKhabhinethi yoRhulumente wePhondo ojongene nocwangciso loSetyenziso-mhlaba;

**'indawo yoluntu'** ithetha nayiphi indawo indawo evulekileyo okanye evalekileyo, ipaki, isitrato sikawonkewonke okanye indledlana ephumelayo okanye umhlaba obunjalo oboniswe kwiplanini okanye kumzobo esetyenziswa nguwo wonke umntu emnini wayo uSixeko, yaye ibandakanya umhlaba ongamabala kawonke-wonke nomhlaba ongowabantu ngokubanzi;

**'indlela kawonke-wonke'** ithetha nawuphi uholo wendlela, indledlana, irhange, ibhulorho okanye nayiphi indawo ebunjalo okanye nayiphi inxalenye yayo eyindlela kawonkewonke yezithuthi okanye yabahambi-ngenyawo emiselwe ngokoMmiselo wangaphambili, 1974 (UMmiselo 20 ka-1974) okanye nawuphi na umthetho kamasipala okhoyo ngoku ohambelana noku kunye / okanye umthetho wesizwe yaye ibandakanya isitrato sikawonkewonke;

**'isitrato sikawonkewonke'** sithetha nawuphi umhlaba oboniswe kwiplanini, kumzobo okanye kwiplanini eyamkelweyo njengendlela yoluntu, nokuba yeyoluntu okanye yeyezithuthi okanye iindledlana ezisezidolophini apho umnini isiSixeko ngokwalo Mthetho kaMasipala okanye nawuphi na omnye umthetho;

**'umcwangcisi obhalisiweyo'** uthetha umcwangcisi oyingcali obhalisiweyo ngokomthetho iPlanning Profession Act, 2002 (UMthetho 36 ka-2002), ngaphandle kokuba iSouth African Council for Planners ibeke umsebenzi ukuba ngumcwangcisi obhalisiweyo ngokwalo Mthetho kuluhlu oluthile lwabantu ababhalisiweyo ngokwecandelo 16(2) lePlanning Profession Act, 2002, apho umcwangcisi obhalisiweyo ethetha uluhlu lwabantu ababhalisiweyo ababekelwe umsebenzi;

**‘iRejistra yaBanini-Mihlaba’** ithetha iRejistra yoBunini-Mihlaba njengoko ichaziwe kwiDeeds Registries Act;

**‘umqathango othintelayo’** uthetha nawuphi umqathango obhalisiweyo ochasa ubunini-mhlaba bomhlaba othintela usetyenziso, uphuhliso okanye ulwahlulahlulo lomhlaba ochaphazelekayo, ngaphandle kobunini-mhlaba obunelungelo lomntu;

**‘ukuzowuna kwakhona’** kuthetha kuthetha ukutshintshwa kokuzowunwa kweyunithi yomhlaba okanye iiyunithi ngokwalo Mthetho kaMasipala;

**‘indlela’** ibandakanya isitrato sikawonkewonke, indlela kawonke-wonke nesitrato esikumhlaba womntu;

**‘imida yendlela’** ithetha ummandla womhlaba onesitrato sikawonkewonke okanye indlela kawonke-wonke, kubandakanywa indlela nendawo ephela kuyo apha emacaleni, mhlaba lowo onokuchazwa okanye ungabi nakuchazwa ngokwemida emisiweyo nebekiweyo;

**‘iSectional Titles Act’** ithetha umthetho iSectional Titles Act, 1986 (UMthetho 95 ka-1986);

**‘iplani yecandelo elithile’** ithetha nasiphi isicwangciso okanye iplani ebhaliweyo ejongene neline lamacandelo okanye inxalenye yeplani ehlanganisiweyo yophuhliso esenokuba yeyoqoqosho, inguqu kumhlaba, ezokusingqongileyo, ezezindlu, amanzi, iinkonzo okanye iplani yezothutho;

**‘isicwangciso esikhulu seenkonzo’** sithetha isicwangciso sezibonelelo esikwizinga eliphezulu esenziwe siSixeko ukulungiselela uphuhliso lwexesha elizayo yaye sibandakanya iSicwangciso esiHlanganisiweyo seZothutho, iSicwangciso soShishino soMbane, iSicwangciso eSikhulu saManzi noGutyulo, iSicwangciso eSikhulu samanzi eZiphango kunye neSicwangciso soLawulo lweNkunkuma esiHlanganisiweyo;

**‘iSikhokelo sophuhliso lwemihlaba engamabala’** sithetha isikhokelo sophuhliso lwemihlaba engamabala sesizwe, esophuhliso lwemihlaba engamabala sommandla (esamkeliweyo ngurhulumente wesizwe okanye uRhulumente wePhondo), iSikhokelo sophuhliso lwemihlaba engamabala sephondo, iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala, iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sesithili okanye isikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sengingqi;

**‘SPLUMA’** sithetha uCwangciso lweMihlaba engamabala neLand Use Management Act, 2013 (UMthetho 16 ka-2013) nemigaqo ephunyezwe kulandelwa lo mthetho;

**‘urhulumente’** ubandakanya iziko likarhulumente njengoko lichaziwe kwicandelo 239 loMgaqosiseko namashishini karhulumente athathwa njengamaziko karhulumente kwiShedyuli 2 okanye 3 yePublic Finance Management Act, 1999 (UMthetho 1 ka-1999);

**‘isitrato’** sithetha ‘isitrato sikawonkewonke’ okanye ‘isitrato esikumhlaba womntu’;

**‘iplani yesakhiwo’** ithetha iplani yesakhiwo eyamkeliweyo ngokwecandelo 4(6) okanye 4(10) loMmiselo;

**‘iplani yolwahlula-hlulo’** ithetha iplani ebonisa indawo eziza kuba kuyo iiyunithi ezintsha zemihlaba kwiyunithi yomhlaba eza kohlula-hlulwa;

**‘ulwahlula-hlulo’**, kumhlaba, luthetha ukwahlulwa kweyunithi yomhlaba ukuze ibe ziiyunithi zemihlaba yaye lubandakanya nayiphi na into eyenziwayo emhlabeni ukuwulungiselela ukuba wahlula-hlulwe kodwa alubandakanyi ukuhlolwa kumhlaba ulungiselelwa iplani yolwahlula-hlulo ukunti **‘nokwahlula-hlula’** kunentsingiselo efanayo;

**‘ummandla wolwahlula-hlulo’** xa ubhekisa ekuzowuneni, uthetha ulwahlula-hlulo lweZowuni eneMiqathango eYodwa ovumela ulwahlula-hlulo olukwinkqubo yolawulo lophuhliso; kunye xa ubhekisa kumhlaba, uthetha umhlaba ozowunwe ngolwahlula-hlulo wayiZowuni eneMiqathango eYodwa;

**‘inkqubo yotshintsho’** ithetha imephu yokuzowuna okanye imigaqo yophuhliso engena endaweni yenye, ngokomthetho wokuplana, nayiphi na enyemephu yokuzowuna okanye inxalenye yayo;

**‘uMhloli-Mhlaba Jikelele’** uthetha uMhloli-Mhlaba njengoko echaziwe kwiLand Survey Act;

**‘utyeshelo-mthetho lwethutyana’** luthetha ilungelo lokusebenzisa umhlaba okwethutyana ngenjongo engenamqathango ubhaliweyo kwiinkqubo zokuzowuna kwaloo propati;

**‘lo Mthetho kaMasipala’** ubandakanya inkqubo yolawulo lophuhliso nezinye iiShedyuli kulo Mthetho kaMasipala;

**‘itayitile yobunini-mhlaba’** ithetha nayiphi na itayitile ebhalisiweyo kwiincwadi zobunini-mhlaba apho kubhalwe umnini womhlaba okanye onelungelo kuloo mhlaba;

**‘umda kwizakhiwo ezisezidolophini’** ithetha umda wophuhliso wokwahlula indawo ekungenakudlulwa kuyo xa kukhuliswa iidolophu okanye wokukhusela imithombo yendalo;

**‘usetyenziso’** luthetha usetyenziso lomhlaba ngenjongo zokuphucula umhlaba;

**'Ilungelo lokusebenzisa'**, xa kubhekiswa emhlabeni, lithetha lokusebenzisa loo mhlaba ngokuhambelana nemiqathango yokuzowuna, utyeshelo-mthetho, usetyenziso ngemvume, umqathango wolwamkelo okanye nayiphi na enye imvume enikezelweyo yamalungelo okusetyenziswa kwaloo mhlaba;

**'izowuni'** xa ibhekisa kumhlaba, ithetha ukuba umhlaba usikelwe izowuni eluhlobo oluthile;

**'ukuzowuna'** kubandakanya ukuzowuna okusisiseko kunye neeZowuni ezineMiqathango eYodwa yaye kuthetha uluhlu losetyenziso-mhlaba olubekwe yinkqubo yolawulo lophuhliso olulawula usetyenziso nophuhliso lomhlaba apho kuchazwa –

(a) injongo umhlaba omawusetyenziselwe yona; kunye

(b) nemigaqo yophuhliso esebenza kuluhlu losetyenziso-mhlaba;

**'imephu yokuzowuna'** ithetha imephu yenkqubo yokuzowuna exelwe kwicandelo 29(1);

**'irejista yokuzowuna'** ithetha irejista yokuzowuna yenkqubo yokuzowuna exelwe kwicandelo 32; kunye

**'inkqubo yokuzowuna'** ithetha inkqubo yokuzowuna exelwe kwicandelo 25(1).

## ISAHLUKO 2.

### UKUSETYENZISWA KWALO MTHETHO KAMASIPALA NONGQUZULWANO NEMITHETHO

(s 2)

#### 2 Ukusetyenziswa kwalo mthetho kamasipala nongquzulwano nemithetho

(1) Lo Mthetho kaMasipala usebenza kuwo wonke umhlaba okummandla weSixeko, kubandakanywa umhlaba karhulumente.

(2) Lo Mthetho kaMasipala ubophelela wonke umnini nomsebenzisi womhlaba, kubandakanywa norhulumente.

(3) Xa kuqwalaselwa ungquzulwano olukhoyo phakathi kwalo Mthetho kaMasipala nomnye umthetho, inkundla kufuneka ikhethe ingcaciso evakalayo ephepha ungquzulwano kunaloo ngcaciso ikhokelela kungquzulwano.

(4) Ukuba kukho ungquzulwano phakathi kwalo Mthetho kaMasipala kunye nomnye umthetho kamasipala, lo Mthetho kaMasipala nguwe oye uthathe indawo kuneminye imiqathango yeminye imithetho kamasipala kuwo nawuphi na umba wokwenza izicwangciso zikamasipala.

## ISAHLUKO 3.

### UCWANGCISO LWEMIHLABA ENGAMABALA

(ss 3-23)

#### Isiqendu 1

#### *Imiqathango yolwaziso emalunga neZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala*

(s 3)

#### 3 IZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala

(1) IZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala zeSixeko zezi –

(a) ISikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala;

(b) ISikhokelo zeSithili zoPhuhliso loCwangciso lweMihlaba engamabala; kunye

(c) Nezikhokelo zeMimandla zoPhuhliso loCwangciso lweMihlaba engamabala.

(2) ISikhokelo sophuhliso lwemihlaba engamabala saseKapa esamkelwa njengenxalenye yeSicwangciso soPhuhliso esiHlanganisiweyo njengoko senziwe izilungiso, de sitshintshwe, sithathwa njengeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala.

(3) Injongo zeZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala zeSixeko zibandakanya –

(a) ukubonelela ngomfanekiso ofunwayo wenkangeleko-mhlaba wexesha kunye nobume bemimandla ezisebenza kuzo;

(b) ukubonelela ngezikhokelo zolawulo losetyenziso-mhlaba malunga nobunjani, ubume, ubungakanani nendawo yophuhliso;

(c) ukudlala indima kulungelelwaniso lwemihlaba;

- (d) ukukhokela utyalomali nocwangciso lwamasebe kamasipala yaye apho kufanelekileyo nakwamanye amanqwanqwa karhulumente;
- (e) ukukhokela utyalomali lwamashishini;
- (f) ukwetyisa imiqathango echaphazelekayo yezicwangciso ezamkelwa liBhunga leSixeko; kunye
- (g) nokukhokela ukwenziwa kwezigqibo kwizicelo.

### **Isiqendu 2**

#### **ISikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala** (ss 4-10)

#### **4 Inkqubo yokuyiliSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala**

- (1) ISixeko kufuneka samkele inkqubo, ebandakanya inkqubo yentatho-nxaxheba yoluntu yokuyila iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala ethobela uMthetho weeNkqubo zikaMasipala kunye nowuphi omnye umthetho ochaphazelekayo
- (2) Emva kokugqitywa kwenkqubo exelwe kwicandelwana (1), iBhunga leSixeko kufuneka liqwalasele ingxelo ebhaliweyo esuka kwiSebe yokuba kufuneka ubuncinane –
  - (a) Livavanye isikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala esisayilwayo;
  - (b) lishwankathele inkqubo yokuyila iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala;
  - (c) lishwankathele inkqubo yokubonisana;
  - (d) linike impendulo zeSixeko kwizimvo ezifunyenweyo;
  - (e) sichaze indlela iSixeko esithobele okanye esizimisele ukuthobela ngayo iimfuno yemithetho yesizwe neyephondo echaphazelekayo, nemiqathango echaphazelekayo yezicwangciso eyamkelwe liBhunga leSixeko; yaye
  - (f) liphakamise ukuba kwamkelwe isikhokelo esisayilwayo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala.
- (3) Umcwangcisi obhalisiweyo kufuneka asayine ingxelo efunekayo ngokwecandelwana (2).

#### **5 Inkqubo yokwenza iZilungiso kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala**

- (1) Icandelo 34 loMthetho weeNkqubo zikaMasipala nemiqathango echaphazelakayo ilawula inkqubo yokwenziwa kwezilungiso kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala.
- (2) Amacandelo 4(2) no-6 asebenza kwizilungiso zeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala ngenxa yezimvo ezifunyenweyo nguMphathiswa wePhondo njengoko kuchaziwe kwicandelo 32 okanye 33 loMthetho weeNkqubo zikaMasipala.
- (3) UManejala weSixeko unokuthi achaze indlela nenkqubo elwula isicelo ukwenza izilungiso kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala ngaphandle kwaleyo yenzeka ngenxa yophononongo olwenziwa qho ngonyaka oluxelwe kwicandelo 34(a) loMthetho weeNkqubo zikaMasipala.

#### **6 Isigqibo sokwamkela okanye sokwenza iZilungiso kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala**

iBhunga leSixeko lingathi –

- (a) lamkele ingxelo echazwe kwicandelo 4(2) yaye lamkele isikhokelo esisayilwayo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala kulandelwa iSahluko 5 soMthetho weeNkqubo zikaMasipala;
- (b) lamkele okanye likhabe isilungiso esisayilwayo; okanye
- (c) libuyisele ingxelo yolwamkelo lwesikhokelo esisayilwayo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala okanye isilungiso esisayilwayo ukuze –
  - (i) kufumaneka iinkcukacha ezifunwayo; kunye/okanye
  - (ii) kubonisiwane.

## **7 Ukungeniswa kweSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala kuMphathiswa wePhondo**

Zingaphelanga iintsuku ezili-10 emva kokuba iBhunga likaMasipala lamkele iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala okanye emva kokwenziwa kwezilungiso, uManejala weSixeko kufuneka oku kulandelayo kuMphathiswa wePhondo –

- (a) isaziso esibhaliweyo sesigqibo sokwamkela okanye ukwenza izilungiso kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala;
- (b) iSikhokelo esamkelweyo okanye esenziwe izilungiso soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala;
- (c) ikopi yengxelo ekubhekiswe kuyo kwicandelo 4(2); kunye
- (d) nenye ingxelo efunekayo ukuthobela icandelo 32(1)(b) loMthetho weeNkqubo zikaMasipala okanye icandelo 14 leLand Use Planning Act okanye nawuphi na omnye umthetho.

## **8 Upapasho lweSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala esamkelweyo okanye esenziwe izilungiso**

Kwiintsuku ezili-14 emva kokuba iBhunga likaMasipala lamkele iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala okanye emva kokwenziwa kwezilungiso, uManejala kaMasipala kufuneka –

- (a) apapashe isaziso sesigqibo sakhe sokwamkela okanye ukwenza izilungiso kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala *kwiGazethi yePhondo* ngokuhambelana necandelo 19;
- (b) anike isaziso kuluntu ze azise uluntu ngesishwankathelo ngokwecandelo 25(4) loMthetho weeNkqubo zikaMasipala; ze
- (c) apapashe isaziso sokwenziwa kwezilungiso zeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala *kwiGazethi yePhondo* ukuba iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala senziwe izilungiso njengoko kuchaziwe kwicandelo 32 okanye icandelo 33 loMthetho weeNkqubo zikaMasipala.

## **9 Ubume beSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala**

- (1) Kuxhomekeke kwicandelo 22, iSixeko singathi sityeshele imiqathango yeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala kuphela xa imeko zohlolo lwesiza zinyanzelisa ukuba kubekho olo tyeshelo.
- (2) Xa kusenziwa isigqibo malunga nokuba imeko zesiza zinjani na, iSixeko kufuneka sithathele ingqalelo isicelo sophuhliso esingenisiweyo kunye nezinye ezifanele ukuqwalaselwa.
- (3) Ukuba isicelo asihambelani neSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala, umfaki-sicelo kufuneka achaze oko kungahambelani –
  - (a) kwisicelo; kunye
  - (b) nokubhengezwa kwesicelo.
- (4) ISikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala asiniki yaye asithathi malungelo.
- (5) Ukuba kukho ungquzulwano phakathi kweSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala nesikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi, iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala siso esiya kulandelwa ukulungisa olo ngquzulwano.

## **10 Uphononongo lweSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala**

- (1) Xa kuphononongwa iSicwangciso soPhuhliso esiHlanganisiweyo ngokwecandelo 34(a) loMthetho weeNkqubo zikaMasipala, kumba wophononongo lweSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala, iSixeko kufuneka siqwalasele ubuncinane –
  - (a) Irekhodi lokunxaxha kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala kunye nezizathu zonxaxho;



- (b) iimfuno zemithetho yephondo neyesizwe emalunga neSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala;
  - (c) imiqathango echaphazelekayo yezicwangciso eyamkelwe liBhunga leSixeko; kunye
  - (d) nezimvo ezifunyenweyo kwinkqubo yophononongo.
- (2) Amacandelo 5(1), 6 no-7 achaphazela isiphakamiso sokwenza izilungiso kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala esikhokela kwinkqubo yophononongo.

### **Isiqendu 3**

#### **Izikhokelo zeSithili zoPhuhliso loCwangciso lweMihlaba engamabala neZikhokelo zoMmandla zoPhuhliso loCwangciso lweMihlaba engamabala (ss11-18)**

#### **11 Izikhokelo zeSithili zoPhuhliso loCwangciso lweMihlaba engamabala**

- (1) IBhunga leSixeko lingathi lamkele iSikhokelo sophuhliso lwemihlaba engamabala sesithili sommandla ochaziweyo okummandla weSixeko.
- (2) ISikhokelo sophuhliso lwemihlaba engamabala sesithili kufuneka –
  - (a) silungelelaniswe ze sixhase ngakumbi iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sooMasipala;
  - (b) sichonge ze sibonise kwimephu izinto ezibalulekileyo ezikhoyo ngoku neziza kubakho kwixa elizayo ezinika ulungelelwano lwesakhiwo okanye lomhlaba kubandakanywa uthungelwano lweendlela, iinkqubo zothutho, umhlaba ongamabala kawonke-wonke, izibonelelo zoluntu, neenkonzo zobunjineli zangaphandle;
  - (c) sibonelele ngezikhokelo provide zolawulo losetyenziso-mhlaba ezininto yokwenza –
    - (i) neepatheni zosetyenziso-mhlaba ezifunekayo;
    - (ii) ingxinano yophuhliso efanelekileyo nobume beedolophu;
    - (iii) ubonelelo lomhlaba ongamabala kawonke-wonke nezibonelelo zoluntu;
    - (iv) imimandla yokusingqonileyo e-etheethe; kunye
    - (v) nomhlaba wezolimo onokuvelisa izinto ezininzi;
  - (d) sibonelele ngembonakalo-mhlaba eya kuxhasa olunye ulwakhiwo nohlanganiso kwisithili ngokubonisa –
    - (i) imimandla yophuhliso lwendawo zikawonkewonke nezabucala eekufuneka kuqalwe ngayo nemayiququzelelwe;
    - (ii) imimandla ekufuneka kungenelelwe kuyo ukuze kwenziwe utshintsho olufunekayo kusetyenziso-mhlaba okanye kubume beedolophu;
    - (iii) iindawo ekunokwakhiwa kuzo izindlu ezixhaswa ngurhulumente;
    - (iv) iimfuno eziphambili zezibonelelo eziza kunceda uphuhliso lwemimandla ebekwe phambili ukuba kuqalwe ngayo;
  - (e) sixhase iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala ngokubonisa uququzelelo, ulungelelwaniso nohlanganiso lweeplani zemihlaba zamacandelo athile okanye lwemigaqonkqubo yaMasebe eSixeko;
  - (f) sibandakanye isicwangciso somiselo esichaza ukuba iziphakamiso zesikhokelo sophuhliso lwemihlaba engamabala sesithili ziza kuphunyezwa njani; kananjalo
  - (g) sichonge imimandla aphoiZikhokelo zoMmandla zoPhuhliso loCwangciso lweMihlaba engamabala kufuneka ziphuhliswe ngakumbi.

#### **12 Izikhokelo zoMmandla zoPhuhliso loCwangciso lweMihlaba engamabala**

- (1) IBhunga likaMasipala lingamkela iSikhokelo sophuhliso lwemihlaba engamabala sengingqi sommandla ochaziweyo okummandla weSixeko.
- (2) ISikhokelo sophuhliso lwemihlaba engamabala sengingqi kufuneka silungelelaniswe ze sixhase iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala kunye nasiphi iikhokelo sophuhliso lwemihlaba engamabala sesithili esichaphazelekayo ngokuthi sinikeze isicwangciso esineenkukacha sengingqi.
- (3) Apho kuyimfuneko, iSikhokelo sophuhliso lwemihlaba engamabala sengingqi sinokuqulatha izinto ezichazwe kumacandelo 11(2)(a) to 11(2)(e).



(4) Isikhokelo sophuhliso lwemihlaba engamabala sengingqi singabandakanya isicwangciso somiselo ekufuneka phakathi kwezinye izinto sichaze ze sikhokele iintshukumo ezinenjongo yokuphumeza iziphakamiso zesikhokelo sophuhliso lwemihlaba engamabala sengingqi.

**13 Inkqubo yokuyila okanye yokwenza izilungiso kwiSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla**

(1) Ukuba iSixeko sizimisele ukwamkela iSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla, iSixeko kufuneka –

- (a) sichaze ummandla ochaphazelekayo; kunye
- (b) samkele ukuyilwa kwesikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla kuxhomekeke kwimeko leyo.

(2) Ukuba iSixeko sizimisele ukwamkela okanye ukwenza izilungiso kwiSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye kwisikhokelo sophuhliso lwemihlaba engamabala semimandla, iSixeko kufuneka samkele inkqubo yokwenza oko.

(3) Emva kokugqitywa kwenkqubo yokubonisana nenkqubo yolwamkelo, iSebe kufuneka linikeze ngengxelo ebhaliweyo yokuba kufuneka ubuncinane –

- (a) Kuchazwe indlela ekufuneka –
  - (i) isikhokelo esisayilwayo sophuhliso lwemihlaba engamabala sesithili okanye isilungiso esisayilwayo silungelelaniswe ngayo neSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala nemiqathango echaphazelekayo yezicwangciso eyamkelwe liBhunga leSixeko; okanye
  - (ii) isikhokelo esisayilwayo sophuhliso lwemihlaba engamabala sengingqi okanye isilungiso esisayilwayo silungelelaniswa neSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala, iSikhokelo esichaphazelekayo sophuhliso lwemihlaba engamabala sesithili nemiqathango echaphazelekayo yezicwangciso eyamkelwe liBhunga leSixeko;
- kuxhomekeke kwimeko leyo;
- (b) lishwankathele inkqubo yokuyila iSikhokelo sophuhliso lwemihlaba engamabala sesithili, isikhokelo sophuhliso lwemihlaba engamabala sengingqi okanye ukwenziwa kwezilungiso;
- (c) lishwankathele inkqubo yokubonisana;
- (d) linike impendulo zeSixeko kwizimvo ezifunyenweyo; yaye
- (e) liphakamise ulwamkelo lwesikhokelo esisayilwayo sophuhliso lwemihlaba engamabala sesithili, isikhokelo esisayilwayo sophuhliso lwemihlaba engamabala sengingqi okanye isilungiso esisayilwayo.

**14 Isigqibo ngokwamkela okanye ngokwenza izilungiso kwiSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla**

IBhunga likaMasipala linokuthi –

- (a) lamkele ingxelo echazwe kwicandelo 13(3) yaye lamkele isikhokelo esisayilwayo sophuhliso lwemihlaba engamabala sesithili, isikhokelo esisayilwayo sophuhliso lwemihlaba engamabala sengingqi okanye isilungiso esisayilwayo, sinemimiqathango okanye singenamiqathango;
- (b) lidlulise ingxelo echazwe kwicandelo 13(3) liyibuyisele ukuze kufumanekwe ezinye iinkcukacha ezichaziweyo kunye/okanye kuphinde kuboniswane; okanye
- (c) lale ukwamkela isikhokelo esisayilwayo sophuhliso lwemihlaba engamabala sesithili, isikhokelo esisayilwayo sophuhliso lwemihlaba engamabala sengingqi okanye isilungiso esisayilwayo.

**15 Ukupapashwa kweSikhokelo esamkelweyo okanye esenziwe izilungiso sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi**

Zingaphelanga iintsuku ezingama-30 zokwamkela okanye zokwenza izilungiso kwiSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla, ISixeko kufuneka kupapashwe isikhokelo esamkelweyo okanye esenziwe izilungiso sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi ngokwecandelo 19.

**16 Ubume besikhokelo sophuhliso lwemihlaba engamabala sesithili kunye nesikhokelo sophuhliso lwemihlaba engamabala sengingqi**

(1) Ukuba isicelo asihambelani nesikhokelo esichaphazelekayo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi, umfakisicelo kufuneka achazi oko kungahambelani –

- (a) nesicelo; kunye
  - (b) nokubhengezwa kwesicelo.
- (2) Umntu othatha isigqibo ngokwalo Mthetho kaMasipala –
- (a) kufuneka akhokelwe sisikhokelo esichaphazelekayo sophuhliso lwemihlaba engamabala sesithili kunye/okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi;
  - (b) Kuxhomekeke kwicandelo 22, anganxaxha kwimiqathango yesikhokelo esichaphazelekayo sophuhliso lwemihlaba engamabala sesithili kunye/okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi ukuba imeko ziyaluvumela olo nxaxho.
- (3) Isikhokelo sophuhliso lwemihlaba engamabala sesithili nesikhokelo sophuhliso lwemihlaba engamabala sengingqi asiniki yaye asixuthi malungelo.

**17 Ukuphononongwa kweSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla**

(1) ISixeko kufuneka siphonononge isikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla okanye iplani yesakhiwo ubuncinane qho kwiminyaka eli-10.

(2) UManejala weSixeko kufuneka akhuphe isaziso kumajelo eendaba ngokwecandelo 21 loMthetho weNkqubo zikaMasipala yeSixeko senjongo zokuphonononga isikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla ze anike iinkcukacha zomntu ekuthunyelwa kuye izimvo kunye nomhla wokugqibela wokuqwalaselwa kwezimvo neengcebiso kwinkqubo yophononongo.

(3) Xa kusenziwa uphononongo ukulungiselela icandelwana (1), iSixeko kufuneka siqwalasele ubuncinane –

- (a) amatyeli okunxaxha kwisikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi kunye nezizathu zonxaxho;
- (b) naziphi izilungiso ezichaphazelakayo zeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala;
- (c) iimfuno zemithetho yephondo neyesizwe emalunga neSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala;
- (d) imiqathango echaphazelekayo yezicwangciso eyamkelwe liBhunga leSixeko; kunye
- (e) nezimvo ezifunyenweyo kwinkqubo yophononongo.

**18 Ukurhoxiswa kwesikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi**

(1) Ukuba iSixeko sizimisele ukurhoxisa iSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla, kufuneka sithobele icandelwana (2).

(2) Emva kokugqitywa kwenkqubo yokubonisana nenkqubo yolwamkelo, iSebe kufuneka linikeze ngengxelo ebhaliweyo ekufuneka ubuncinane –

- (a) ichaze izizathu zokurhoxiswa kwesikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi okanye iplani yesakhiwo;
  - (b) lishwankathele inkqubo yokubonisana;
  - (c) linike impendulo zeSixeko kwizimvo ezifunyenweyo; yaye
  - (d) liphakamise ukurhoxiswa kwesikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi okanye iplani yesakhiwo.
- (3) IBhunga leSixeko lingathi –
- (a) lamkele ingxelo ekwicandelwana (2) ze lirhoxise isikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi okanye iplani yesakhiwo;
  - (b) libuyisele ingxelo echazwe kwicandelwana (2) ukuze kubonelelwe ngeenkukacha ezichaziweyo, kunye/okanye kuphinde kuboniswane; okanye
  - (c) lale ukurhoxisa isikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi okanye iplani yesakhiwo.
- (4) Zingaphelanga iintsuku ezingama-30 zokurhoxiswa kwesikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla, iSixeko kufuneka sibhengeze urhoxiso silandela icandelo 15.

#### ***Isiqendu 4***

#### ***Imiqathango-gabalala malunga noCwangciso lweMihlaba engamabala*** (ss 19-23)

### **19 Irekhodi lokufikelela kwiZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala**

- (1) ISixeko kufuneka sigcine, simenteyine ze sivulele uluntu, kubandakanywa newebhusayithi yeSixeko, iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala esamkeliweyo, iSikhokelo sophuhliso lwemihlaba engamabala sesithili neSikhokelo sophuhliso lwemihlaba engamabala sengingqi esamkeliweyo kunye nasiphi na isilungiso okanye urhoxiso lwaso.
- (2) ISixeko kufuneka sinike umceli, emva kokuhlawula umrhumo ochaziweyo, ikopi yeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala, iSikhokelo sophuhliso lwemihlaba engamabala sesithili neSikhokelo sophuhliso lwemihlaba engamabala sengingqi esamkeliweyo kunye nezilungiso zaso.

### **20 Izicwangciso zoBume beSakhiwo**

- (1) Iplani yesakhiwo edweliswe kwiShedyuli 1 nesasebenzayo ngokwecandelo 16(1)(b) leLand Use Planning Act ichongwe njengesikhokelo sophuhliso lwemihlaba engamabala yesithili eyamkeliweyo ngokwalo Mthetho kaMasipala yaye iya kusebenza de irhoxiswe ngokwalo Mthetho kaMasipala.
- (2) Iplani yesakhiwo eyamkeliweyo ngokwecandelo 4(6) okanye icandelo 4(10) loMmiselo nedweliswe kwiShedyuli 2 nesasebenzayo ngokwecandelo 16(1)(b) leLand Use Planning Act ichongwe njengesikhokelo sophuhliso lwemihlaba engamabala yesithili eyamkeliweyo ngokwalo Mthetho kaMasipala yaye iya kusebenza de irhoxiswe ngokwalo Mthetho kaMasipala.
- (3) Amacandelo 13 ukuya ku-18, kunye notshintsho olunyanzeliswa yimeko, achaphazela izilungiso, ubume okanye urhoxiso lweplani yesakhiwo.

### **21 Imigaqonkqubo yokukhokela ukwenziwa kwezigqibo**

- (1) ISixeko singamkela umgaqonkqubo okanye izikhokelo ukukhokela ukwenziwa kwezigqibo kwizicelo ezenziwe ngokwalo Mthetho kaMasipala.
- (2) Imiqathango yecandelo 138 isebenza kwimigaqonkqubo exelwe kwicandelwana (1).

## **22 Ubungqina bokungalandelwa kweZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala**

(1) Umntu othatha isigqibo ngokwalo Mthetho kaMasipala esinxaxhayo kwimiqathango yeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala kunye/okanye isikhokelo esichaphazelekayo sophuhliso lwemihlaba engamabala sesithili kunye/okanye isikhokelo sophuhliso lwemihlaba engamabala sengingqi okanye umgaqonkqubo kufuneka ngexesha esenza isigqibo –

- (a) abhale phantsi izizathu zonxaxho; yaye
- (b) agcine irekhodi lesigqibo nezizathu ezibhaliweyo zonxaxho.

(2) Irekhodi lezigqibo zezicelo ezinxaxha kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala kufuneka ligcinwe neSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala.

## **23 IZikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala ezichaphazela umhlaba okummandla weSixeko**

Xa umhlaba okummandla womnye umasipala uhlanganiswe nommandla weSixeko, nasiphi isikhokelo sophuhliso lwemihlaba engamabala esisebenza kulo mmandla okanye kwinxalenye yaloo mmandla siya kusebenza de iSixeko siphonononge okanye silungise imiqathango yaloo Mthetho kaMasipala.

### **ISAHLUKO 4. ULAWULO LOPHUHLISO (ss 24-38)**

#### ***Isiqendu 1 Inkqubo yokuzowuna (ss 24-34)***

## **24 Ukuzowuna**

- (1) Wonke umhlaba okummandla weSixeko kufuneka uzowunwe.
- (2) Ukuzowuna kusenokuchaphazela iyunithi yomhlaba okanye inxalenye yayo, yaye ukuzowuna kufuneka kulandele imida esikiweyo.
- (3) ISixeko singathi, ngokwenza izilungiso kwinkqubo yolawulo lophuhliso, ngokunokwaso samkele iZowuni eneMiqathango eYodwa entsha okanye sense izilungiso okanye sisuse iZowuni eneMiqathango eYodwa ekhoyo.
- (4) KwiZowuni nganye eneMiqathango eYodwa, ngaphandle kwakulwahlulahlulo lommandla onezowuni eneMiqathango eYodwa, iSixeko kufuneka sibhengeze *kwiGazethi yePhondo* –
  - (a) ukuba yeyiphi imimandla echaziweyo okanye iiyunithi zemihlaba ezineZowuni eneMiqathango eYodwa;
  - (b) isalathiso semephu esifumanekayo kwiwebhusayithi yeSixeko imimandla echaziweyo okanye iiyunithi zemihlaba ezineZowuni eneMiqathango eYodwa; okanye
  - (c) ingxelo ethi akukho mmandla uchaziweyo okanye iyunithi yomhlaba eneZowuni eneMiqathango eYodwa.
- (5) ISixeko singathi nanini na sichonge uumandla okhonjiweyo okanye iyunithi yomhlaba ukuba ube yiZowuni eneMiqathango eYodwa, okanye ungaqhubeki ukuba yiZowuni eneMiqathango eYodwa, ngokulandela inkqubo ekwinkqubo yolawulo lophuhliso yaye kufuneka sibhengeze olo chongo *kwiGazethi yePhondo*.
- (6) ISixeko asinyanzelakanga ukuba silandele inkqubo ekwinkqubo yolawulo lophuhliso exelwe kwicandelwana (5) xa sipapasha isaziso esixelwe kwicandelwana (4) ukuba ummandla okanye iyunithi yomhlaba echazwe kwisaziso uneZowuni eneMiqathango eYodwa efanayo xa lo Mthetho kaMasipala uqala ukusebenza.

## **25 Inkqubo yokuzowuna**

- (1) Inkqubo yokuzowuna iqulethe –
  - (a) inkqubo yolawulo lophuhliso;

- (b) imephu yokuzowuna; kunye
- (c) nerejista yokuzowuna.
- (2) Inkqubo yokuzowuna isebenza kuwo wonke umhlaba okummandla weSixeko.

## 26 Inkqubo yolawulo lophuhliso

- (1) linjongo zenkqubo yolawulo lophuhliso zibandakanya –
  - (a) umqathango wamalungelo okusebenzisa nokulawula usetyenziso-mhlaba;
  - (b) uququzelelo lomiselo lwemigaqonkqubo nemithethosiseko ebekwe kwiZikhokelo zoPhuhliso loCwangciso lweMihlaba engaMabala ezichaphazelakayo nemigaqonkqubo nemithethosiseko ebophelelayo ekwimithetho yesizwe neyephondo;
  - (c) uququzelelo lokusetyenziswa komhlaba ngempumelelo, ngeenjongo zoqoqosho nangozinto;
  - (d) ukukhuselwa kwemimandla enendalo enokuchatshazelwa kakubi luphuhliso;
  - (e) ezinye iinjongo ezibekwe ngokusemthethweni kwimithetho yesizwe okanye eyephondo.
- (2) Inkqubo yolawulo lophuhliso yinkqubo ekwiShedyuli 3.
- (3) Inkqubo yolawulo lophuhliso iyinxalenye engundoqo yalo Mthetho kaMasipala yaye imiqathango yawo inamandla omthetho.
- (4) Xa kuqwalaselwa ungquzulwano olukhoyo phakathi kwalo Mthetho kaMasipala nomnye umthetho, inkundla kufuneka ikhethe ingcaciso evakalayo ephepha ungquzulwano kunaloo ngcaciso ikhokelela kungquzulwano.
- (5) Ukuba kukho ungquzulwano phakathi kwalo Mthetho kaMasipala nenkqubo yolawulo lophuhliso, lo Mthetho kaMasipala nguwe oye uthathe indawo kuneminye imiqathango yenkqubo yolawulo lophuhliso.

## 27 Uphononongo lolawulo lwenkqubo yophuhliso

- (1) UManejala weSixeko kufuneka, ubuncinane qho emva kweminyaka emihlanu emva kokuqala kwalo Mthetho kaMasipala, aphonononge inkqubo yolawulo lophuhliso.
- (2) UManejala weSixeko kufuneka akhuphe isaziso kumajelo eendaba ngokwecandelo 21 loMthetho weNkqubo zikaMasipala senjongo yeSixeko yokuphonononga inkqubo yolawulo lophuhliso ze anike iinkcukacha zomntu ekuthunyelwa kuye izimvo kunye nomhla wokugqibela wokuqwalaselwa kwezimvo neengcebiso kwinkqubo yophononongo.
- (3) UManejala weSixeko kufuneka angenise ingxelo yophononongo kwiBhunga likaMasipala echaza isithuba sophononongo kunye nobuncinane –
  - (a) izilungiso eziphakanyisiweyo kwinkqubo yolawulo lophuhliso, kubandakanywa iizowuni ezinemiqathango eyodwa ezicetywayo, enjongo yazo ikukulungelelanisa inkqubo yolawulo lophuhliso kunye neSikhokelo soPhuhliso loCwangciso lweMihlaba engaMabala sikaMasipala;
  - (b) inani lamatyeli onxaxho kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engaMabala sikaMasipala nezizathu zonxaxho ngalunye;
  - (c) impendulo kwizimvo ezifunyenweyo ngenxa yesaziso esipapashwe kumajelo eendaba kulandelwa icandelwana (2).
- (4) Ukuba iBhunga leSixeko liyazamkela iziphakamiso ezikwingxelo yophononongo, iSixeko kufuneka siqale inkqubo yokwenza izilungiso kwinkqubo yolawulo lophuhliso efanelekileyo.
- (5) ISixeko kufuneka sithobele imiqathango yecandelo 27 leLand Use Planning Act phambi kokwamkela nasiphi isilungiso kwinkqubo yolawulo lophuhliso.
- (6) Uphononongo oluxelwe kweli candelo aludingeki kwizilungiso zenjongo ethile yenkqubo yolawulo lophuhliso.

## 28 Imephu yokuzowuna

- (1) Imephu yokuzowuna kufuneka –
  - (a) ibonise ukuzowunwa kweyunithi nganye yomhlaba okummandla weSixeko;
  - (b) ibonise iizowuni ezinemiqathango eyodwa ezikwiyunithi yomhlaba; yaye
  - (c) ihlaziye kwangethuba emva kokunikezwa kwelungelo lokusebenzisa okanye emva kokuba liphelelwe.
- (2) Imephu yokuzowuna ingathi –



- (a) ibonise indawo ecetywayo, ukunatyiswa okanye ukuvalwa kwezitalato zikawonke-wonke neendlela zikawonke-wonke;
- (b) ibonise ngophawu ukuba isigqibo sithathiwe ngelungelo losetyenziso-mhlaba; yaye
- (c) igcinwe ekhompuyutheni.

## 29 Ulwamkelo, ukwenziwa kwezilungiso nokutshintshwa kwemephu yokuzowuna

- (1) Imephu yokuzowuna yimephu yokuzowuna esebenzayo kwiSixeko xa kuqala lo Mthetho kaMasipala enokuthi yenziwe izilungiso okanye itshintshwe.
- (2) Ukuzowuna okusemthethweni okurekhodwe kwimephu yokuzowuna xa kuqala lo Mthetho kaMasipala kuyaqhubeka kusebenze de uphelelwe okanye de imephu yokuzowuna yenziwe izilungiso okanye itshintshwe.
- (3) ISixeko singenza izilungiso okanye emva kokubonisana, sitshintshe imephu yokuzowuna ngokwalo Mthetho kaMasipala.
- (4) Utshintsho oluxelwe kwicandelwana (3) lwenzeka xa ulwaziso lolwamkelo lwemephu yokuzowuna lupapashiwe *kwiGazethi yePhondo* okanye kumhla obekiweyo ochazwe *kwiGazethi yePhondo*.

## 30 Impazamo kwimephu yokuzowuna

- (1) Umnini-mhlaba okholelwa ukuba imephu yokuzowuna ineempazamo ngepropati yakhe, angafaka sicelo kwiSixeko sokuba imephu yokuzowuna ilungiswe.
- (2) Umnini-mhlaba ofaka isicelo esixelwe kwicandelwana (1) –
  - (a) kufuneka achaze uhlobo lwempazamo;
  - (b) kufuneka anike ubungqina bempazamo yaye kufuneka anikeze ubungqina obubhaliweyo belungelo elisemthethweni losetyenziso-mhlaba; yaye
  - (c) kufuneka achaze uzowuno olululo.
- (3) ISixeko kufuneka sibhengeze isicelo sazise –
  - (a) omnye umnini ukuba isicelo sichaphazela omnye umnini; yaye
  - (b) kufunwe nezimvo zoluntu ukuba isicelo sichaphazela uluntu.
- (4) ISixeko singasamkela okanye sisikhabe isicelo.
- (5) Ukuba isicelo samkelwe, uManejala weSixeko kufuneka enze izilungiso kwimephu yokuzowuna.
- (6) Ukuba iSixeko sifumana impazamo kwimephu yokuzowuna, iSixeko singathi ngokunokwaso silungise imephu yokuzowuna emva –
  - (a) kokukhupha isaziso ngempazamo nenjongo yeSixeko yokulungisa impazamo nokumema izimvo zoluntu kwixesha elibekiweyo ezisuka –
    - (i) kumnini wepropati ochaphazelekayo;
    - (ii) komnye umnini ukuba isicelo sichaphazela omnye umnini; kunye
    - (iii) nakuluntu ukuba isilungiso sichaphazela uluntu;
  - (b) kokuqwalaselwa izimvo ezifunyenweyo; kananjalo
  - (c) kokuthatha isigqibo sokwenza izilungiso kwimephu yokuzowuna.

## 31 Ubume bemephu yokuzowuna kunye nokungatyatyekwa kweSixeko ngayo nayiphi na impazamo

- (1) Imephu yokuzowuna yirekhodi yeSixeko yokuzowunwa kweyunithi nganye yomhlaba.
- (2) Ukuzowuna okurekhodwe kwimephu yokuzowuna kuthathwa njengokuzowuna okuchanekileyo ngaphandle kokuba kube umntu okuphikisayo.
- (3) Ilungelo lokusebenzisa umhlaba liyaphelelwa ngomhla eliphelelwa ngawo ngokwalo Mthetho kaMasipala okanye ngokwenkqubo yokuzowuna yangaphambili ukuba imephu yokuzowuna isarekhoda ilungelo lokusebenzisa njengelisekhona.
- (4) ISixeko asisayi kuba natyala ngawo nawuphina umonakalo owenziwe –
  - (a) Yimpazamo kwimephu yokuzowuna; okanye
  - (b) Inkcazo enempazamo yeSixeko emalunga nelungelo lokusebenzisa okanye ukuzowunwa kweyunithi yomhlaba.



### 32 Irejista yokuzowuna

- (1) ISixeko kufuneka sirekhode kwirejista yokuzowuna –
  - (a) isigqibo esithathwe ngokwalo Mthetho kaMasipala emva kokuqala ukusebenza kwalo Mthetho kaMasipala ukunikeza ilungelo –
    - (i) lokuzowuna kwakhona;
    - (ii) utyeshelo-mthetho olusisigxina okanye lwethutyana;
    - (iii) imvume;
    - (iv) uhlanganiso lwemihlaba; okanye
    - (v) nayiphi na enye imvume okanye imvume enikezelweyo ngokwenkqubo yolawulo lophuhliso;
  - (b) usetyenziso olwaphula imiqathango oluqinisekisiweyo ngokwecandelo 37(8); kunye
  - (c) nawuphi omnye umba lo Mthetho kaMasipala ofuna ukuba urekhodwe kwirejista yokuzowuna.
- (2) ISixeko singathi sigcine irejista yokuzowuna ekhompuyutheni.

### 33 Ukufikelela kwimephu yokuzowuna kunye nerejista yokuzowuna

- (1) Imephu yokuzowuna iyafikeleleka kuluntu kwiwebhusayithi yeSixeko.
- (2) Imephu yokuzowuna kunye nerejista yokuzowuna nazo ziyafumaneka ukuba zibonwe kwiofisi yesithili yeSebe.
- (3) ISixeko kufuneka sinike umceli, emva kokuhlawula umrhumo, umhlathi obhaliweyo othathwe kwimephu yokuzowuna kunye nerejista yokuzowuna.
- (4) Umhlathi oxelwe kwicandelwana (3) kufuneka ubhalwe ze usayinwe ligosa eligunyazisiweyo.

### 34 Ukuqhubeka neenkqubo zokuzowuna

Ukuba ummandla weSixeko unatyisiwe ukuze ufakele umhlaba womnye umasipala, inkqubo yokuzowuna esebenza kuloo mhlaba iyaqhubeka isebenza de iSixeko senze izilungiso, sibhangise okanye siyitshintshe.

#### *Isiqendu 2*

#### *Ilungelo lokusebenzisa kunye nosetyenziso olwaphula imiqathango (ss 35-37)*

### 35 Ilungelo lokusebenzisa

- (1) lungelo lokusebenzisa lisemhlabeni, alikho kumntu.
- (2) Akukho mntu unokusebenzisa okanye aphuhlise umhlaba ngaphandle kokuba olo setyenziso okanye olo phuhliso luvumelekile ngokwenkqubo yokuzowuna okanye lwamkelwe okanye uthathwa ngokuba lunikezelwe ngokwalo Mthetho kaMasipala.
- (3) Akukho mntu unokwaphula okanye angaphumeleli ukuthobela umqathango wolwamkelo obekiweyo ngokwalo Mthetho kaMasipala.
- (4) Umqathango wolwamkelo obekiweyo ngokwalo Mthetho kaMasipala ubophelela nomnini olandelayo oya kungena kuloo yunithi yomhlaba.

### 36 Isigqibo sokuzowuna

- (1) Ngaphandle kwaxa umhlaba uthathwa njengozowuniweyo njengoko kuchaziwe kwinkqubo yolawulo lophuhliso, iSixeko singagqiba ngokuzowunwa komhlaba ongazowunwanga.
- (2) Xa iSixeko sigqibe ngokuzowuna okuxelwe kwicandelwana (1), kufuneka sithathe ingqalelo ubuncinane –
  - (a) usetyenziso ngokusemthethweni lomhlaba, okanye iinjongo onokusetyenziselwa zona ngokusemthethweni phambi ngqo kokuqala kwalo mthetho Mthetho kaMasipala ukuba oko kunokwenzeka;
  - (b) ukuzowuna, ukuba kunokwenzeka, okuhambelana nolo setyenziso kunye nemiqathango echaphazelekayo yobunini-mhlaba;
  - (c) naluphi utyeshelo-mthetho olusisigxina okanye usetyenziso ngemvume olunokufuneka oluhambelana noko kuzowuna;

- (d) apho umhlaba ubungenanto phambi ngqo kokuqala kwalo mthetho Mthetho kaMasipala, usetyenziso oluvumelekileyo ngokwemiqathango yobunini-mhlaba okanye, kuvumelekile iintlobo-ntlobo zosetyenziso-mhlaba, enye yezo ntlobo mayigqitywe siSixeko; kunye
- (e) nalapho usetyenziso ngokusemthethweni lomhlaba nenjongo onokusetyenziselwa wona loo mhlaba phambi ngqo kokuqala kwalo mthetho Mthetho kaMasipala lungenakugqitywa, makusetyenziswe uzowuno olufunekayo noluhambelana nemiqathango yobunini-mhlaba kunye naluphi na utyeshelo-mthetho okanye usetyenziso ngemvume olufunekayo.
- (3) Xa iSixeko sigqiba malunga nokuzowuna okuxelwe kwicandelwana (1) kunye nalapho umhlaba uyinxalenye yendawo ekhuselweyo exelwe kwiNational Environmental Management: Protected Areas Act, 2003 (UMthetho 57 ka-2003) okanye umthetho obufana nalowo, ukuzowuna mayibe kukuzowuna okuhambelana neenjongo zaloo mthetho.
- (4) Imephu yokuzowuna kufuneka yenziwe izilungiso ukuze ibonise ukuzowuna ekugqitywe ngako kwaloo mhlaba.
- (5) ISixeko kufuneka sinike isaziso senjongo yaso yokuzowuna kumnini ukuba ikwenza oko ngokwecandelwana (1).
- (6) ISixeko kufuneka sithobele amacandelo 79 no-80 ukuba sisebenza ngokwecandelwana (1).
- (7) Ukuba usetyenziso ngokusemthethweni lomhlaba alukwazi kufunyaniswa, ISixeko kufuneka silandele inkqubo yokuzowuna kwakhonas.

### 37 Usetyenziso olwaphula imiqathango

- (1) Ngokweli candelo, 'usetyenziso olwaphula imiqathango' luthetha usetyenziso lomhlaba okanye lwesakhiwo okanye inxalenye yaso ngenjongo nangendlela engathobeli inkqubo yokuzowuna,
  - (a) kodwa –
    - (i) kodwa umhlaba lowo ubusetyenziselwa injongo enye nangohlobo olunye pha kwimihla yoo-1 Juni 1950 kungakhange kwazanyiswa nto; okanye
    - (ii) umhlaba owakhe wathobela inkqubo yokuzowuna kwixa elidlulileyo yaye ukususela ngoko usetyenziswe ngokusemthethweni usetyenziselwa injongo enye nangendlela enye nokuqhubekekayo ungaphazamisanga nto; yaye
  - (b) uyasetyenziswa ngokuqhubekekayo ukususela oko kwaqala lo Mthetho kaMasipala kungekho luphazamiso lungaphezulu kweenyanga ezintandathu.
- (2) Ukulungiselela icandelwana(1)(a), uphazamiso luthathwa njengolwenzeka isithuba esingaphezulu –
  - (a) kweenyanga ezintandathu ukususela ngomhla we-1 Juni 1950 ukuya kowe-30 Juni 1986; okanye
  - (b) iminyaka emibini ukususela ngomhla we- 1 Julayi 1986 ukuya kutsho kumhla ophambi kowokuqala kokusebenza kwalo Mthetho kaMasipala.
- (3) Umntu obanga ukuba kukho usetyenziso olwaphula imiqathango kufuneka eze nobungqina.
- (4) Usetyenziso olungaqinisekiswa –
  - (a) lungaqhubeka ukuba kwenziwa into esemthethweni;
  - (b) alophuli thetho ngokwalo Mthetho kaMasipala; yaye
  - (c) lwenziwa kuphela kwiyunithi yomhlaba okanye isakhiwo esaziwayo ukuba sikhona.
- (5) Noxa kukho usetyenziso olwaphula imiqathango, akukho mntu unokongeza okanye atshintshe isakhiwo esichaphazelekayo ngaphandle kwemvume ngokwalo Mthetho kaMasipala kunye nowuphi omnye umthetho ochaphazelekayo
- (6) Ukuba isakhiwo okanye inxalenye enkulu yaso ebisetyeniswa kusaphulwa umthetho iye yatshatyalaliswa okanye kufuneka ichithwe ngenxa yomonakalo, iSixeko singathi ngokubona kwaso sinike imvume yokuba siphinde sakhiwe siphinde siqhube ngosetyenziso olwaphula imiqathango kodwa oko kwenzeke phantsi kwemiqathango ethile.
- (7) Imvume yecandelwana(6) ayitsho ukuba umnini makangafumi mvume yawo nowuphi omnye umthetho ochaphazelekayo

- (8) ISixeko singathi ngokunokwaso okanye ngokufaka isicelo senze isigqibo esibophelelayo sobukho, ubunjani nobungakanani bosetyenziso olwaphula imiqathango.
- (9) ISixeko kufuneka sibhengeze isicelo okanye injongo yokwenza isigqibo esixelwe kwicandelwana (8) –
- kumnini ochaphazelekayo ukuba umnini asingomfaki-sicelo;
  - komnye umnini ukuba isicelo siyamchaphazela loo mnini; kunye
  - sibhengezele uluntu ukuba isicelo siyaluchaphazela uluntu.
- (10) Umfaki-sicelo ofaka isicelo sesigqibo esixelwe kwicandelwana (8) kufuneka asebenzise ifomu efanelekileyo yaye kufuneka anikeze ngeenkukacha ezifunwa siSixeko.

**Isiqendu 3**  
**Umgaqo wophelelo gabalala**  
 (s 38)

**38 Umgaqo wophelelo gabalala**

- (1) Ngaphandle kokuba kuchaziwe kulo Mthetho kaMasipala, ulwamkelo olunikezelweyo okanye oluthathwa njengolunikezelweyo ngokwalo Mthetho kaMasipala luyaphelelelwa kwiminyaka emibini emva komhla wokuqala wokusebenza kwesigqibo –
- apho umhlaba ungasetyenziswa ngokwemiqathango yolwamkelo; okanye
  - apho uphuculo lomhlaba lufuneka ukuze kusetyenziswe umhlaba ngokwemiqathango yolwamkelo, ulwakhiwo olusemthethweni lungekaqali.
- (2) Umfaki-sicelo angafaka isicelo ngokwemiqathango nangokweemfuno zecandelo 107 ukuba ongezwe isithuba esixelwe kwicandelwana (1), kodwa eso sithuba singabikho ngaphezu kweminyaka emibini ukususela ngomhla wokuphelelelwa kwaso.

**ISAHLUKO 5.**  
**IIMFUNO GABALALA ZOKUFAKWA KWESICELO**  
 (ss 39-43)

**39 Izicelo**

- (1) Umfaki-sicelo ofuna imvume ngokwalo Mthetho kaMasipala kusetyenziso okanye uphuhliso lomhlaba kufuneka afake isicelo kwiSixeko ngokwecandelo 42.
- (2) Ulwamkelo olunikezelweyo okanye oluthathwa njengolunikezelweyo ngokwalo Mthetho kaMasipala –
- Lukhulula nabani na ekufumaneni olunye ugunyaziso olufunwa ngulo Mthetho kaMasipala okanye omnye umthetho, nokuthobela yonke imithetho, nakwizithintelo zobunini-mhlaba okanye iimfuno zomgaqosiseko wombutho wabanini-mhlaba; okanye
  - Lunyanzelisa nabani na ukuba asebenzise ulwamkelo.

**40 Abantu abanokufaka isicelo ngokwalo Mthetho kaMasipala**

- (1) Isicelo singangeniswa kuphela –
- ngumnini womhlaba ochaphazelekayo;
  - siSixeko kumhlaba ongengowaso, ngeenjongo zamacandelo 44(1) no-48(1);
  - ngumntu onikwe umhlaba ochaphazelekayo ukuba awuphuhlise ngembalewano ayinikwe liziko likarhulumente okanye yiarhente yaloo mntu egunyazisiweyo yezindlu; okanye
  - umboneleli-nkonzo onoxanduva lokunikeza ngezibonelelo, izixhobo okanye ezinye iinkonzo.
- (2) Umntu ogunyazisiweyo owenza isicelo egameni lomnini.

#### 41 Ukuqhubeka nesicelo komnini omtsha

Ukuba umhlaba owenzelwa isicelo ngokwalo Mthetho kaMasipala udluliselwe kumnini omtsha, umnini omtsha angaqhubeka nesicelo njengomnini-tayitile omtsha yaye umnini omtsha uya kuthathwa njengomfaki-sicelo ngeenjongo zalo Mthetho kaMasipala.

#### 42 Iintlobo zezicelo

Umntu angafaka isicelo sezi zinto zilandelayo ngokwalo Mthetho kaMasipala –

- (a) ukuzowuna kwakhona komhlaba, kubandakanywa nokuzowunwa kwakhona koulwahlulahlulo lommandla onezowuni eneMiqathango eYodwa;
- (b) utyeshelo-mthetho olusisigxina;
- (c) utyeshelo-mthetho lwethutyana;
- (d) ulwahlulahlulo lomhlaba;
- (e) unmiselo lwemvume yolwahlula-hlulo ngokwezigaba;
- (f) uhlanganiso lwemihlaba;
- (g) ukwenziwa kwezilungiso, ukumiswa okanye ukucinywa komqathango othintelayo;
- (h) imvume okanye unyenyiso lomqathango othintelayo kubunini-mhlaba apho uthintelo lunento yokwenza nosetyenziso, ulwahlula-hlulo, imigaqo yophuhliso okanye inkqubo yokudizayina;
- (i) imvume okanye imfuno ngokwenkqubo yolawulo lophuhliso;
- (j) ukwenziwa kwezilungiso, ukucinywa okanye ukongezwa kwemiqathango emalunga nemvume enikezelweyo okanye ethathwa njengenikezelweyo ngokwalo Mthetho kaMasipala;
- (k) ukongezwa kwesithuba sokusebezna kolwamkelo;
- (l) ukwenziwa kwezilungiso okanye ukucinywa kweplani eyamkeliweyo yolwahlula-hlulo okanye iplani-gabalala;
- (m) imvume efunekayo ngokwemiqatha ngoyolwamkelo yesicelo;
- (n) ukugqiba ngokuzowuna, ilungelo lokusebenzisa elingathobeli miqathango okanye nawuphi omnye umba iSixeko singathi siwugqibe ngokwalo Mthetho kaMasipala;
- (o) ukulungiswa kwemephu yokuzowuna;
- (p) uqinisekiso lomgaqosiseko wombutho wabanini-mhlaba okanye emva kokwenziwa kwezilungiso;
- (q) utshintsho okanye ukwenziwa kwezilungiso kwigama okanye inombolo yesitrato;
- (r) ukugqiba ngentlawulo ehlawulelwa umsebenzi owenziweyo njengoko kuchaziwe kwicandelo 129(1);
- (s) ukwaphulela ulwahlula-hlulo kwisidingo semvume ngokwalo Mthetho kaMasipala njengoko kuchaziwe kwicandelo 67(3);
- (t) nasiphi esinye isicelo esivunyelweyo kulo Mthetho kaMasipala;
- (u) nasiphi esinye isicelo uManejala weSixeko anokuthi asibeke ngokwalo Mthetho kaMasipala.

#### 43 Imiqathango elawula izicelo

- (1) Ngaphandle kokuba kuvumelekile ngokwalo Mthetho kaMasipala, isicelo silawulwa –
  - (a) zinkqubo gabalala ezikwiSahluko 7;
  - (b) imiqathango eyodwa ekwiSahluko 6 kwimiba echaphezelekayo; kunye
  - (c) nawuphi omnye umqathango ochaphazelayo okulo Mthetho kaMasipala.
- (2) Xa kukho ukungalungelelani phakathi komqathango owodwa okwiSahluko 6 nomnye umqathango walo Mthetho kaMasipala, kuya kugqibela umqathango owodwa.

**ISAHLUKO 6.**  
**IMIQATHANGO EYODWA YEZICELO EZITHILE**  
*(ss 44-69)*

***Isiqendu 1***  
***Ukuzowuna kwakhona, utyeshelo-mthetho nosetyenziso ngemvume***  
*(ss 44-47)*

**44 Ukuzowuna kwakhona**

- (1) Kuxhomekeke kwicandelo 35(2) leLand Use Planning Act neSahluko 7 lalo Mthetho kaMasipala, iSixeko singathi ngokunokwaso siwuzowune kwakhona umhlaba ongengowaso ukuphumeza iZikhokelo zoPhuhliso loCwangciso lweMihlaba engaMabala neminye imigaqonkqubo yeSixeko.
- (2) Akukho sicelo solwamkelo lolwahlulahlulo esibandakanya utshintsho kumhlaba osele uzowuniwe ongaphezulu kwesinye esiya kuqwalaselwa ngaphandle kokuba lo mhlaba uza kuba ngummandla wolwahlula-hlulo.
- (3) Izicelo zokuzowuna kwakhona zommandla wolwahlula-hlulo nokwamkelwa kolwahlulahlulo zingaqwalaselwa ngexesha elinye.
- (4) ISixeko kufuneka ngokukhawuleza kangangoko sinakho emva kokuzowuna kwakhona umhlaba senze izilungiso kwimephu yokuzowuna nakwirejista yokuzowuna ukubonisa ukuzowuna kwakhona.

**45 Utyeshelo-mthetho**

- (1) Kwiyunithi nganye yomhlaba, utyeshelo-mthetho lwethutyana lokusebenzisa umhlaba kungekho umqathango ubekiweyo wokuzowuna osebenza kumhlaba, lusenokunganikezwa –
  - (a) Isithuba esingekho ngaphezulu kweminyaka emihlanu;
  - (b) ukuba kukho olunye utyeshelo-mthetho lwethutyana olukhoyo ngelo xesha; okanye
  - (c) ukuba utyeshelo-mthetho lwethutyana lubandakanya uphuculo lomhlaba olungavunyelwanga ngokwemiqathango yokuzowuna esebenza kuloo propati.
- (2) Ukuba umqathango wolwamkelo lotyeshelo-mthetho lwethutyana awuthotyelwa okanye uyophulwa, iSixeko singalurhoxisa ulwamkelo ngokwecandelo 127.

**46 Usetyenziso ngemvume**

Usetyenziso ngemvume lungaba lolunikezelwe ixesha elithile elibekiweyo okanye isigxina.

**47 Ukuphelelwa kokuzowuna kwakhona, usetyenziso ngemvume okanye utyeshelo-mthetho**

- (1) Ukuzowuna kwakhona, ngaphandle kokuzowunwa kwakhona kommandla wolwahlula-hlulo, usetyenziso ngemvume okanye utyeshelo-mthetho olusisigxina olwamkelweyo okanye oluthathwa njengolwamkelweyo ngokwalo Mthetho kaMasipala kuyaphelelwa iminyaka emihlanu emva komhla wesigqibo –
  - (a) apho umhlaba ungasetyenziswa ngokwemiqathango yolwamkelo; okanye
  - (b) apho uphuculo lomhlaba lufuneka ukuze kusetyenziswe umhlaba ngokwemiqathango yolwamkelo, ulwakhiwo olusemthethweni lungekaqali.
- (2) Ukuzowuna kwakhona kommandla wolwahlulahlulo okwamkelweyo okanye okuthathwa njengokwamkelweyo ngokwalo Mthetho kaMasipala kuyaphelelwa iminyaka emihlanu emva komhla wokuqala kokusebenza kwesigqibo ukuba umfaki-sicelo akafaki sicelo sokwamkelwa kolwahlulahlulo ngokolwahlula-hlulo olwamkelweyo.
- (3) Umfaki-sicelo angafaka isicelo ngokwemiqathango nangokweemfuno zecandelo 107 ukuba ongezwe isithuba esixelwe kumacandelwana (1) no-(2).
- (4) Kwimeko yokuzowuna kwakhona ngaphandle kokuzowunwa kwakhona kommandla wolwahlulahlulo, usetyenziso ngemvume okanye utyeshelo-mthetho –
  - (a) ISixeko kufuneka sicele umnini ukuba afake into ebhaliweyo phambi kokuphela kwexesha okanye isithuba esongeziweyo ebubungqina bokuba umhlaba usetyenziswa ngokwemiqathango yolwamkelo;

- (b) umnini kufuneka azise iSixeko afake into ebhaliweyo phambi kokuphela kwexesha okanye isithuba esongeziweyo ebubungqina bokuba umhlaba usetyenziswa ngokwemiqathango yolwamkelo, ukuba akenzanga oko ukuzowuna kwakhona, usetyenziso ngemvume okanye utyeshelo-mthetho luthathwa njengoluphelelweyo.
- (5) Ukuba ukuzowuna kwakhona kuyaphelelwa, umhlaba uya kuzowunelwa usetyenziso njengoko kubonisiwe kwimephu yokuzowuna phambi kokuba kunikezwe imvume.
- (6) Ukuba ukuzowuna kwakhona, kubandakanywa ukuzowuna kwakhona kommandla wolwahlulahlulo, usetyenziso ngemvume okanye utyeshelo-mthetho kuyaphelelwa, iSixeko kufuneka, ngokukhawuleza kangangoko sinakho, emva kophelelo senze izilungiso kwimephu yokuzowuna nakwirejista yokuzowuna ukubonisa uphelelo.

**Isiqendu 2**  
**Imiqathango yothintelo**  
 (ss 48-49)

**48 Ukususwa, ukumiswa okanye ukwenziwa kwezilungiso kwimiqathango yothintelo**

- (1) Kuxhomekeke kwicandelo 39 leLand Use Planning Act, iSixeko singathi ngokunokwaso okanye ngokufaka isicelo sisuse, simise okanye sitshintshe umqathango othintelayo wayo nayiphi iyunithi yomhlaba.
- (2) Umfaki-sicelo kufuneka angenise –
  - (a) ikopi eqinisekisiweyo yobunini-mhlaba kwiSixeko; kunye
  - (b) nemvume esuka kumnini-bhondi yesicelo, ukuba iyafuneka.
- (3) Ngaphezu kweenkqubo ezichazwe kwiSahluko 7, kufuneka kunikezwe isaziso sesicelo –
  - (a) kulo naliphi isebe lephondo okanye lesizwe ekubhekiswe kuso kwisithintelo kubunini-mhlaba;
  - (b) kumntu olungelo lakhe okanye oko akulindeleeyo kuye kwachatshazelwa sisicelo;
  - (c) nawuphi na umntu okhankanywe kuxwebhu lobunini-mhlaba obenikwe imiqathango yothintelo; kunye
  - (d) ukuba iSixeko sifuna njalo, noluntu okanye omnye umntu.
- (4) ISixeko kufuneka sithathele ingqalelo icandelo 39(5) leLand Use Planning Act kunye necandelo 47 leSPLUMA xa kuqwalaselwa ukuba ingaba makususwe, kumiswe okanye kutshintshwe umqathango othintelayo.
- (5) Isigqibo sokutshintsha, sokumisa okanye sokususa nawuphi na umqathango othintelayo –
  - (a) kufuneka sipapashwe ngokuthi kukhutshwe isaziso *kwiGazethi yePhondo* zingaphelanga iintsuku ezingama-30 emva komhla wesigqibo;
  - (b) singangaxhomekeki okanye sixhomekeke kuwo nawuphi umqathango ochazwe kwisaziso;
  - (c) singasisigxina okanye sibe sesexesha elibekwe kwisaziso; yaye
  - (d) asiphelelwa.
- (6) ISixeko masazise iRejistra yoBunini-Mihlaba ngolwamkelo lwesicelo njengoko kuchaziwe kwicandelwana (5) yaye kufuneka sithumele ikopi yesaziso *kwiGazethi yePhondo*

**49 Ulwamkelo lotshintsho, lobhangiso okanye lokususwa kwezithintintelo okanye izinyanzeliso**

- (1) Emva kolwaziso ngolwamkelo lwesicelo *kwiGazethi yePhondo* njengoko kuchaziwe kwicandelo48(5)(a), umnini kufuneka, ngenjongo yokufakwa kweenkcukacha ngendlela eyiyo nolwamkelo, angenise kwiRejistra yoBunini-Mihlaba –
  - (a) uqobelo loxwebhu lobunini-mhlaba;
  - (b) uqobelo lweleta yolwamkelo; kunye
  - (c) ikopi yesaziso ye*Gazethi yePhondo*.
- (2) IRejistra yoBunini-Mihlaba echaphazelekayo kufuneka, ngokukhawuleza kangangoko inakho, emva kopapasho lolwamkelo lwesicelo *kwiGazethi yePhondo* njengoko kuchaziwe kwicandelo48(5)(a), ifake ezo nkukacha kwiirejista ezifanelekileyo, koovimba bobunini-mhlaba, kumzobo okanye kwiplani eziseofisini yayo ngaphandle kokuhlawulisa, ukubonisa iziphumo zesaziso.



**Isiqendu 3**  
**Uhlanganiso lwemihlaba**  
 (ss 50–51)

**50 Uhlanganiso lwemihlaba**

- (1) Umntu akanakwakha isakhiwo esingxabalaza kwimida yeeyunithi zekihlaba ezimbini nangaphezulu ngaphandle kwemvume yeSixeko yohlanganiso lweeyunithi zemihlaba.
- (2) Umfaki-sicelo ofuna uhlanganiso lweeyunithi zemihlaba kufuneka –
  - (a) afumane imvume yeSixeko (ngaphandle kokuba uhlanganiso lwemihlaba lufumene isaphulelo ngokwecandelo 67);
  - (b) angenise umzobo wohlanganiso lwemihlaba kuMhloli-Mhlaba ukulungiselela imvume osenokuwamkela umzobo ngokwemiqathango yeLand Survey Act kuphela, ukuba iSixeko sinikezele imvume ngokwalo Mthetho kaMasipala);
  - (c) emva komhla wokuqala ukusebenza kwesigqibo kodwa phambi kokuphelelwa kwemvume yeSixeko, kufuneka afumaneka iimpepha zobhaliso lohlanganiso lwemihlaba kwiRejistra yoBunini-Mihlaba ngokwemiqathango yeDeeds Registries Act.
- (3) Ukuba iSixeko samkele uhlanganiso lwemihlaba okanye senza isaphulelo kuhlanganiso lwemihlaba ngokwecandelo 67 –
  - (a) Umfaki-sicelo kufuneka, xa engenisa umzobo kuMhloli-Mhlaba ukuze afumane imvume, afake nobungqina bokwaneliseka koMhloli-Mhlaba –
    - (i) ngesigqibo seSixeko sokwamkela uhlanganiso lwemihlaba okanye ubungqina besaphulelo;
    - (ii) imiqathango yolwamkelo yeSixeko, ukuba ikhona; kunye
    - (iii) neplani yohlanganiso lwemihlaba eyamkelweyo siSixeko;
  - (b) iSixeko kufuneka –
    - (i) senze izilungiso kwimephu yokuzowuna, ze apho kuyimfuneko, silufake nakwirejista yokuzowuna ngokufanelekileyo; yaye
    - (ii) sazise uMhloli-Mhlaba.
- (4) Akukho plani yasakhiwo engeniswe kulandelwa icandelo 7 leNational Building Regulations and Building Standards Act emalunga nolwakhiwo okanye isakhiwo esixelwe kwicandelwana (1) eya kwamkelwa de uhlanganiso lwemihlaba lube lubhalisiwe okanye igosa lonikezelo-zipropati linikeze ngobungqina obubhaliweyo bokuba uhlanganiso lwemihlaba lungeniswe kwiRejistra yoBunini-Mihlaba ukuze lubhaliswe.

**51 Ukuphelelwa kohlanganiso lwemihlaba**

- (1) Kuxhomekeke kwicandelwana (2), uhlanganiso lweeyunithi zemihlaba olwamkelweyo luyaphelelwa ukuba iRejistra yoBunini-Mihlaba ayilubhalisi kwiminyaka emihlanu, emva komhla wokuqala wokusebenza kwesigqibo.
- (2) Ukuba uhlanganiso lweeyunithi zemihlaba luyinxalenye yesinye isicelo, iSixeko singabeka umqathango wolwamkelo wokuba umfaki-sicelo abhalisele uhlanganiso lwemihlaba kwiRejistra yoBunini-Mihlaba kwisithuba esithile, yaye ukuba esinye isicelo asiphumeleli olo uhlanganiso lwemihlaba luya kuphelelwa.
- (3) Ukuba ulwamkelo lohlanganiso lwemihlaba luyaphelelwa –
  - (a) iSixeko kufuneka –
    - (i) senze izilungiso kwimephu yokuzowuna, ze apho kuyimfuneko, silufake nakwirejista yokuzowuna ngokufanelekileyo; yaye
    - (ii) sazise uMhloli-Mhlaba; kananjalo
  - (b) uMhloli-Mhlaba kufuneka abhale kwiirekhodi eziseofisini yakhe ukuba uhlanganiso lwemihlaba luphelelwe.

**Isiqendu 4**  
**Ulwahlula-hlulo**  
 (ss 52-60)

**52 Ukwamkelwa kolwahlulahlulo**

- (1) Akukho mhlaba unokwahlula-hlulwa ngaphandle kwemvume yeSixeko ngokwalo Mthetho kaMasipala, ngaphandle kokuba ulwahlula-hlulo lwaphulelwe ngokwecandelo 67.
- (2) Isicelo sokwamkelwa kolwahlulahlulokufuneka sikhathshwe yiplani yolwahlula-hlulo ebonisa ubuncinane –
  - (a) indawo yezi yunithi zemihlaba zicetywayo, iindawo zoluntu nomhlaba odingelwa iimfuno zoluntu; kunye
  - (b) iindawo eziZowuniweyo ezicetywayo zeeyunithi zemihlaba ezicetywayo.
- (3) Umfaki-sicelo angafaka isicelo ukufumana imvume yokumisela ulwahlula-hlulo ngezigaba.
- (4) Ukuba iSixeko siyalwamkela ulwahlula-hlulo, iSixeko kufuneka –
  - (a) Sibeke nayiphi na imiqathango yolwamkelo esiyibona ifanelekile, njengoko kuchaziwe kwicandelo 100, ekufuneka libandakanye imiqathango emalunga nobonelelo lweenkonzo zobunjineli;
  - (b) kulwahlula-hlulo oluza kwenziwa ngezigaba –
    - (i) kubandakanywe kwimiqathango yolwamkelo, iinkcukacha zezigaba zolwahlula-hlulo; kunye
    - (ii) kucelwe umnini ukuba afake iplani-gabalala eyahlukileyo kuMhloli-Mhlaba yesigaba ngasinye; yaye
  - (c) kwamkelwe iplani yolwahlula-hlulo ekufuneka ihambelane nolwahlula-hlulo olwamkelweyo.
- (5) Umhlaba owathi ngomhla wokuqala kokusebenza koMmiselo weLokishi, 1934 (UMmiselo 33 ka-1934) wachongwa njengelokishi okanye owaye wahlulahlulwa ngokuthi ucandwe ukuba ube ziyunithi zemihlaba neendawo zoluntu yaye loo plani ibhalisiwe kwiofisi yoMhloli-Mhlaba ochaphazelekayo, uthathwa njengowahlula-hluliweyo ngokweenjongo zalo Mthetho kaMasipala ngaphandle kokuba kukho inxalenye okanye nayiphi iyunithi yomhlaba ephinde yahlula-hlulwa.

**53 Ukwamkelwa kweplani okanye umzobo nguMhloli-mihlaba**

- (1) Ukuba iSixeko siyalwamkela ulwahlula-hlulo yaye samkele iplani yolwahlula-hlulo, umfaki-sicelo kufuneka angenise iplani-gabalala okanye umzobo kuMhloli-Mhlaba ukuze afumane imvume, kubandakanywa nobungqina bokwaneliseka koMhloli-Mhlaba –
  - (a) ngesigqibo sokwamkela ulwahlula-hlulo okanye iplani yolwahlula-hlulo (exelwe kwicandelo 67(4)) sokuba ulwahlula-hlulo lwaphulelwe kwiimfuno zolwamkelo;
  - (b) iplani eyamkelweyo yolwahlula-hlulo; kunye
  - (c) nemiqathango yolwamkelo exelwe kumacandelo 52(4)(a) no-52(4)(b).
- (2) Ukuba iSixeko siyalwamkela ulwahlula-hlulo lwezigaba, umfaki-sicelo kufuneka angenise iplani-gabalala okanye umzobo yesigaba ngasinye kuMhloli-Mhlaba ukuze afumane imvume.

**54 Ukudluliselwa komhlaba ngenxa yolwahlula-hlulo olwamkelweyo**

- (1) Akukho mntu unokunikwa umhlaba osele wahlula-hlulwe ngokusemthethweni okanye owahlulwa ngezigaba ngaphandle kokuba –
  - (a) uMhloli-Mhlaba ulwamkele njengoko kuxeliwe kwicandelo 53;
  - (b) iinkonzo zobunjineli ezifunwa kwimiqathango yolwamkelo ezixelwe kwicandelo 52(4) kunye nawo nawuphi na umthetho ochaphazelekayo waloo mmandla neplani-gabalala okanye umzobo zamkelwe zonke;
  - (c) yonke eminye imiqathango yolwahlula-hlulo okanye emalunga nesigaba esithile kwiplani-gabalala eyamkelweyo okanye umzobo owamkelweyo phambi kokudluliselwa kweyunithi yomhlaba ithotyelwe; kananjalo
  - (d) apho umbutho wabanini-mhlaba ufuneka,
    - (i) iSixeko siwuqinisekise umgaqonkqubo wombutho (njengoko kuchaziwe kwicandelo 62(2));
    - (ii) ube umbutho sele umiselwe okanye uza kumiselwa xa kudluliselwa iyunithi yomhlaba yokuqala (njengoko kuchaziwe kwicandelo 61(5)); kwaye

- (iii) wonke umhlaba ochongiweyo ngokwemiqathango yolwamkelo mawudluliselwe kumbutho wabanini-mhlaba kubandakanywa iindlela zabantu namabala abantu abucala adalwe lulwahlula-hlulo okanye inxalenye yomhlaba kunye neyuniti yomhlaba wokuqala mawudluliselwe ngaphandle kwembuyekiso.
- (2) Akukho mntu unokunikwa umhlaba osele wahlula-hlulwe ngokusemthethweni, ngaphandle kokuba uManejala weSixeko ukhuphe isatifikethi sonikezelo esixelwe kwicandelo 137.
- (3) Apho umbutho wabanini-mhlaba ufuneka, umfaki-sicelo uya kuba netyala ukuba iyuniti yomhlaba yokuqala edalwe lulwahlula-hlulo okanye inxalenye yomhlaba ngaphandle kwepropati yomntu wonke, kubandakanywa iindlela zabantu namabala abantu abucala adalwe lulwahlula-hlulo, iye yadluliselwa kumbutho wabanini-mhlaba, yaye uya kufumana isigwebo esixelwe kumacandelo 133(2) no-133(3).

## 55 Uqinisekiso lolwahlula-hlulo

- (1) Kwisithuba seminyaka emihlanu emva komhla wokuqala wokusebenza kwesigqibo, umfaki-sicelo kufuneka, ngokweplani-gabalala eyamkeliweyo okanye umzobo –
  - (a) Enze zonke izinto ezifunwa kwicandelo 54(1); yaye
  - (b) Afumane iimpepha zobhaliso ngokweDeeds Registries Act, ubuncinane zeyuniti enye yomhlaba.
- (2) Akuthobela icandelwana (1), ulwahlula-hlulo okanye inxalenye yalo iyaqinisekiswa.
- (3) Emva koqinisekiso lolwahlula-hlulo okanye inxalenye yalo –
  - (a) ulwahlula-hlulo okanye inxalenye yayo alunakuphelelwa;
  - (b) iindawo eziZowuniweyo eziboniswe kwiplani eyamkeliweyo yolwahlula-hlulo zindawo eziZowuniweyo ezichaphazela iiyuniti zemihlaba ezidalwe lulwahlula-hlulo okanye inxalenye yalo;
  - (c) iindawo eziZowuniweyo ezixelwe kumhlathi (b) azinakuphelelwa; yaye
  - (d) ISixeko kufuneka, ngokukhawuleza kangangoko sinakho, senze izilungiso kwimephu yokuzowuna nakwirejista yokuzowuna.
- (4) Akukho sakhiwo sinokwakhiwa kwiyuniti yomhlaba eyinxalenye yolwahlula-hlulo olwamkelweyo ngaphandle kokuba –
  - (a) ulwahlula-hlulo okanye inxalenye yalo luqinisekiwe; okanye
  - (b) iSixeko siyalwamkela olo lwakhiwo phambi kokuqinisekiswa kolwahlula-hlulo okanye inxalenye yalo.

## 56 Ukuphelelewa kolwahlula-hlulo nokongezwa kwexesha lokusebenza kwalo

- (1) Ukwamkelwa kolwahlula-hlulo okanye inxalenye yalo luyaphelelwa ukuba iimfuno zecandelo 55(1) azithotyelwanga.
- (2) Ukuba yinxalenye nje yeplani-gabalala ethobela amacandelo 54(1)(b) no-54(1)(c), ulwamkelo lolwahlula-hlulo okanye inxalenye yalo luyaphelelwa.
- (3) Umfaki-sicelo angafaka isicelo ngokwemiqathango nangokweemfuno zecandelo 107 sokuba kongezwe isithuba sokuthobela icandelo 55(1).
- (4) Ukuba ukwamkelwa kolwahlula-hlulo okanye inxalenye yalo luyaphelelwa –
  - (a) Uzowuno obelusebenza kulo mhlaba phambi kolwamkelo lokuzowuna kwakhona kommandla wolwahlulahlulo kuya kusebenza lona;
  - (b) ISixeko kufuneka –
    - (i) senze izilungiso kwimephu yokuzowuna yaye apho kuyimfuneko, nakwirejista yokuzowuna efanelekileyo; yaye
    - (ii) sazise uMhloli-Mhlaba ofanelekileyo;
  - (c) uMhloli-Mhlaba kufuneka abhale kwiirekhodi eziseofisini yakhe ukuba uhlanganiso lwemihlaba luphelelwe.

## 57 Umhlaba weendawo zoluntu neminye imisebenzi

- (1) Xa iSixeko sisamkela isicelo solwahlula-hlulo, umfaki-sicelo kusenokufuneka ukuba abonelele ngomhlaba oza kusetyenziselwa iindawo zoluntu, izibonelelo zoluntu ekuhlaleni neenkonzo zobunjineli.
- (2) Ubungakanani bomhlaba weendawo zoluntu bugqitywa ngokwesidingo sesiqhelo esidalwa lulwahlula-hlulo okanye ngokomgaqonkqubo owamkelwe siSixeko.

(3) Umhlaba ofunelwa iipaki okanye umhlaba ongamabala kawonke-wonke kufuneka ube kummandla womhlaba ochaphazelekayo ngokwesicelo okanye, ngemvume yeSixeko, ungabonelelwa kwenye indawo ekwakuloo mmandla kamasipala.

(4) Apho isicelo sele samkelwe ngaphandle kobonelelo olufunekayo lomhlaba weepaki okanye umhlaba ongamabala kawonke-wonke, umfaki-sicelokungafuneka ahlawule imali kwiSixeko ukuze kufunwe omnye umhlaba oza kusetyenziselwa loo njongo.

#### **58 Ubunini beendawo zikawonke-wonke nomhlaba ofunelwa iinkonzo zobunjineli zikamasipala nezibonelelo zoluntu**

(1) Ubunini bawo wonke umhlaba ochongwe njengendawo yoluntu kwiplaneyo eyamkelweyo yolwahlula-hlulo bugqotywa siSixeko emva kokuqinisekisa ulwahlula-hlulo lwawo okanye lwenxalenye yawo.

(2) Wonke umhlaba ongoweSixeko njengoko kuchaziwe kwicandelwana (1) kufuneka ube ubhaliswe ngegama leSixeko ngeendleko zomfaki-sicelo zingaphelanga iinyanga ezintandathu emva koqinisekiso lolwahlula-hlulo lwawo okanye lwenxalenye yawo.

(3) Ngokwemiqathango ebekwe kwicandelo 100, iSixeko singathi sichonge umhlaba obekelwe ukubonelela ngeenkonzo zobunjineli zikamasipala yaye, apho kuyimfuneko, nowezibonelelo zoluntu lwasekuhlaleni kwiplaneyo eyamkelweyo yolwahlula-hlulo ekufuneka udluliselwe kwiSixeko emva koqinisekiso lolwahlula-hlulo lwawo okanye lwenxalenye yawo.

(4) Icandelo 31 leDeeds Registries Act liyaluchaphazela udluliselo lomhlaba kwiSixeko.

(5) ISixeko asinaxanduva lwambuyekezo yomhlaba ekubhekiswe kuwo kwicandelwana (1) ukuba iSixeko sibona ukuba ubonelelelo lwendawo yoluntu sisidingo esidalwe lulwahlula-hlulo okanye xa kulungiselelwa iinkonzo zobunjineli.

(6) Umntu ongathobeli icandelwana (2) unetyala yaye emva kwesigwebo uya kuhlawula intlawulo exelwe kumacandelo 133(2) no-133(3).

#### **59 Ilungelo lobunini-mhlaba kwiinkonzo ezivele ngenxa yolwahlula-hlulo**

Umnini wayo nayiphi iyunithi yomhlaba edalwe lulwahlula-hlulo kufuneka, emva koqinisekiso lolwahlula-hlulo –

- (a) ngaphandle kwembuyekezo, avumela nayiphi na inkonzo emalunga nolwamkelo lolwahlula-hlulo ukuba inikezwe okanye ifakelwe kwiyunithi yomhlaba ngendlela nangohlobo iSixeko okanye amanye amaziko karhulumente ayifuna ngalo kumaxesha ngamaxesha. Ezi nkonzo zibandakanya –
  - (i) imibhobho ehambisa igesi;
  - (ii) izibonelelo zombane;
  - (iii) iintambo zefowuni;
  - (iv) iintambo zikamabonakude;
  - (v) iintambo zeintanethi;
  - (vi) ezinye izibonelelo zombane;
  - (vii) imibhobho yamanzi neminye imibhobho emikhulu;
  - (viii) imibhobho yogutyulo;
  - (ix) Imibhobho yamanzi esiphango;
  - (x) Imingxunya yokuhambisa iinkonzo; kunye
  - (xi) Nezinto ezifakwa apha ngaphezulu ezifana nezitishana, iimitha neepali zeenkonzo;
- (b) makuvumeleke ukuba kungene kwenziwe le misebenzi ixelwe kumhlathi (a) kwiyunithi yomhlaba nangaliphi ixesha elifanelekileyo, kubandakanywa nokwakha, ukutshitsha, ukulungisa, ukumenteyina, ukususa okanye ukuhlola umsebenzi; kunye
- (c) nokufumana loo mathiriyeli okanye ukuvumela ukugrimba kwiyunithi yomhlaba okunokufuneka kwenziwe ukuze kusetyenziswe isitrato esingena apho ze kubonelelwe ngesidulana esikhuselekileyo nesifanelekileyo kwindawo esiphela kuyo esinyanzeliswa ngumahluko phakathi komgangatho wesitrato esenziweyo neyunithi yomhlaba, ngaphandle kokuba umnini-mhlaba ukhetha ukwenza iindongana ekupheleni kwepropati ezamkelekileyo kwiSixeko yaye akwenze oko ngexesha elibekwe siSixeko.

## 60 Ukulungiswa okanye ukucinywa kweplani okanye ulwahlula-hlulo

- (1) ISixeko singamkela isicelo sokwenziwa kwezilungiso, ukucinywa okanye ukucinywa kwendawo ezithile kwiplani eyamkelweyo yolwahlula-hlulo, umzobo okanye iplani-gabalala –
  - (a) yolwahlula-hlulo olungekaqinisekiswa; okanye
  - (b) ulwahlula-hlulo oluqinisekisiweyo, kwiiyunithi zemihlaba eziboniswe kwiplani-gabalala ezingabhaliswanga njengezinikezelwe komnye umntu ngokweDeeds Registries Act.
- (2) Phambi kokwamkela isicelo solwahlula-hlulo oluqinisekisiweyo, indawo yoluntu echaphazelekileyo eboniswe kwiplani okanye kumzobo okanye kwiplani-gabalala, kufuneka ivalwe kulandelwa umthetho ochaphazelekayo.
- (3) Ukuba isicelo esixelwe kweli candelo samkelwe –
  - (a) umfaki-sicelo kufuneka angenise iplani elungisiweyo okanye ecinyiweyo okanye umzobo kuMhloli-Mhlaba ukubonisa ukwenziwa kwezilungiso okanye ukucinywa;
  - (b) umfaki-sicelo unoxanduva lwazo naziphi iindleko zokwenziwa kwezilungiso okanye ukucinywa ezihlawulwe siSixeko ngenxa yomhlaba ekufuneka uphinde unikezwe okanye obuyela kumnini wentsalela yomhlaba;
  - (c) emva kokuqinisekiswa kolwahlula-hlulo okanye inxalenye yalo, nayiphi indawo yoluntu eye yavalwa, kufuneka ithathwe njengomhlaba ozowuniweyo okanye ophinde wazowunwa ngokufanelekileyo; yaye
  - (d) ISixeko kufuneka senze izilungiso kwimephu yokuzowuna kunye nerejista yokuzowuna ngokufanelekileyo.

### **Isiqendu 5** **Umbutho wabanini-mhlaba** (ss 61-63)

## 61 Ukumiselwa okanye ukusebenza kombutho wabanini-mhlaba

- (1) ISixeko singathi, xa sisamkela isicelo solwahlula-hlulo, sifune umfaki-sicelo amisele umbutho wabanini-mhlaba kummandla ochazwe kwimiqathango yolwamkelo.
- (2) Oku kuya kunyanzeliswa kuphela xa umfaki-sicelo anelise iSixeko ukuba umbutho wabanini-mhlaba uya kuba nayo imithombo yemali yokumenteyina ibala labucala, indlela yabucala nezinye iinkonzo zobunjineli zangaphakathi nezinto ezidalwe lulwahlula-hlulo.
- (3) Abanini beeyunithi zemihlaba edalwe lulwahlula-hlulo baba ngamalungu ombutho wabanini-mhlaba emva kokunikwa iyunithi yomhlaba yaye abanakuyeka ukuba ngamalungu ombutho wabanini-mhlaba.
- (4) Akukho mntu ongafaka isicelo kwiRejistra yoBunini-Mihlaba sobhaliso, yaye iRejistra yoBunini-Mihlaba ayinakubhalisa iyunithi yomhlaba edalwe lulwahlula-hlulo ngaphandle kwemvume yombutho wabanini-mhlaba, yaye loo mvume ayinakwalela ngaphandle kwesizathu esivakalayo.
- (5) Umbutho wabanini-mhlaba –
  - (a) Uba khona emva konikezelo lweyunithi yokuqala edalwe lulwahlula-hlulo okanye inxalenye yalo;
  - (b) ngumbutho osemthethweni, oqhubekayo nokuba kukho ophumileyo yaye unokugweba okanye ugwetywe wona;
  - (c) amalungu awo ngabanini beeyunithi zemihlaba ezikummandla wombutho yaye bonke banoxanduva lwenkcitho yombutho; yaye
  - (d) kufuneka iindleko zenkcitho yombutho ziphuma kumalungu awo umbutho.
- (6) Umfaki-sicelo wokwamkelwa kolwahlulahlulo kufuneka abize intlanganiso yokuqala yombutho wabanini-mhlaba zingaphelanga iintsuku ezingama-60 zodluliselo lwe-60% yeeyunithi zemihlaba edalwe lulwahlula-hlulo okanye ingaphelanga iminyaka emibini yodluliselo lweyunithi yomhlaba yokuqala, nokuba yeyiphi eqalayo kwezi.
- (7) Umfaki-sicelo owaphula icandelwana (6) unetyala yaye emva kwesigwebo uya kuhlawula intlawulo exelwe kumacandelo 133(2) no-133(3).
- (8) Amalungu ombutho wabanini-mhlaba kufuneka kwintlanganiso yokuqala yombutho atyumbe amalungu etrasti yombutho.



(9) Umfaki-sicelo wokwamkelwa kolwahlulahlulo kufuneka zithi zingaphelanga iintsuku ezingama-60 zeintlanganiso yokuqala azise iSixeko ukuba intlanganiso iye yahlala ze anike iSixeko ikopi yemizuzu yentlanganiso.

(10) Umbutho wasekhaya wabanini-mhlaba omiselwe ngokwemiqathango yomthetho wangaphambili obukhona ekuqaleni kwalo Mthetho kaMasipala uthathwa njengombutho wabanini-mhlaba omiselwe ngokwalo Mthetho kaMasipala.

## **62 Umgaqosiseko wombutho wabanini-mhlaba**

(1) Umbutho wabanini-mhlaba kufuneka ube nomgaqosiseko –

(a) ekufuneka ubuncinane uvumele –

- (i) ukuba umbutho wenze izinto ngokuhambelana neemfuno zoninzi lwamalungu;
- (ii) ulawulo nokuphathwa kwamabala abucala, izitrato ezikumhlaba wamalungu nezinye iinkonzo nezixhobo ezidalwe lulwahlula-hlulo nezakhiwo ezikulo mhlaba ezilawulwa ngumbutho ukuze kuzuzee onke amalungu;
- (iii) ubunini bomhlaba ongamabala wombutho, izitrato ezikumhlaba wabo kunye neenkonzo zobunjineli zangaphakathi ezidalwe lulwahlula -hlulo oluchaphazelekayo;
- (iv) uxanduva lokunyanzelisa imiqathango yemvume yolwahlula-hlulo okanye izicwangciso zolawulo ezidweliswe kwimiqathango;
- (v) imiba ekwicandelwana 61(5);
- (vi) apho kuyimfuneko, naluphi olunye uphuhliso ekufuneka luyinxalenye yombutho nenkqubo zokubandakanya olo phuhliso;
- (vii) ukubekwa kwemiqathango yentlanganiso enye ubuncinane ngonyaka yamalungu;
- (viii) ukunqanda udluliselo lweyunithi yomhlaba edalwe lulwahlula-hlulo ngaphandle kokuba kufunyenwe imvume yombutho nezizathu zokwaliwa kwaloo mvume;
- (ix) amalungiselelo okudluliselwa kweyunithi yomhlaba xa loo umbutho uyeka ukusebenza; kananjalo
- (x) umiselo nonyanzeliso lwemiqathango yemihlathana(i) ukuya ku-(viii);

(b) ungabonelela –

- (i) nangolawulo lwezikhokelo zoyilo lwezakhieo nobume bomhlaba okwiiyunithi zemihlaba edalwe lulwahlula-hlulo, ukuba ngaba izikhokelo zoyilo azizi kuza neminye imigaqo yophuhliso ethintelayo okanye usetyenziso-mhlaba olungolunye ngaphandle kolo sele lubekwe kwinkqubo yolawulo lophuhliso;
- (ii) ngokuhlawuliswa kwelungu elingathobeli imiqathango yomgaqosiseko; kunye
- (iii) nawuphi omnye umba ogqitywe ngumbutho ongangqzulani nalo Mthetho kaMasipala okanye nawuphi na omnye umthetho.

(2) ISixeko kufuneka siqinisekise ukuba umgaqosiseko wombutho wabanini-mhlaba uyayithobela imiqathango yecandelwana (1)(a).

(3) Umgaqosiseko wombutho wabanini-mhlaba, njengoko uqinisekise siSixeko, uthathwa njengomgaqosiseko wombutho wabanini-mhlaba yaye uqala ukusebenza emva kokunikezwa kweyunithi yokuqala yomhlaba edalwe lulwahlula-hlulo.

(4) Umgaqosiseko wombutho wabanini-mhlaba usenokwenziwa izilungiso ngokuhambelana nemiqathango yomgaqosiseko ukuba ngaba ukwenziwa kwezilungiso okumalunga nomba okwicandelwana (1)(a) uqala ukusebenza xa sele uqinisekiwe siSixeko.

(5) Umgaqosiseko wombutho wabanini-mhlaba nezilungiso kuwo kufuneka ungeniswe kwiSixeko ze iSixeko ngokwecandelwana(2) okanye (4), yaye uya kuthathwa njengonemiqathango yoMgaqosiseko.

(6) ISixeko asisayi kuba nabutyala ngawo nawuphi na umonakalo owenzeka ngoqinisekiso lwaso lomgaqosiseko wombutho wabanini-mhlaba okanye izilungiso zawo okanye ngokulahleka komgaqosiseko onikwe iSixeko.

(7) Umbutho wabanini-mhlaba kufuneka unyanzelise imiqathango yomgaqosiseko wawo.



### 63 Umbutho wabanini-mhlaba ongathobeli imiqathango okanye oyekayo ukusebenza

- (1) Ukuba umbutho wabanini-mhlaba awuthobeli imiqathango ekwicandelo 61(5)(d) okanye icandelo 62(1)(a)(ii) yaye iSixeko sikholelwa ukuba uluntu luchaphazeleka kakubi koko kungathobeli, iSixeko singathatha amanyathelo afanelekileyo ukulungisa loo meko.
- (2) ISixeko singabuyisa iindleko zaso ngenkcitho eyenziwe ngenxa yamanyathelo axelwe kwicandelwana (1) kumbutho wabanini-mhlaba okanye kumalungu awo onke.
- (3) Imali ebuyisiweyo ithathwa njengenkcitho echithwe ngenxa yombutho wabanini-mhlaba ngeenjongo zecandelo 61(5)(d).
- (4) Ukuba umbutho wabanini-mhlaba uyayeka ukusebenza okanye ukuphumeza uxanduva lwawo, iSixeko singanika umbutho umyalelo owubophelelayo ukuba –
  - (a) ubambe intlanganiselo uphinde umiselwe; okanye
  - (b) uchithwe, kuxhomekeke kwizilungiso zemiqathango yolwamkelo emalunga noxanduva lokumisela umbutho wabanini-mhlaba nokususwa kwemiqathango efanelekileyo kubunini-mhlaba.
- (5) Xa kusenziwa isigqibo malunga nokuba kuthathwe amanyathelo ngokwecandelwana(4)(a) okanye (4)(b), iSixeko kufuneka sithathele ingqalelo –
  - (a) injongo yombutho;
  - (b) ngubani oza kumenteyina iinkonzo zobunjineli zangaphakathi kunye nezinye umbutho onoxanduva lwazo, ukuba zikhona;
  - (c) iindleko zokuphucula iinkonzo zobunjineli zangaphakathi nezinye izibonelelo ukuba iSixeko sithathela kuso izibonelelo;
  - (d) ifuthe lokuchithwa kombutho kumalungu awo nakuluntu;
  - (e) izimvo ezibhaliweyo ezivela kumbutho nakumalungu awo.
- (6) Ukuba umbutho uchithwe, amalungu kufuneka onke ahlawule iindleko –
  - (a) Zokunikezwa kwepropati yombutho kwiSixeko ebandakanya iinkonzo zobunjineli zangaphakathi nomhlaba ongamabala wabucala;
  - (b) zokuphucula iinkonzo zobunjineli zangaphakathi zibe kumgangatho ofunwa siSixeko.
- (7) Ukuba umbutho wabanini-mhlaba uyekile ukusebenza, yaye umgaqosiseko wawo awuthethi ngokunikezwa komhlaba komnye umnini-mhlaba, umnini kufuneka afumane imvume ye-60% yamalungu ombutho ubuncinane, yaye loo mvume ithathwa njengemvume yombutho wabanini-mhlaba ngaphandle kokuba umgaqosiseko uthetha ngenye inkqubo emayilandelwe.

### **Isiqendu 6** **linkonzo zobunjineli** (ss 64-66)

### 64 linkcazelo kwesi Siqendu

Kwesi Siqendu, ngaphandle kokuba imeko ekubhekiswe kuyo ithetha enye into –

**‘inkonzo yobunjineli enkulu’** ithetha inkonzo yobunjineli efunekayo ukubonelela inkonzo yobunjineli kubasebenzisi abaninzi abakummandla kamasipala yaye ibandakanya umhlaba ofunekayo wenkonzo yobunjineli enkulu;

**‘inkonzo yobunjineli yangaphandle’** ithetha inkonzo yobunjineli kamasipala engaphandle kwemida yommandla womhlaba efunekayo ukunceda nokuphuhlisa ummandla womhlaba yaye isenokuba yinkonzo yobunjineli enkulu okanye inkonzo yobunjineli yoqhagamshelwaniso;

**‘inkonzo yobunjineli yangaphakathi’** ithetha inkonzo yobunjineli ekumda wommandla womhlaba efunekayo ukunceda nokuphuhlisa ummandla womhlaba eyiyeyeSixeko nesetyenziswa siso okanye umboneleli-zinkonzo okanye umbutho wabanini-mhlaba yaye ingabandakanya inkonzo yobunjineli enkulu okanye inkonzo yobunjineli yoqhagamshelwaniso; kananjalo

**‘inkonzo yobunjineli yoqhagamshelwaniso’** ithetha inkonzo yobunjineli efunekayo ukuqhagamshelana inkonzo yobunjineli ekumda wommandla womhlaba nenkonzo yobunjineli enkulu yaye ibandakanya umhlaba ofunekayo wenkonzo yobunjineli yoqhagamshelwaniso.

### 65 Uxanduva lweenkonzo zobunjineli

- (1) ISixeko sinoxanduva –
  - (a) lobonelelo lweenkonzo zobunjineli yangaphandle; kunye

- (b) nofakelo lweenkonzo yobunjineli enkulu ukuba ifakiwe xa bekuplanwa ngokweepiani zeSixeko nohlahlo lwabiwo-mali olukhulu.
- (2) Umfaki-sicelo unoxanduva –
- lokubonelela nokufaka inkonzo yobunjineli yangaphakathi;
  - ukufaka inkonzo yobunjineli yoqhagamshelwaniso, ngaphandle kokuba uvumelene ukuba angenzi njalo neSixeko ngembalelwano; kunye
  - nokufaka inkonzo yobunjineli enkulu ukuba uphuhliso lomhlaba lufuna ukuba kufakwe inkonzo yobunjineli enkulu ngaphandle koko kuhambelana neplani enkulu yenkonzo yeSixeko nohlahlo lwabiwo-mali lweSixeko, yaye ukuba imiqathango yolwamkelo yeSixeko ifuna njalo, umfaki-sicelo kufuneka enze olo fakelo.
- (3) Ukuba kuyimfuneko ukumenteyina ukusebenza kweepiani zeSixeko zexesha elide, iSixeko singafuna ukuba umfaki-sicelo, xa efaka inkonzo yobunjineli enkulu okanye inkonzo yobunjineli yoqhagamshelwaniso, afake inkonzo engaphezu kwenkonzo efunekayo ukulungiselela uphuhliso lomhlaba.
- (4) Kuxhomekeke kwicandelwana (5), iSixeko kufuneka sitsale kwimali ebizwayo kumfaki-sicelo yokuphuhlisa iindleko zokufakela ezi zinto zilandelayo xa zifunwa siSixeko –
- inxalenye yenkonzo yobunjineli yoqhagamshelwaniso kwenkonzo efunekayo ukulungiselela uphuhliso lomhlaba; kunye
  - nenkonzo yobunjineli enkulu.
- (5) Umfaki-sicelo unoxanduva lwazo zonke iindleko zokufakela iinkonzo zobunjineli ezinkulu neenkonzo zobunjineli zoqhagamshelwaniso ukulungiselela umthamo kwenkonzo efunekayo ukulungiselela uphuhliso lomhlaba ukuba iindleko zingaphezulu kwimali ebizwayo iyonke yokuphuhlisa zonke izigaba zophuhliso.
- (6) Ukuba iSixeko asingomboneleli wenkonzo yobunjineli enkulu okanye inkonzo yobunjineli yoqhagamshelwaniso, umfaki-sicelo kufuneka anelise iSixeko ukuba wenze amalungiselelo aneleyo nomboneleli-nkonzo ofanelekileyo okanye necandelo elithile likarhulumente ukuba kubonelelwe loo nkonzo.
- (7) Umfaki-sicelo kufuneka aqinisekise ukuba idizayini yenkonzo yobunjineli enkulu okanye inkonzo yobunjineli yoqhagamshelwaniso efakwe ngumfaki-sicelo –
- iyahambelana nezikhokelo zeSixeko, iimanyuwali zedizayini, iinkqubo zobunjineli nemigaqonkqubo eyamkelweyo;
  - ikumgangatho nomthamo ofunwa siSixeko; yaye
  - yamkelwe ngembalelwano siSixeko phambi kokuba inkonzo yobunjineli ifakelwe.
- (8) Ukuba iSixeko sifuna umfaki-sicelo ukuba afake inkonzo yobunjineli enkulu okanye inkonzo yobunjineli yoqhagamshelwaniso, umfaki-sicelo akanakuqala ngofakelo de abe wenze isivumelwano seenkonzo zobunjineli neSixeko.
- (9) Ulwakhiwo nofakelo lweenkonzo zobunjineli kufuneka luhambelane neepiani kunye neenkcacelo ezingeniswe ngumfaki-sicelo kwiSixeko zophuhliso okanye zesigaba ngasinye sophuhliso, ukuba lungezigaba, ngokuhambelana nesivumelwano seenkonzo zobunjineli.
- (10) Umfaki-sicelo angafaka iinkonzo zobunjineli zangaphakathi neenkonzo zobunjineli zangaphandle ngezigaba ukuba ngaba –
- ezo zigaba zilandela imiqathango eyamkelweyo; yaye
  - ufakelo kufuneka luhambelane neplani yezigaba eyamkelweyo.
- (11) ISixeko singanika isaphulelo kufakelo lweenkonzo zobunjineli omaluhambelane nomgaqonkqubo owamkelwe liBhunga leSixeko okanye oluhambelana nomthetho ochaphazelekayo.

## 66 Imali ebizwayo yokuphuhlisa

- Umfaki-sicelo kufuneka ahlawule imali ebizwayo yokuphuhlisa kwiSixeko yobonelelo nofakelo lweenkonzo zobunjineli ezinkulu neenkonzo zobunjineli zoqhagamshelwaniso ngokuhambelana nomgaqonkqubo owamkelwe siSixeko.
- ISixeko singanika isaphulelo kwintlawulo yemali ebizwayo yokuphuhlisa ngokuhambelana nomgaqonkqubo owamkelwe liBhunga leSixeko okanye ngokuhambelana nomthetho ochaphazelekayo.
- Imali ebizwayo yokuphuhlisa ixhomekeke kwimiqathango yemali enyuka qho ngonyaka njengoko kuchaziwe kumgaqonkqubo owamkelweyo.

**Isiqendu 7****Ukungavumeleki kolwahlula-hlulo nohlanganiso lwemihlaba ethile**

(s 67)

**67 Ukungavumeleki kolwahlula-hlulo nohlanganiso lwemihlaba ethile**

(1) Kuxhomekeke kwicandelwana (5), ulwahlula-hlulo okanye uhlanganiso lweeyunithi zemihlaba aludingi mvume ngokwalo Mthetho kaMasipala ukuba luvele ngenxa –

- (a) yomiselo lomyalelo wenkundla;
- (b) yokuxuthwa kwepropati;
- (c) yotshintsho lwemida phakathi kweeyunithi zemihlaba emibini okanye ngaphezulu ukuba isiphumo sotshintsho kummandla wazo naziphi iiyunithi zemihlaba awukho ngaphezu kwe-10%;
- (d) yohlolo lwezitalato ezivaliweyo okanye umhlaba ongamabala kawonke-wonke ukuze kuhlanganiswe iyunithi yomhlaba eyayamileyo;
- (e) yolwakhiwo okanye utshintsho lwendlela kawonke-wonke okanye isitrato sikawonkewonke;
- (f) yesidingo sokuba kunikezwe ngeeyunithi zemihlaba kwiSixeko okanye kwiziko likarhulumente ngokwemiqathango yeDeeds Registries Act ukuze zisetyenziswe ngumasipala okanye ngurhulumente;
- (g) yobhaliso lelungelo lobunini-mhlaba ukurentisa ukuze kufakelwe –
  - (i) inkonzo yobunjineli okanye ezinye iinkonzo ezinikezwa okanye ezibonelelwa egameni likarhulumente kubandakanywa izibonelelo zonxibelelwano nemibhobho;
  - (ii) into ewelela kumda wendlela; okanye
  - (iii) inkonzo yobunjineli kamasipala; okanye
- (h) yenkqubo yezindlu karhulumente okanye yeSixeko ukuze kubekho iiyunithi zemihlaba zomntu ngamnye.

(2) Kuxhomekeke kwicandelwana (5), iSixeko singathi, sikhuphe isaziso *kwiGazethi yePhondo*, saphulele naluphi uhlobo lwesicelo solwahlula-hlulo ekubeni sicele imvume ngokwalo Mthetho kaMasipala ukuba eso saphulelo asichaphazeli kakubi amalungelo okanye izinto ezilindelwe nguye nawuphi na umntu.

(3) Kuxhomekeke kwicandelwana (4), iSixeko singathi, ngokufaka isicelo, saphulele ulwahlula-hlulo ekubeni lucele imvume ngokwalo Mthetho kaMasipala ukuba kukho iimeko ezizodwa yaye ukuba eso isaphulelo asichaphazeli kakubi amalungelo okanye izinto ezilindelwe nguye nawuphi na umntu.

(4) ISixeko kufuneka sichaze kwiplani yolwahlula-hlulo ukuba lwahlula-hlulo lwaphulelwe ekubeni lucele imvume ngokwalo Mthetho kaMasipala.

(5) Izaphulelo kwicandelwana (1) negunya lesphulelo kwicandelwana (2) azisebenzi –

- (a) ukuba ukuzowuna kwakhona okanye naluphi olunye usetyenziso-mhlaba ngokwalo Mthetho kaMasipala ludinga imvume;
- (b) xa iinkonzo zobunjineli kufuneka zisuswe okanye zibonelelwe; okanye
- (c) ukuba ulwahlula-hlulo luyafuneka ukudala iiyunithi zemihlaba zomntu ngamnye ukuze kwakhiwe izindlu ezintsha.

**Isiqendu 8****Ukuhlaliswa koluntu ngexesha likaxakeka nokunika indawo yokuhlala ngokukhawuleza**

(ss 68-69)

**68 Ukuhlaliswa koluntu ngexesha likaxakeka**

(1) Kweli candelo, ngaphandle kokuba imeko ekubhekiswe kuyo ithetha enye into, 'Ukuhlaliswa koluntu ngexesha likaxakeka' kuthetha izindlu zethutyana ezifunekayo zeentsapho ezinezindlu ezingahlalekiyo ngenxa yeentlekele ezenziwe ziimvula, ziziphango, umoya, umlilo, unyikimo-mhlaba, ingozi okanye ezinye iimeko zendalo ezidala ukuba abanu bangabi nazindawo zokuhlala yaye umonakalo kumakhaya abo awunakulungiseka ngaphandle basiwe kwenye indawo okwethutyana yaye izindlu zabo azinakuphinda zakhiwe kwiziza ebebekuzo ngeli lixa kulungiswayo.

- (2) Ukuba iSixeko sichonge isidingo sokuhlaliswa koluntu ngexesha likaxakeka emhlabeni ongazowunelwanga loo njongo, iSixeko singamkela ukuqala kwenkqubo yokubhengezwa komhlaba njengowokuhlaliswa koluntu kwisiza sexesha likaxakeka.
- (3) ISixeko singamkela ukuqala kwenkqubo yokubhengezwa komhlaba njengowokuhlaliswa koluntu kwisiza sexesha likaxakeka kuphela ukuba sanelisekile ukuba iinkonzo zamanzi nococeko ezisisiseko zingabonelelwa kweso siza yaye ngemvume yomnini womhlaba ukuba iSixeko asingomnini womhlaba.
- (4) ISixeko kufuneka sikhuphe isibhengezo senjongo yaso yokumisela indawo yokuhlaliswa koluntu ngexesha likaxakeka ngokuhambelana neemfuno zalo Mthetho weeNkqubo zikaMasipala kunye nawo nawuphi na umgaqonkqubo weSixeko ochaphazelakayo.
- (5) Isaziso kufuneka siqulathe ubuncinane ezi nkukacha zilandelayo-
- (a) inkcazelo yomhlaba nedilesi yomhlaba;
  - (b) isizathu sokubhengeza indawo njengendawo yokuhlaliswa koluntu ngexesha likaxakeka;
  - (c) ukuba iSixeko sizimisele ukuba simise ukuzowuna okusebenza kumhlaba isithuba seentsuku ezingama-90 ukuvumela umhlaba ukuba usetyenziselwe ukuhlaliswa koluntu ngexesha likaxakeka okwaphula imiqathango yenkqubo yolawulo lophuhliso;
  - (d) indawo kwanokuba iinkukacha zomba zingafumaneka nini na ukuze zihlolwe;
  - (e) isimemo esiya kuluntu ukufaka izinto ezibhaliweyo zizithumele kwiSixeko okanye isichaso esinezizathu
  - (f) iinkukacha zenkqubo ezilungiselelwe loo mntu zokuba afake izimvo ezibhaliweyo nomhla ekufuneka ezingenise ngawo (ezingenokuba ngaphantsi kweentsuku ezili-10 emva kopapasho lwesaziso);
  - (g) inkcazelo yokuba akukho zimvo zingene emva kwexesha eziya kwamkelwa; kunye
  - (h) nenkcazelo yokuba nawuphi na umntu ongakwazi kubhala angeza eziofisini ngexesha lomsebenzi apho igosa eligunyazisiweyo liya kumnceda ukuba abhale uluvo lwakhe okanye isichaso sakhe kunye nezizathu zaso.
- (6) Xa kufuneka, iSixeko kufuneka sicele uMphathiswa wePhondo ukuba asinike igunya ngokwecandelo 60(2) leLand Use Planning Act ukuba sinxaxhe kwimiqathango yalo Mthetho.
- (7) Emva kokuqwalasela izimvo ezingene ngethuba, iSixeko singathi sibhengeze loo mhlaba njengsiza sokuhlaliswa koluntu ngexesha likaxakeka ze simise ukuzowuna okusebenza kumhlaba isithuba esiya kuma kwiintsuku ezingama-90 ukuvumela umhlaba ukuba usetyenziselwe ukuhlaliswa koluntu ngexesha likaxakeka.
- (8) Isibhengezo esixelwe kwicandelwana (7) –
- (a) kufuneka sipapashwe siSixeko *kwiGazethi yePhondo zingaphelanga iiyure ezingama-48*;
  - (b) uthetha ukuba usetyenziso lomhlaba ukuze kuhlaliswe uluntu ngexesha likaxakeka luya kuthathwa njengoluhambelana nalo Mthetho kaMasipala; yaye
  - (c) akwaphuleli umntu osebenzisa loo mhlaba wokuhlaliswa koluntu ngexesha likaxakeka kumsebenzi wakhe wokuthobela yonke eminye imithetho echaphazeleka kuloo mhlaba.
- (9) Emva kokulandela inkqubo ethobela imiqathango yeli candelo, iSixeko singathi songeze isithuba sobhengezo oluxelwe kwicandelwana (7) silongezelele esinye isithuba seentsuku ezingama-90.

## 69 Ukunika indawo yokuhlala ngokukhawuleza

- (1) Kuxhomekeke kwicandelwana (2), iSixeko singabhengeza isicelo sokumisela izindlu eziyindawo yokuhlala ngokukhawuleza.
- (2) ISixeko singabhengeza isicelo sokunikeza indawo yokuhlala ngokukhawuleza kuphela ukuba –
- (a) isicelo sinento yokwenza nezindlu zikarhulumente; yaye
  - (b) umhlaba ochaphazelekayo usenokuba –
    - (i) uchongelwe izindlu ezixhaswa ngurhulumente ngokweSicwangciso soPhuhliso esiHlanganisiweyo, iSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala, iSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla; okanye

- (ii) kukho isidingo esimandla sezindlu zikarhulumente namathuba aphantsi ezindlu.
- (3) ISixeko singathi apho kuyimfuneko saphulele umfaki-sicelo kwiimfuno zenkqubo okanye sicutha isithuba esivunyelweyo kulo Mthetho kaMasipala, ukuba ngaba the kuthotyelwe inkqubo yemiqathango echaphazelekayo kubhengezo.
- (4) Apho kuyimfuneko, iSixeko kufuneka sifumane igunya kuMphathiswa wePhondo ngokwecandelo 60(1) leLand Use Planning Act ukuba sinxaxhe kwimiqathango yalo Mthetho kwinkqubo yokunika isicelo sendawo yokuhlala ngokukhawuleza .

**ISIAHLUKO 7.**  
**IINKQUBO GABALALA YEZICELO ZONKE**  
 (ss 70-113)

***Isiqendu 1***  
***Ukufaka isicelo***  
 (ss 70-78)

**70 Intlanganiso yokubonisana phambi kokufaka isicelo**

- (1) ISixeko singafuna ukuba umfaki-sicelo athethane negosa eligunyazisiweyo phambi kokufaka isicelo ngokwalo Mthetho kaMasipala ukuze aqonde phakathi kwezinye izinto –
- (a) ngeenkukacha ekufuneka zingeniswe nesicelo;
  - (b) ubunjani bolwaziso ekufuneka lwenziwe ngokuhambelana neSahluko 7;
  - (c) uphando ekufuneka lwenziwe;
  - (d) ezinye izicelo ezifunekayo ngokwalo Mthetho kaMasipala okanye nawuphi omnyer umthetho ochaphazelekayo;
  - (e) ulandelelwano lwendlela yokuhoywa kwezicelo;
  - (f) uhlanganiso lokubhengeza izicelo ezahlukeyo okufunekayo ngokwemithetho eyahlukeyo;
  - (g) iinkonzo zobunjineli ezifunekayo nesidingo sokusebenzisana namanye amaziko karhulumente ngeenkonzo zobunjineli;
  - (h) intsebenziswano efunekayo namanye amaziko karhulumente ukuze kulungelelaniswe iinkqubo zokuprosesa izicelo ngokwemithetho eyahlukeyo; kunye
  - (i) nokuba ingaba inkqubo yomqulu weepiani iza kulandelwa na.
- (2) UManejala weSixeko unokuthi abeke imiqathango yokugqiba malunga nokuba ingaba isicelo sifuna intlanganiso yokubonisana phambi kokufaka isicelo, ulwazi olufunekayo, iinkqubo emazilandelwe nezithuba ekufuneka ezo ntlanganiso zibanjwe ngazo.
- (3) Umfaki-sicelo angathi ngembalelwano acele intlanganiso yokubonisana phambi kokufaka isicelo.
- (4) ISixeko kufuneka sigcine irekhodi yentlanganiso yokubonisana phambi kokufaka isicelo.

**71 Iinkukacha ezidingekayo**

- (1) Isicelo kufuneka sikhathshwe ubuncinane –
- (a) yifomu yokufaka isicelo efanelekileyo nesayinwe ngumfaki-sicelo nomnini, apho umfaki-sicelo engengomnini;
  - (b) olu gunyaziso lulandelayo –
    - (i) ukuba umfaki-sicelo akangomnini womhlaba, ileta yegunya esayinwe ngumnini nenkcukacha zoqhagamshelwano zomnini;
    - (ii) ukuba umnini yinkampani, yitrasti, liqumrhu elilawula iiflethi okanye ngumbutho wabanini-mhlaba, ubungqina bokuba umfaki-sicelo ugunyazisiwe ukuba enze oko egameni lomnini;
    - (iii) ukuba umnini yinkampani, ubungqina bokuba inkampani ayicinywanga yaye ayikho kwinkqubo yokucinywa;
    - (iv) ukuba umnini yitrasti, ikopi yeTrust Deed; kunye
    - (v) nemvume yomnini webhondi, ukuba ukhona, ngokomyalelo kaManejala weSixeko;
    - (vi) igama lommeli ekuza kunxityelelwana naye nendlela eza kusetyenziswa ukunxibelana naye nokumazisa;



- (c) ubungqina bentlawulo yayo yonke imirhumo yesicelo;
  - (d) ukuba besele kubonisenwe, irekhodi yentlanganiso yoko kubonisa kwangaphambili;
  - (e) ikopi epheleleyo yobunini-mhlaba yaye ukuba uManejala ufuna njalo, isatifikethi sodluliselo lwepropati esibonisa ukuba akukho miqathango yothintelo ikhoyo emalunga nesicelo;
  - (f) iplani yendawo okanye iplani ebonisa uphuhliso olucetywayo nemida yalo;
  - (g) ikopi yomzobo woMhloli-Mhlaba wale propati kubhekiswa kuyo okanye umzobo othathwe kwiplani-gabalala eyamkeliweyo ;
  - (h) isizathu esibhaliweyo sesicelo esisekelwe kwisigqibo neenkukacha ezixhasa eso sizathu;
  - (i) iinkukacha ezidingekayo kwintlanganiso yokuqala yokubonisa;
  - (j) iinkukacha ezifunekayo ezaneleyo ngokwemiqathango yeSixeko nentlawulo ebizwayo yokuphuhlisa umgaqonkqubo;
  - (k) naziphi iinkukacha ezongezelelekileyo ezifunwe nguManejala weSixeko malunga neso sicelo;
  - (l) naziphi iinkukacha ezongezelelekileyo ezifunwe nguManejala weSixeko malunga neso sicelo;
  - (m) kwimeko yesicelo yolwahlulahlulo lomhlaba, iplani yolwahlula-hlulo ebonisa oku kulandelayo –
    - (i) iindawo ezikuyo iiyunithi zemihlaba eziphakanyisiweyo;
    - (ii) iindawo eziZowuniweyo eziphakanyisiweyo ezimalunga neeyunithi zemihlaba eziphakanyisiweyo;
    - (iii) iindawo zoluntu;
    - (iv) izakhiwo ezikhoyo;
    - (v) iindawo zokungena ezikhoyo nezicetywayo;
    - (vi) ubunini-mhlaba;
    - (vii) iikhonto ezine-1m yesithuba ubuncinane okanye isithuba esifunwe nguManejala weSixeko;
    - (viii) iinkonzo zobunjineli zangaphandle ezikhoyo;
    - (ix) naziphi iimpwu ezibalulekileyo zendalo;
    - (x) ifenitshala esesitratweni;
    - (xi) isikeyili seplani; kunye
    - (xii) amagama neenombolo zezitrato ezicetywayo.
- (2) Ukuba ulwahlula-hlulo luza kumiselwa ngokwezigaba, isicelo solwahlula-hlulo kufuneka sikhatshwe iplani yezigaba ebonisa –
- (a) Ixesha eliphakanyisiweyo lokugqiba ulwahlula-hlulo lonke;
  - (b) indlela ulwahlula-hlulo oluza kumiselwa ngayo nokuza zeziphi iinkonzo zobunjineli ekufuneka zibe khona phambi kokuba isatifikethi esixelwe kwicandelo 137 sinikezwe;
  - (c) ukuba iinkonzo zobunjineli zesigaba ngasinye ziza kukwazi ukuzisebenzela ngokunokwazo nangokulandelelana;
  - (d) uqhagamshelwano kwiinkonzo zobunjineli ukuya kwisigaba esilandelayo;
  - (e) amanyathelo aphakanyiswayo ukuphepha okanye ukungenelela kulo naliphi ifuthe elibi kwiyunithi zemihlaba eziyoyina ezo okanye iiyunithi zemihlaba ezingekho kwesi sigaba siza kuphuhliswa; kunye
  - (f) imephu ebonisa –
    - (i) ulwahlula-hlulo olucetywayo emakisha ngemigca ecacileyo imida yesigaba ngasinye esicetywayo;
    - (ii) isigaba ngasinye sileyibheliswe ngealfabhethi; kunye
    - (iii) neendlela, iiyunithi zemihlaba, umhlaba ongamabala, iinkonzo zobunjineli zangaphakathi neenkonzo zobunjineli zangaphandle umfaki-sicelo aza kuzibonelela kwisigaba ngasinye.
- (3) Ukuba isicelo solwahlula-hlulo sifuna ilungelo lobunini kumhlaba ongengowomfaki-sicelo, umfaki-sicelo kufuneka eze nekopi yesivumelwano esibhaliweyo nomnini womhlaba ngelungelo lobunini elibhalisiweyo.
- (4) Ukuba umbutho wabanini-mhlaba uza kumiselwa, umfaki-sicelo kufuneka anikeze ngenkcazelo yeendleko zemali zokumenteyina umhlaba ongamabala wabantu, izitrato



esikumhlaba womntu neenkonzo zobunjineli zangaphakathi nezixhobo zombutho wabanini-mhlaba.

(5) Isicelo kufuneka sithobele naluphi ulwazi olufunwe nguManejala weSixeko kweso sicelo okanye kwisicelo esimalunga nemiba efana nobungakanani, isikeyili, umbala, inombolo yeekopi eziprintiweyo, ikopi ekwikhompyutha nefomathi yefayili.

(6) UManejala weSixeko unokuthi ngembalelwano ayekise iinkcukacha ebezifuna kwisicelo esithile okanye kuhlobo oluthile lwesicelo.

## **72 Intlawulo yokufaka isicelo**

(1) Phambi kokufaka isicelo, umfaki-sicelo kufuneka ahlawule intlawulo yokufaka isicelo.

(2) ISixeko singathi sibuyise imali yokufaka isicelo kuphela ukuba oko kuvumelekile ngokwemirhumo yeSixeko nencwadi yokuhlawulisa.

## **73 Ukungavumi ukwamkela isicelo**

(1) ISixeko kufuneka sale ukwamkela isicelo ukuba –

(a) Intlanganiselo yokubonisa phambi kokufaka isicelo iyafuneka kodwa khangе ibe khona;

(b) iSixeko asifumenaga ntlawulo yokufaka isicelo;

(c) isicelo asithobeli iinkcukacha ezifuniweyo, asinazo iinkcukacha ezifunekayo ngokwecandelo 71 okanye sineenkcukacha ezingeyonyani; okanye

(d) ngokokubona kweSixeko, isicelo esibufana nesi sasikhatyiwe kwiinyanga ezintandathu ezidlulileyo (ngaphandle kolwaliwo oluxelwe kwicandelo 75(4)) yaye khangе kubekho lutshintsho kumthetho okanye umgaqonkqubo okanye kwingqwalasela ebisetyenzisiwe evele nesigqibo sokwala isicelo esibunjalo.

(2) ISixeko singathi sale ukwamkela isicelo ukuba isicelo asikhatshwa sesinye isicelo sayo nayiphi enye imvume efunekayo ngokwalo Mthetho kaMasipala.

## **74 Ukwamkelwa kwesicelo nokufunwa kweenkcukacha ezongezelelekileyo**

Ukuba iSixeko samkela isicelo, uManejala weSixeko kufuneka –

(a) abonise ukuba isicelo mhlawumbi ngokufaka isitampu kwisicelo esifakiweyo ngemini asifumene ngayo okanye ngembalelwano;

(b) kwiintsuku ezili-14 emva kokufumana isicelo okanye kwisithuba ekuvunyelwene ngazo ngembalelwano aze –

(i) afune iinkcukacha ezongezelelekileyo okanye iintlawulo; okanye

(ii) azise umfaki-sicelo ukuba isicelo siphelele.

## **75 Iinkcukacha ezongezelelekileyo**

(1) Umfaki-sicelo kufuneka, zingaphelanga iintsuku ezingama-30 okanye eso sithuba kuvunyelwene ngaso noManejala weSixeko, anike iSixeko naziphi iinkcukacha ezongezelelekileyo ezifunwe nguManejala weSixeko.

(2) Ukuba umfaki-sicelo unikeza iinkcukacha ezongezelelekileyo okanye iintlawulo uManejala weSixeko azibona zinganelanga, okanye ezingahambelani neenkcukacha ezifuniweyo, uManejala weSixeko unokuthi kwiintsuku ezili-14 okanye eso sithuba kuvunyelwene ngaso, ngembalelwano mhlawumbi –

(a) aphinde afune iinkcukacha ezongezelelekileyo okanye iintlawulo; okanye

(b) azise umfaki-sicelo ukuba isicelo sivalile, kuloo meko kuya kusebenza candelwana (4).

(3) Ukuba umfaki-sicelo akanikezi iinkcukacha ezongezelelekileyo ngexesha yaye akaceli uManejala weSixeko ngexesha ukuba enze isigqibo njengoko kuchaziwe kwicandelwana (5), iSixeko singasivala isicelo ze sazise umfaki-sicelo ngembalelwano.

(4) Ukuba iSixeko siyasivala isicelo –

(a) isicelo sithathwa njengesikhatyiweyo; yaye

(b) umfaki-sicelo angafaka isicelo esitsha yaye kufuneka ahlawule intlawulo entsha yokufaka isicelo.

(5) Ukuba umfaki-sicelo uyaphikisana nokuba iinkcukacha ezongezelelekileyo ziyafuneka, umfaki-sicelo unokuthi, zingaphelanga iintsuku ezingama-21 zeenkukacha anyanzelise uManejala weSixeko ukuba enze isigqibo.

## **76 Isicelo esipheleleyo**

(1) Isicelo siphelele ukuba iSixeko sifumene intlawulo yokufaka isicelo, zonke iinkcukacha ezifunekayo ukuze iSixeko sihlale isicelo yaye iinkcukacha ezifakiweyo zithobela zonke iinkcukacha zolwazi ezifuniweyo.

(2) Kwiintsuku ezili-14 emva kokufumana naziphi iinkcukacha ezongezelelekileyo uManejala weSixeko azifunileyo yaye uzibone zanele yaye zihambelana nazo zonke iinkcukacha zolwazi, uManejala weSixeko kufuneka azise umfaki-sicelo ngembalelwano ukuba isicelo siphelele.

(3) Umhla wokuphelela kweenkcukacha zesicelo siphelele uthathwa njengomhla wokufaka isicelo.

## **77 Ukurhoxiswa kwesicelo**

(1) Umfaki-sicelo unokuthi, nanini na phambi kokuthathwa kwesigqibo, angarhoxisa isicelo ngesaziso esibhaliweyo esiya kwiSixeko.

(2) Ukuba umfaki-sicelo urhoxisa isicelo sakhe –

(a) intlawulo yokufaka isicelo ayibuyiswa; yaye

(b) umfaki-sicelo kufuneka angenise isicelo esitsha ukuqhubeka nesicelo.

## **78 Umsebenzi womfaki-sicelo**

(1) Umfaki-sicelo kufuneka aqinisekise ukuba –

(a) akukho nkcukacha zingeyonyani zingeniswe kwiSixeko;

(b) iSixeko asiphosiselwa;

(c) zonke iinkcukacha ezingenisweyo kwiSixeko ziyinyani; yaye

(d) isicelo ashishiyi naziphi na iinkcukacha.

(2) Umntu owaphula amacandelwana (1)(a) okanye (1)(b) unetyala yaye emva kwesigwebo uya kuhlalwula intlawulo exelwe kumacandelo 133(2) no-133(3).

### ***Isiqendu 2***

### ***Isaziso novakaliso-luvo***

*(ss 79-95)*

## **79 Isaziso sofako-sicelo**

(1) ISixeko kufuneka, ngokuhambelana neemfuno zeli Candelo, sikhuphe isaziso senjongo yaso yokuqwalasela isicelo.

(2) Kuxhomekeke kumacandelo 80,81 no-82, iSixeko singafuna ukuba kusetyenziswe indlela okanye indibanisela yezi ndlela zokwenziwa kwesaziso –

(a) kupapashwe isaziso kumajelo eendaba njengoko kuchaziwe kwicandelo 81;

(b) kusiwe isaziso esiya emntwini njengoko kuchaziwe kwicandelo 82;

(c) kusiwe isaziso sokungabikho kwesichaso njengoko kuchaziwe kwicandelo 84.

(3) ISixeko singathi, ukongezwa kwezi ndlela zixelwe kwicandelwana (2), sifune umfaki-siceloukuba axhomeke isaziso kwisiza ekufuneka –

(i) silamineyithwe yaye ubuncinane sibe yi-60 cm nge-42 cm;

(ii) sixhonywe kuwo wonke umda weyunithi yomhlaba okanye iiyunithi ochaphazelekayo ezayame kwisitrato okanye enye indawo ezibonakalayo kwiyunithi okanye kwiyunithi apho siza kubonwa khona luluntu;

(iii) sixhonywe kwisithuba esibekwe nguManejala weSixeko, esingasayi kuba ngaphantsi kweentsuku ezingama-30; yaye

(iv) kuxhonywe esinye ukuba sonakele okanye sisusiwe ngesithuba solwaziso.

(4) Apho umfaki-sicelo enika isaziso, umfaki-sicelo kufuneka anikeze ubungqina kwiSixeko zingaphelanga iintsuku ezisixhenxe zokunika isaziso.

(5) Kuxhomekeke kwiimfuno zemithetho yesizwe neyephondo, uManejala weSixeko unokuthi aphulele ukuba kungenziwa isaziso soluntu ukuba eso saphulelo asichaphazeli kakubi amalungelo oluntu.

## 80 Isiqulatho sesaziso

- (1) Nasiphi isaziso esimalunga nesicelo kufuneka siqulathe ezi nkukacha zilandelayo –
  - (a) iinkukacha zomfaki-sicelo nezomnini weyuniti yomhlaba (ukuba wahlukile kumfaki-sicelo);
  - (b) inkcazelo yomhlaba nedilesi yeyuniti yomhlaba;
  - (c) injongo yesicelo isaziso esibhekisa kuso;
  - (d) indawo kwanokuba iinkukacha zesaziso zingafumaneka nini na ukuze zihlolwe;
  - (e) isimemo esiya kuluntu ukufaka izinto ezibhaliweyo zizithumele kwiSixeko okanye isichaso esinezizathu
  - (f) iinkukacha zenkqubo zokuba umntu afake izimvo ezibhaliweyo nomhla ekufuneka ezingenise ngawo (ezingenokuba ngaphantsi kweentsuku ezingama-30 emva komhla wesaziso);
  - (g) inkcazelo yokuba akukho zimvo zingene emva kwexesha eziya kwamkelwa ngaphandle kokuba uManejala weSixeko has agreed ngembalelwano; kunye
  - (h) nenkcazelo yokuba nawuphi na umntu ongakwazi kubhala angeza eziofisini ngexesha lomsebenzi apho igosa eligunyazisiweyo liya kumnceda ukuba abhale uluvo lwakhe okanye isichaso sakhe kunye nezizathu zaso.
- (2) Isaziso kufuneka sifune ukuba anikeze uluvo olubhaliweyo okanye isichazo esibhaliweyo ngokwemiqathango exelwe kwicandelo 90(5).

## 81 Isaziso kumajelo eendaba

- (1) UManejala weSixeko kufuneka akhuphe isaziso kumajelo eendaba esichaza injongo yeSixeko yokuqwalasela isicelo ngokwecandelo 43 no-44 eLand Use Planning Act.
- (2) UManejala weSixeko angabeka naluphi olunye uluhlu lwesicelo ekufuneka sipapashiwe kumajelo eendaba.
- (3) Isaziso esiya kumajelo eendaba esixelwe kwicandelwana (1) okanye (2)kufuneka sipapashwe—
  - (a) ngokwecandelo 21 loMthetho weeNkqubo zikaMasipala ubuncinane ngeelwimi ezimbini ezisemthethweni zePhondo ezithethwa kakhulu kuloo mmandla uchaphazelekayo; yaye
  - (b) ukuba upapasho njengoko kuchaziwe kumhlathi (a) lubonwa lungasebenzi, makusetyenziswe ezinye iindlela ezibandakanya ukukhwaza isaziso ngomboko wokukhwaza, ukupapasha kwiwebhusayithi okanye kwiibhodi zezaziso zasekuhlaleni, okanye kusetyenziswe ii-imeyili okanye amajelo okunxibelelana noluntu ngeefowuni nangeintanethi.

## 82 Isaziso esiya emntwini

- (1) UManejala weSixeko kufuneka enze ukuba kuhanjiswa isaziso, njengoko kuchaziwe kumacandelwana(2) no-(4), esichaza injongo yeSixeko yokuqwalasela ezi zicelo zilandelayo –
  - (a) ukugqiba ngokuzowuna okanye umhlaba othathwa njengozowuniweyo;
  - (b) ukuzowuna kwakhona komhlaba;
  - (c) ulwahlula-hlulo okanye ukwenziwa kwezilungiso zolwahlula-hlulo;
  - (d) uhlanganiso lwemihlaba;
  - (e) ukwenziwa kwezilungiso okanye ukubekwa komqathango;
  - (f) ukususwa,ukumiswa okanye ukwenziwa kwezilungiso kumqathango othintelayo;
  - (g) naluphi olunye uluhlu lwesicelo oluxelwe kwicandelo 42(u) uManejala weSixeko alubekileyo.
- (2) Isaziso kufuneka sisiwe –
  - (a) kumntu ochatshazelwa kakubi amalungelo okanye izinto azilindeleyo ukuba isicelo samkelwe;
  - (b) ngokwecandelo 111 lalo Mthetho kaMasipala.

- (3) Ukuba iSixeko sizimisele ukuba siwuzowune kwakhona umhlaba ongengowaso kufuneka sinike isaziso kumntu.
- (4) Ukuba isaziso sinikezwe kuphela ngolwimi olunye olusemthethweni lwePhondo, kufuneka kubekho inkcazelo ngolwimi ngalunye olusemthethweni lwePhondo yokuba iSixeko siya kuthi xa siceliwe, zingaphelanga iintsuku ezisixhenxe zolwaziso, siguqulele eso saziyo kolunye ulwimi olusemthethweni lwePhondo.

### 83 Isaziso esiya kummeli womntu

UManejala weSixeko angabeka a uluhlu lwesicelo oluxelwe kwicandelo 42 ekufuneka lunikwe –

- (a) uceba wommandla esimalunga nawo isicelo; okanye
- (b) umbutho ochaziweyo omele izinto ezimalunga nesicelo obhalisiweyo kwiSixeko obhaliselwe le njongo.

### 84 Isaziso sokungabikho kwesichaso

(1) UManejala weSixeko unokuthi enze ukuba isaziso sinikezwe njengoko kuchaziwe kwicandelwana (2) ukubonisa injongo yeSixeko yokuqwalasela ezi zicelo zilandelayo –

- (a) utyeshelo-mthetho;
  - (b) usetyenziso ngemvume;
  - (c) ukongezwa kwexesha;
  - (d) imvume okanye unyenyiso lomqathango othintelayo apho ukhoyo kwimiqathango yobunini-mhlaba;
  - (e) naluphi olunye uhlobo lwemvume efunekayo ngokwenkqubo yolawulo lophuhliso.
- (2) Isaziso kufuneka siqulathe ubuncinane –
- (a) iinkcukacha ezixelwe kumacandelo 80(1)(a) - 80(1)(d);
  - (b) iinkcukacha zesiphakamiso sosetyenziso-mhlaba okanye inombolo yeplani yesakhiwo, umhla nohlobo kuxhomekeke kwimeko leyo;
  - (c) imiqathango evumela umntu onikezwa isaziso ukuba asisayine ebonisa ukuba akanasichaso kwisicelo esiphakanyisiweyo esusa nelungelo lokuba aziswe ngokwecandelo 82; kunye
  - (d) nolwazi malunga nelungelo lomntu lokuba isicelo sibhengezwe ukuze abantu bafake izimvo okanye isichaso kwisicelo.
- (3) Ngaphandle kokuba kukho enye inkonzo egunyazisiweyo nguManejala weSixeko, isaziso kufuneka sisiwe buqu kumntu onokuthi amalungelo akhe okanye izinto azilindeleyo zichatshazelwe kakubi ukuba isicelo samkelwe.
- (4) Inkqubo ekwicandelo 82 kufuneka ilandelwe ukuba –
- (a) iinkcukacha ezikwisaziso sokungabi nasichaso aziphelelanga; okanye
  - (b) umntu ochaphazelekayo uyala ukusayina isaziso sokungabi nasichaso okanye akukwazeki ukuba kuqhagamshelwane naye ukuba aze kusayina isaziso.
- (5) Ukuba umfaki-sicelo unikeza ssaziso sokungabikho kwesichaso esivela kubo bonke abantu, uManejala weSixeko uye agqibe ukuba –
- (a) loo mhla uthathwe njengomhla wokuvala kwexesha lokungeniswa kwezimvo zoluntu; nokuba
  - (b) imiqathango yeSiqendu ayisebenzi, ngaphandle kwamacandelo 86, 87, 88, no-95.

### 85 Isaziso esiya kubanini beenxalenye zeendawo zokuhlala

- (1) Apho kukho ulwakhiwo lwezakhiwo ezikhulu kulandelwa iSectional Titles Act, ulwaziso kwiQumrhu eliLawula iSakhiwo esiKhulu elichaphazelekayo luthathwa njengesesaziso esiya kubo bonke abanini bezakhiwo ezikhulu.
- (2) Usihlalo weQumrhu eliLawula iSakhiwo esiKhulu kufuneka aqinisekise ukuba bonke abanini bezakhiwo ezikhulu bayaziswa.

### 86 Isaziso esiya kuRhulumente wePhondo

- (1) Xa isicelo esimalunga nayiphi kwezi zilandelayo siphelele (ngokwecandelo 76), iSixeko kufuneka sithumele isicelo kwintloko yeSebe ekuRhulumente wePhondo ejongene nosetyenziso-mhlaba ukuze inike izimvo zayo malunga –

- (a) Nophuhliso oludlulela ngaphaya kwemida ebekwe siSixeko kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engaMabala sikaMasipala;
  - (b) ukuzowuna kwakhona komhlaba ozowunelwe ezolimo okanye wolondolozo-ndalo;
  - (c) nophuhliso oluyalelwe nguManejala weSixeko; kunye
  - (d) nophuhliso oluyalelwe nguRhulumente wePhondo.
- (2) ISixeko asinakugqiba ngesicelo esixelwe kwicandelwana (1) de –
- (a) sibe sifumene izimvo zeNtloko yeSebe; okanye
  - (b) kube akufunyenwanga zimvo de kwaphela iintsuku ezingama-60 emva kokuba isicelo sithunyelwe, okanye eso sithuba kuvunyelwene ngaso noManejala weSixeko, kuloo meko uRhulumente wePhondo uya kuthathwa njengongakhange abe naluvo.

#### **87 Isaziso esiya kwelinye iziko likarhulumente ngaphandle koRhulumente wePhondo**

- (1) Iziko likarhulumente elinikwe isaziso sesicelo, lacelwa ukuba linike uluvo, kufuneka likwenze oko zingaphelanga iintsuku ezingama-60 –
- (a) zolwaziso; okanye
  - (b) zokufumana zonke iinkcukacha ezifunekayo ukuze kunikwe uluvo ukuba isicelo besingaphelanga laze iziko likarhulumente lenza isicelo seenkcukacha ezonezelelekileyo kwiintsuku ezili-14 zolwaziso.
- (2) Iziko likarhulumente elinganikezi luvo oluxelwe kwicandelwana (1) liya kuthathwa njengelingakhange libe naluvo.
- (3) Iziko likarhulumente linganikwa isaziso ngeimeyili ethunyelwe kwiNtloko yeSebe okanye kuMlawuli-Jikelele welo ziko likarhulumentee.

#### **88 Uhanjiso lwesaziso kumacandelo angaphakathi**

- (1) UManejala weSixeko kufuneka athumele isicelo ngexesha elinye kwiSebe leSixeko ngalinye elichaphazeleka kweso sicelo.
- (2) Isebe kufuneka lingenise izimvo ezimalunga nommandla elisebenza kuwo kwelo Sebe ngexesha elibekwe nguManejala weSixeko, yaye ukuba akwenzanga oko liya kuthathwa njengelingakhange libe naluvo.
- (3) Ukuba kuthe genxa yokuhanjiswa kumasebe, iSixeko sifuna iinkcukacha ezonezelelekileyo, kuya kusebenza imiqathango yecandelo 75.

#### **89 Umngeneleli**

- (1) Umntu oxelwe kwicandelwana (2) angathi, kwisithuba esixelwe kwicandelwana (3), afake isikhalazo kwifomu elungiselelwe oko kuManejala weSixeko ukuze anikezelwe iwonga lokuba ngumngeneleli.
- (2) Umntu angafaka isikhalazo kuphela ukuba akanikwanga saziso sesicelo ngokwecandelo 82 okanye 83 yaye –
- (a) ukuba isicelo akukagqitywa ngaso – umfaki-sikhalazo uyachaphazeleka kwisicelo; okanye
  - (b) ukuba isicelo kugqityiwe ngaso – umfaki-sikhalazo unento emchaphazela kakubi okanye uyakwazi ukubonisa ukuba uza kuchaphazeleka kakubi seso sigqibo okanye isibheni sesigqibo.
- (3) Isikhalazo asisebenzi ukuba singeniswe –
- (a) ngaphezu kweentsuku ezisixhenxe emva kokuba umfaki-sikhalazo eye wazi ngesicelo okanye kulindeleke ukuba ebemele ukuba besesazi ngesicelo; okanye
  - (b) Emva komhla wokuqala wokusebenza kwesigqibo oxelwe kwicandelo 105(2).
- (4) Uxwebhu lwezikhalazo kufuneka lungeniswe nesikhalazo –
- (a) ukuba isicelo akukagqitywa ngaso –ngokwecandelo 90(5), nasiphi isichaso, uluvo okanye izimvo nezizathu umfaki-sikhalazo afuna umthathi-sigqibo aziqwalasele;
  - (b) ukuba isicelo kugqityiwe ngaso –isaziso esibhaliweyo sesibheni nezizathu zesibheni ngokwecandelo 108(1); kunye
  - (c) neafidavithi echaza ukuba akasebenzisani nomfaki-sicelo, umchasi okanye umbheni yaye uzimisele ukwenza oko kufanele ukwenziwa ngokwesicelo okanye ngokwesibheni ngokwemiyalelo yeSixeko.

- (5) UManejala weSixeko kufuneka anikeze ikopi yesikhalazo neenkukacha ezixelwe kwicandelwana (4) kumaqela abandakanyeka kwiinkqubo ukuze anike uluvo lwawo.
- (6) UManejala weSixeko unokuthi –
- asikhaba isikhalazo ukuba sifike emva kwexesha;
  - ukuba isikhalazo asifanelanga kuvunyelwa, anike umfaki-sikhalazo iwonga lokuba ngumngeneleli; okanye
  - ukuba kukho umbuzo wokuba isikhalazo sivunyelwe na, adlulisele isikhalazo ukuba kuthathwe isigqibo –
    - Sisigqeba soCwangciso lweMihlaba kaMasipala okanye igosa eligunyazisiweyo ekufuneka sigqibe ngesicelo ukuba isicelo akukagqitywa ngaso; okanye
    - uGunyaziwe weSibheni ukuba isicelo kugqitywe ngaso.
- (7) Xa kuthathwa isigqibo sokuba kunikezwe umngeneleli iwonga lokuba ngumngeneleli, iSigqeba soCwangciso lweMihlaba kaMasipala, igosa eligunyazisiweyo okanye uGunyaziwe weSibheni, kuxhomekeke kwimeko leyo, kufuneka siqwalasele ubuncinane ukuba –
- umfaki-sikhalazo uvumelekile na ngokwecandelwana(2);
  - akukho qela na eliyinxalenye yeenkqubo elimele imiba echaphazela umfaki-sikhalazo;
  - umfaki-sikhalazo umela abanye abantu abachaphazelekayo ngokufanayo kwiinkqubo abangamelwanga;
  - ukwalela isikhalazo kuya kuvalela umfaki-sikhalazo ithuba lokukhusela oko kumchaphazelayo;
  - isichaso, uluvo lomfaki-sikhalazo oluchaphazela inkqubo, lwahlukile kwezo zimvo esele zimelwe ngamaqela akhoyo yaye luya kunceda umthathi-sigqibo; yaye
  - ukuvumela isikhalazo akuzi kulibazisa ngokungekho mfuneko okanye akusayi kucalula amanye amaqela ayinxalenye yeenkqubo.
- (8) Umthathi-sigqibo kufuneka azise umfaki-sikhalazo namaqela akhoy kwiinkqubo ngesiphumo sesikhalazo.
- (9) Akukho sibheni kwisigqibo sokunikeza okanye sokwalela isikhalazo.
- (10) Umntu onikwe iwonga lokuba ngumngeneleli emva kokugqitywa kwesicelo uthathwa njengombheni..

## 90 Isichaso kwisicelo

- (1) Umntu ocelwe ukuba anike uluvo okanye isichaso, okanye nawuphi na umntu, ephendula kwisimemo sezimvo zoluntu, angafaka isichaso, anganikeza uluvo lwakhe ngesicelo ngokweli candelo.
- (2) Isichaso okanye uluvo kufuneka lubhalwe phantsi.
- (3) Isichaso okanye uluvo olufike emva kwexesha alusayi kuqwalaselwa ngaphandle kokuba uManejala weSixeko uya kuvumela oko ngokwecandelwana (4).
- (4) UManejala weSixeko unokuvumela ukungeniswa emva kwexesha kwesichaso okanye uluvo ukuba kunikwa isizathu esivakalayo yaye uqwalaselo lweso sichaso okanye uluvo olufike emva kwexesha alusayi –
- kudala ulibaziseko; okanye
  - alusayi kuchaphazela kakubi izimvo zoluntu.
- (5) Umntu ongenisa isichaso okanye uluvo kufuneka anikeze –
- iinkukacha ezaneleyo zesicelo ukuze sifunyanwe lula;
  - igama lakhe elipheleleyo;
  - idilesi neenkukacha zoqhagamshelwano nendlela emakuqhagamshelwane naye ngayo;
  - umdla wakhe kwisicelo;
  - isizathu sesichaso okanye uluvo, kubandakanywa ubuncinane –
    - ifuthe isicelo esiza kuba nalo kuye okanye kummandla;
    - nawuphi umba wesicelo ongahambelani nomgaqonkqubo, kwanokuba;
- (6) Isichaso okanye uluvo olungahambelani neemfuno zecandelwana (5) lusenokukhatywa.
- (7) UManejala weSixeko unokugcina iinkukacha ziyimfuhlo ukuba ngokwamacandelwana (5)(b) no-(5)(c) kunikwe isizathu esivakalayo.



- (8) Akukho mntu unokufuna intlawulo yemali okanye naluphi olunye uhlobo lwengqwalaselo kumfaki-sicelo okanye nawuphi na umntu obandakanyekayo kwisicelo ngokungangenisi isichaso okanye ngokungenisa isaziso sokungabikho kwesichaso okanye uluvo oluxhasayo.
- (9) Akukho mntu unokuthembisa umntu unokufuna intlawulo yemali okanye naluphi olunye uhlobo lwengqwalaselo kumfaki-sicelo okanye nawuphi na umntu obandakanyekayo kwisicelo ngokungangenisi isichaso okanye ngokungenisa isaziso sokungabikho kwesichaso okanye uluvo oluxhasayo.
- (10) Amacandelwana (8) no-(9) akanqandi sicelo okanye isibonelelo sokuthatha amanyathelo okunqanda ifuthe lophuhliso elixelwe kwisicelo.
- (11) Umntu owaphula amacandelwana (8) okanye (9) unetyala yaye emva kwesigwebo uya kuhlawula intlawulo exelwe kumacandelo 133(2) no-133(3).

## 91 Uxwebhu lwezikhalazo

- (1) Ezona mfuno zincinci zoxwebhu lwezikhalazo zezokuba –
- iphepha ngalinye lesikhalazo kufuneka liqulathe –
    - iinkcukacha ezaneleyo zesicelo ukuze sifunyanwe lula;
    - inkcazelo emfutshane nesizathu sesikhalazo; kunye
    - nefuthe isicelo esiza kuba nalo kubafaki-sikhalazo okanye kummandla;
  - Uxwebhu ngalunye lwezikhalazo kufuneka kufuneka lube namagama apheleleyo, idilesi nesignitsha;
  - xa isikhalazo singeniswe, ummeli ogunyazisiweyo wabafaki-sikhalazo kufuneka igama lakhe elipheleleyo, idilesi yeposi, inombolo yefowuni nedilesi yeimeyili okanye inombolo yefeksi.
- (2) Uxwebhu lwezikhalazo kufuneka lungeniswe ngexesha ekuvunyelwe ukuba uluntu lufake izimvo zalo ngalo njengoko kuchaziwe kwiSahluko 7.
- (3) Uxwebhu lwezikhalazo olufike emva kwexesha alusayi kuqwalaselwa ngaphandle kokuba uManejala weSixeko uya kuvumela oko ngokwecandelwana(4).
- (4) UManejala weSixeko unokuvumela ukungeniswa emva kwexesha kwesikhalazoo ukuba kunikwa isizathu esivakalayo yaye uqwalaselo lweso sikhalazo sifike emva kwexesha alusayi –
- kudala ulibaziseko; okanye
  - alusayi kuchaphazela kakubi izimvo zoluntu..
- (5) isaziso esinikwe umntu oxelwe kwicandelwana (1)(c) siya kuthathwa njengesaziso esiye kubo bonke abafaki-sikhalazo.
- (6) Ukuba inkxaso yesikhalazo iqokelelwe ngeimeyili, imiqathango yeli candelo iya kusebenza kangangoko, ukuba ngaba akudingeki zisiginitsha.
- (7) Isikhalazo esingahambelani neemfuno zecandelwana (1) sisenokukhatywa.
- (8) Isikhalazo siya kuthathwa njengoluvo ngeenjongo zeli Candelo.

## 92 Impendulo yomfaki-sicelo

- (1) Kwiintsuku ezili-14 emva kokuvalwa kwethuba lokunika izimvo, uManejala weSixeko kufuneka anike umfaki-sicelo –
- iikopi zazo zonke izimvo nezichaso ezifunyenweyo;
  - iimfuno zesebe leSixeko; kunye
  - nesaziso esazisa umfaki-sicelo ngamalungelo akhe ngokweli candelo.
- (2) Zingaphelanga iintsuku ezingama-30 zolwaziso, okanye kwisithuba esongeziweyo seentsuku ezili- 14, ukuba uManejala weSixeko uyalwamkela olo longezo lweentsuku phambi kokuphela kweentsuku ezingama-30, umfaki-sicelo angangenisa kwiSixeko impendulo ebhaliweyo kwizimvo nezichaso kunye neemfuno.
- (3) Umfaki-sicelo onganikezi impendulo kwisithuba esixelwe kwicandelwana (2) uya kuthathwanjengongaphendulanga.
- (4) Umfaki-sicelo angakhetha ukungaphenduli ngokwecandelwana (2), kuloo meko umhla iSixeko esifumene imbalelwano enjalo uya kuthathwa njengomhla wempendulo yomfaki-sicelo.

## 93 Ukulungiswa kwesicelo phambi kwesigqibo sokugqibela

- (1) Umfaki-sicelo unokwenza izilungiso kwisicelo sakhe nanini na emva kokunikwa kwesaziso ngokwalo Mthetho kaMasipala naphambi kokuthathwa kwesigqibo –

- (a) ngokokuthanda komfaki-sicelo;
  - (b) ngenxa yezichazo nezimvo ezinikezwe luluntu ngexesha lenkqubo yezimvo zoluntu; okanye
  - (c) ngesicelo seSixeko.
- (2) Ukuba isilungiso siyabambeka, iSixeko singafuna ukuba kukhutshwe esinye isaziso ngokwalo Mthetho kaMasipala yaye singafuna ukuba isicelo siphinde sijikeleziswe.

#### **94 Esinye isaziso**

- (1) ISixeko singafuna ukuba kukhutshwe isaziso esitsha sesicelo be given ukuba isithuba esingaphezu kweenyanga ezingama-24 months sidlulile emva kokuba kwakufakwe isaziso sesicelo sokuqala yaye akuthathwa sigqibo ngaso.
- (2) ISixeko singagqiba ngendlela yokunika isaziso njengoko kuchaziwe kwicandelwana (1).
- (3) ISixeko singafuna ukuba isaziso sesicelo sipapashwe kwakhona okanye okanye siphinde sisiwe kumasebe nanini ngexesha lokuproseswa kwesicelo ukuba kufike iinkcukacha ezintsha ezichaphazela nawuphi na umntu.

#### **95 Ukufikelela kwiinkcukacha malunga nesaziso**

- (1) Ngokufaka isicelo ngokwalo Mthetho kaMasipala, umfaki-sicelo uyavuma ukuba iinkcukacha eziqulethwe kwisicelo nezifunyenwe ngexesha lenkqubo zinganikezwa uluntu.
- (2) Ngokufaka isichaso, uluvo okanye isibheni, umntu owenza oko uyavuma ukuba iinkcukacha ezo zinganikezwa uluntu nomfaki-sicelo.
- (3) Ifayile evulwe siSixeko ngesicelo iyafumaneka kofuna ukuyibona ngeeyure zomsebenzi nanini na ngexesha lenkqubo yesicelo ukuba ayisetyenziswa liSebe.
- (4) Emva kokuthathwa kwesigqibo, isigqibo nemiqathango ebekiweyo zinganikezwa uluntu xa luhlawule imali echazwe siSixeko.

### **Isiqendu 3** **Inkqubo yokugqiba ngesicelo** (ss 96-103)

#### **96 Igunya lokwenza uhlolo**

- (1) Igosa eligunyazisiweyo lingangena kumhlaba okanye kwisakhiwo ngenjongo yokuhlola isicelo ngokwalo Mthetho kaMasipala nokwenza ingxelo exelwe kwicandelo 97.
- (2) Xa kusenziwa uhlolo, igosa eligunyazisiweyo –
  - (a) lingacela ukuba nayiphi irekhodi, uxwebhu okanye umba unikezwe ukuncedisa uhlolo;
  - (b) lingenza iikopi okanye licaphule kumaxwebhu anikeziweyo ngokomhlathi (a) anento yokwenza nohlolo;
  - (c) xa linikeze irisithi, lingasua irekhodi, uxwebhu okanye nawuphi umba onento yokwenza nohlolo;
  - (d) lingathatha nayiphi ifoto eliyibona iyimfuneko; yaye
  - (e) lingahlola nasiphi isakhiwo libuze nemibuzo emalunga neso sakhiwo.
- (3) Akukho mntu unokuphazamisana negosa eligunyazisiweyo elenza uhlolo oluxelwe kwicandelwana (1).
- (4) Igosa eligunyazisiweyo kufuneka, xa liceliwe, linikeze ubungqina obubonisa ukuba iSixeko siligunyazisile ukuba lenze uhlolo.
- (5) Uhlolo oluchazwe kwicandelwana (1) kufuneka ngexesha elifanelekileyo nasemva kokwazisa umntu ohlala kuloo mhlaba okanye kweso sakhiwo.

#### **97 Ukuvavanywa kwesicelo**

- (1) ISebe kufuneka linikeze ngengxelo ebhaliweyo ukuba iqwalaselwe ngumthathi-sigqibo equlethe –
  - (a) Uhlolo lwesicelo;

- (b) isindululo;
  - (c) apho kuyimfuneko, imiqathango ecetyiswayo; kunye
  - (d) neekopi zeenkukacha ezifanelekileyo eziza kunceda umthathi-sigqibo ukube enze isigqibo enolwazi olupheleleyo.
- (2) ISebe kufuneka linikeze ingxelo exelwe kwicandelwana (1) kumthathi-sigqibo ngesithuba esibekwe nguManejala weSixeko.
- (3) Ukuba iSebe alinikezi ngxelo ngesithuba esixelwe kwicandelwana (2), umfaki-sicelo unokucela uManejala weSixeko ukuba athathe amanyathelo ukuqinisekisa ukuba ingxelo inikwa umthathi-sigqibo zingaphelanga iintsuku ezingama-30 ezibekwe nguManejala weSixeko zokuba kunikezwe ingxelo efunekayo.
- (4) Apho isigqibo siza kuthathwa ligosa eligunyazisiweyo, igosa eligunyazisiweyo elithatha isigqibo kufuneka libe ngentla okanye libe kwizinga elinye negosa eligunyazisiweyo elihlola isicelo nelenza isindululo.
- (5) Umcwangcisi obhalisiweyo kufuneka anike ingxelo exelwe kwicandelwana (1) xa ejongene –
- (a) nolwamkelo okanye isilungiso seSikhokelo soPhuhliso loCwangciso lweMihlaba engaMabala sikaMasipala;
  - (b) imvume okanye ukwenziwa kwezilungiso yenkqubo yolawulo lophuhliso;
  - (c) ukuzowuna kwakhona komhlaba;
  - (d) ulwahlulahlulo lomhlaba ukuba lube ziyunithi zemihlaba ezingaphezu kwezingama-20;
  - (e) ukugqiba ngokuzowuna;
  - (f) imvume yezowuni enemiqathango eyodwa ngokwenziwa kwezilungiso ngokwalo Mthetho kaMasipala;
  - (g) ukususwa, ukumiswa okanye ukwenziwa kwezilungiso komqathango othintelayo, ukuba utshitsho kusetyenziso-mhlaba luyabandakanyeka;
  - (h) ukwenziwa kwezilungiso, ukucinywa okanye imiqathango eyongezelekileyo malunga nelungelo lokusebenzisa; okanye
  - (i) ukwakha ngezigaba, ukwenziwa kwezilungiso okanye ukucinywa kweplani yolwahlula-hlulo okanye inxalenye yayo.

## 98 Ukugqiba ngesicelo

ISixeko singathi kwisicelo –

- (a) senze uphando olufunekayo kubandakanywa negunya lokwenza uhlolo njengoko kuchaziwe kwicandelo 96;
- (b) samkele isicelo –
  - (i) ngokupheleleyo okanye inxalenye yaso;
  - (ii) nokwenziwa kwezilungiso ukuba ngaba ukwenziwa kwezilungiso akutshintshi isicelo;
  - (iii) kuxhomekeke kwimiqathango ekwicandelo 100; yaye
  - (iv) sicuthe ulwamkelo kusetyenziso olunye nangaphezulu kwizowuni ethile okanye sicuthe inkcazelo yosetyenziso ngemvume kulwamkelo lwesicelo sokuzowuna kwakhona okanye usetyenziso ngemvume;
- (c) sikhabe isicelo;
- (d) senze isigqibo esifanelekileyo malunga nayo yonke imiba efunekayo ekwenzeni umsebenzi waso ngokwalo Mthetho kaMasipala nomnye umthetho ochaphazelekayo.

## 99 Inkqubo yokugqiba ngesicelo

- (1) Isicelo kufuneka saliwe ukuba umthathi-sigqibo wanelisekile ukuba asithobeli ezi mfuno zilandelayo zingundoqo –
- (a) isicelo kufuneka sithobele iimfuno zalo Mthetho kaMasipala;
  - (b) usetyenziso-mhlaba oluphakanyisiweyo kufuneka luthobele okanye luhambelane neSikhokelo soPhuhliso loCwangciso lweMihlaba engaMabala sikaMasipala, okanye ukuba akunjalo, kuvunyelwe unxaxho kwiSikhokelo soPhuhliso loCwangciso lweMihlaba engaMabala sikaMasipala;

- (c) usetyenziso-mhlaba oluphakanyisiweyo kufuneka lube lolufunekayo njengoko kuchaziwe kwicandelwana (3); yaye
  - (d) kwisicelo okanye utyeshelo-mthetho lokutshintsha imigaqo yophuhliso emalunga nobungakanani okanye ubude bomgangatho obuvunyelweyo, ulwamkelo lwesicelo aluzi kuba nafuthe ekunikweni kwepropati imigaqo yophuhliso lwezowuni elandelayo ekwakuloo zowuni.
- (2) Ukuba isicelo asikhatywanga phantsi kwecandelwana (1), xa kusenziwa isigqibo sokuba samkelwe na isicelo, umthathi-sigqibo kufuneka aqwalasele zonke izinto ezifunekayo kubandakanywa, apho kuyimfuneko, ezi zilandelayo –
- (a) nasiphi iSikhokelo sophuhliso lwemihlaba engamabala esichaphazelekayo;
  - (b) inkqubo efanelekileyo exelwe kwinkqubo yolawulo lophuhliso;
  - (c) nawuphi umgaqonkqubo owamkelweyo siSixeko ukukhokela ukwenziwa kwezigqibo;
  - (d) isidingo sosetyenziso-mhlaba oluphakanyisiweyo njengoko kuchaziwe kwicandelwana (3);
  - (e) ifuthe kumalungelo akhoyo (ngaphandle kwelungelo lokukhuselwa kurhwebo lokhuphiswano);
  - (f) kwisicelo sohlanganiso lweeyunithi zemihlaba –
    - (i) isikeyili noyilo lophuhliso;
    - (ii) ifuthe lomthamo wesakhiwo;
    - (iii) ifuthe kwiipropati ezingqongileyo; kunye
  - (g) nezinye iingqwalasela ezichazwe kwimithetho yephondo okanye yesizwe echaphazelekayo.
- (3) Ezi ngqwalasela zilandelayo zibalulekile kuhlolo olulandela icandelwana (1)(c), necandelwana (2)(d) elingobungakanani bokudingeka kosetyenziso-mhlaba oluphakanyisiweyo apho kujongwa –
- (a) ifuthe kwezoqoqosho;
  - (b) ifuthe kwezentlalo;
  - (c) ubungakanani botyalomali;
  - (d) ukuhambisana nosetyenziso lweepropati ezingqongileyo;
  - (e) ifuthe kwiinkonzo zobunjineli zangaphandle;
  - (f) ifuthe kukhuseleko, impilo nentlalontle yoluntu;
  - (g) ifuthe kwilifa lemveli;
  - (h) ifuthe kwindalo;
  - (i) ifuthe kwingxinano yezithuthi, ukungena nokuophuma kuloo ndawo nemiba imiba yezothutho; kunye
  - (j) ingaba ukubekwa kwemiqathango kunganqanda ifuthe elibi losetyenziso-mhlaba oluphakanyisiweyo.
- (4) Isicelo sosetyenziso osele luqhubeka okanye ulwakhiwo osele luqalile olwaphula lo Mthetho kaMasipala kufuneka kujongwane naso ngokwecandelo 130.
- (5) Isigqibo esenziwe ngokwalo Mthetho kaMasipala sinokulibaziseka ngenxa yokwenziwa komgaqonkqubo wokukhokela ukwenziwa kwezigqibo kumcimbi.

## 100 Imiqathango yolwamkelo

- (1) ISixeko, xa sivumela ulwamkelo okanye sisenza isigqibo ngokwalo Mthetho kaMasipala, singabeka imiqathango efanelekileyo edalwe lusetyenziso oluphakanyisiweyo lwalo mhlaba.
- (2) Imiqathango ingabandakanya kodwa ayiphelelanga kwimiqathango emalunga –
  - (a) nobonelelo lomhlaba odingekayo kwiindawo zoluntu okanye intlawulo yemali endaweni yobonelelo ngomhlaba;
  - (b) unikezelo ngomhlaba okanye intlawulo yemali;
  - (c) ubonelelo nofakelo lweenkonzo zobunjineli ze ichaze ukuba –
    - (i) ingaba umfaki-sicelo kufuneka ebonelele okanye afakele iinkonzo zobunjineli njengoko kuchaziwe kwicandelo 65, okanye ahlawule imali ebizwayo yokuphuhlisa, okanye abonelele ngenxalenye okanye afakele iinkonzo zobunjineli ze ahlawule inxalenye yemali ebizwayo yokuphuhlisa;
    - (ii) ukuba kufanelekile, ahlawule imali ebizwayo yokuphuhlisa ngomhla ehlawulwa ngawo;

- (iii) ukuba iplani yenziwa ngezigaba kuphuhliso olwamkelweyo, ufakelo lweenkonzo zobunjineli nentlawulo imali ebizwayo yokuphuhlisa kungahlulwa kwisigaba ngasinye;
  - (iv) Ukuba iSixeko siza kufakela iinkonzo zobunjineli, ingaba umfaki-sicelo kufuneka amenteyine iinkonzo zobunjineli ixesha elithile elibekiweyo okanye anike igaranti yokumenteyina;
  - (v) Imfuno yokubonelela ngobungqina bokuba iziko likarhulumente okanye iziko likarhulumente elinikeza inkonzo liyakwazi ukubonelela ngaloo nkonzo phambi kokuba kunikezwe iyunithi yomhlaba yokuqala;
  - (d) ubonelelo lomhlaba odingwa ngamaziko karhulumente;
  - (e) ulwamkelo ngokwecandelo 31 leDeeds Registries Act olumalunga neendawo zoluntu apho umnini isiSixeko;
  - (f) ububhaliswa kweendawo zoluntu egameni leSixeko;
  - (g) ukudluliselwa kobunini kumasipala womhlaba odingekayo ukuze usetyenziselwe ezinye iinjongo zoluntu okanye izibonelelo zoluntu ekuhlaleni;
  - (h) umiselo lolwahlula-hlulo ngezigaba;
  - (i) umiselo lombutho wabanini-mhlaba ngumfaki-sicelo kulwahlula-hlulo njengoko kuchaziwe kwicandelo 61;
  - (j) imfuno yokungena kubunini-mhlaba beyunithi yomhlaba nganye ngenxa yolwahlula-hlulo olwamkelweyo obuthi -
    - (i) umnini ngamnye weyunithi yomhlaba edalwe lulwahlula-hlulo olwamkelweyo uba lilungu lombutho wabanini-mhlaba emva kokubhaliswa konikezelo-mhlaba egameni lakhe yaye kufuneka kufuneka ahlale elilungu ngeli lixa angumnini weyunithi yomhlaba; kwanokuba
    - (ii) iyunithi yomhlaba ayinakuthengiswa okanye idluliselwe komnye umntu ngaphandle kwemvume yombutho wabanini-mhlaba nengenakubanjwa ngaphandle kwesizathu;
  - (k) ukuhlawulwa kwemali ehlawulelwa umsebenzi owenziweyo njengoko kuchaziwe kwicandelo 129 ngokusebenzisa umhlaba ngokungekho mthethweni;
  - (l) imiqathango exelwe kwinkqubo yolawulo lophuhliso yesicelo esithile.
- (3) Umqathango oxelwe kwicandelwana (2)(b) ufuna ukuba kuhalwulwe intlawulo ethile kumasipala ngokwezidingo zolwamkelo losetyenziso-mhlaba eziya kugqitywa ngumasipala ngokuhambelana nemigangatho ebekwe okanye ehambelana nomgaqonkqubo olwamkelweyo.
- (4) Inkqitho kamasipala exelwe kwicandelwana (3) ibandakanya, ayiphelelanga, kwinkqitho yeenkonzo zikamasipala nezibonelelo ezizezi –
- (a) izibonelelo zoluntu ekuhlaleni, kubandakanywa izixhobo zokudlala, ifenitshala esesitratweni, iikritshi, iikliniki, amabala emidlalo, amabala angaphakathi kwizakhiwo namaholo oluntu;
  - (b) izibonelelo zolondolozo lokusingqongileyo;
  - (c) iinkonzo zobunjineli; okanye
  - (d) izithuthi zikawonkew-wonke zikamasipala.
- (5) Ngaphandle kweendawo zoluntu nomhlaba odingekayo weenkonzo zobunjineli zangaphakathi, nawuphi umhlaba owongezelelekileyo odingwa siSixeko okanye elinyeiziko likarhulumente odalwe lulwahlula-hlulo olwamkelweyo kufuneka –
- (a) Mawufunyanwe ngokwemiqathango yomthetho ochaphazelakayo obonelela ngokufunyanwa okanye ukuthathwa komhlaba;
  - (b) Uthengwe ngexesha elibekwe kumqathango okanye ukuba akukho xesha libekiweyo kumqathango, xa umfaki-sicelo enokubonisa kwiSixeko okanye iziko likarhulumente ukuba 50% yeeyunithi zemihlaba ezinokuthengiswa ezidalwe lulwahlula-hlulo zithengisiwe.
- (6) Apho kuyimfuneko, umqathango kufuneka uqulathe inkqunbo yenjongo ekufuneka ilandelwe.
- (7) Umthathi-sigqibo akanakubeka umqathango othi imvume ngokweminye imithetho iyafuneka.
- (8) Ukuba iSixeko siyasamkela isicelo kuxhomekeke kumqathango, kufuneka sichaze umhla okanye umqathango ekufuneka uthotywe (umzekelo phambi kokuthenga, kophuhliso okanye konikezelo lomhlaba), okanye loo mqathango usebenza ngaso sonke isithuba solwamkelo.



- (9) Imvume enemiqathango yesicelo iyaphelelwa ukuba umqathango awuthotyelwanga –
- Ngexesha lothobelo elichazwe kwimvume;
  - ukuba akubekwanga xesha lothobelo kulwamkelo, iya kuba yminyaka emihlanu ukusukela kumhla wokuqala wokusebenza kwesigqibo; okanye
  - nasiphi isithuba esongeziweyo esinikezelweyo ngokwecandelo 107.

#### **101 Eminye imiqathango nokwenziwa kwezilungiso kwimiqathango**

ISixeko singenza izilungiso okanye sisuse umqathango obekwe okanye othathwa njengobekwe ngokwalo Mthetho kaMasipala, okanye sibeke umqathango –

- ngokufaka isicelo; okanye
- emva kwesaziso siwubekele umnini kunye nawuphi na omnye umntu ochaphazelekayo.

#### **102 Ixesha elisekelwe ukuthatha isigqibo**

(1) Ukuba isicelo sithobela zonke iimfuno zalo Mthetho kaMasipala kunye nawo nawuphi na umthetho ochaphazelekayo, umthathi-sigqibo kufuneka agqibe ngesicelo zingaphelanga iintsuku ezingama-180 okanye esinye isithuba ekuvunyelwene ngaso nomfaki-sicelo, esibakwa ukususela –

- ngomhla wokuphelela kwezinto ezifunwa kwisicelo njengoko kuchaziwe kwicandelo 76, kwiimeko apho isaziso sesicelo sinikeziwe.
- ngomhla wokuvala wokugqibela wongenisa izimvo nezichaso, apho iSixeko singafumani zimvo nazinkcaso; okanye
- ngomhla umfaki-sicelo aphenula kwizimvo nezichaso okanye usuku lokuvala lependulo yomfaki-sicelo xa engaphenduli, apho iSixeko sifumana izimvo nezichaso.

(2) ISixeko singathi (ngaphandle kwesivumelwano nomfaki-sicelo) songeze isithuba esixelwe kwicandelwana (1) yaye sazise umfaki-sicelo ngesithuba esongeziweyo nezizathu zokusongeza –

- kwiimeko ezizodwa ezihlangele nobunjani okanye ubunzima besicelo;
- Ukuba iSixeko sisathathe ikhefu; okanye
- apho uManejala weSixeko athathe amanyathelo axelwe kwicandelo 97(3) ukuqinisekisa ukuba ingxelo exelwe kwela candelwana inikwa umthathi-sigqibo.

#### **103 Ukungaphumeleli ukwenza isigqibo ngexesha elibekiweyo**

Ukuba umthathi-sigqibo akagqibi ngesicelo kwisithuba ekubhekiswe kuso kwicandelo 102, umfaki-sicelo unokuthi angasebenzisa ilungelo lesibheni yaye uGunyaziwe weSibheni kufuneka agqibe ngesicelo.

#### ***Isiqendu 4***

#### ***Isigqibo***

*(ss 104-106)*

#### **104 Isinyanzeliso sokubhala nokwazisa ngesigqibo**

(1) Isigqibo ngokwalo Mthetho kaMasipala sisebenza kuphela ukuba senziwe ngembalelwano.  
(2) Zingaphelanga iintsuku ezingama-21 zesigqibo ngokwalo Mthetho kaMasipala, iSixeko kufuneka sazise abantu abaxelwe kwicandelwana (3) ngembalelwano –

- yesigqibo;
- apho isigqibo sinokuya kuhlolwa khona;
- ukuba oko kuyasebenza apha, ilungelo lesibheni nelungelo lokubuza izizathu; kunye
- nomhla wokuqala wokusebenza kwesigqibo oxelwe kwicandelo 105.

(3) ISixeko kufuneka sazise abantu balandelayo, ukuba bayachaphazelaka –

- umnini;
- umfaki-sicelo, ukuba wahlukile kumnini;
- nawuphi na umntu onike uluvo, ofake inkcaso okanye ongeneleleyo kwisicelo; kunye
- nomntu othathelwe amanyathelo onyanzeliso kulandelwa iSahluko 9.



### 105 Umhla wokuqala ukusebenza kwesigqibo

- (1) Ukusebenza ngolwamkelo lwesicelo kuyamiswa de ibe ngumhla wokuqala ukusebenza kwesigqibo esixelwe kumacandelwana (2) no-(3).
- (2) Umhla wokuqala ukusebenza kwesigqibo ngokwalo Mthetho kaMasipala –
  - (a) ngumhla apho iSixeko sinika isaziso esichaza ukuba akukho sibheni singenieleyo yaye isigqibo siyaqala ukusebenza ngokufanelekileyo; okanye
  - (b) kuxhomekeke kwicandelwana (3), ukuba isibheni singenisiwe, ngumhla apho kuye kuthathwe isigqibo ngesibheni nguGunyaziwe weSibheni.
- (3) Ukuba isibheni singeniselwe kuphela against umqathango obekwe ngokwecandelo 100, iSixeko singagqiba ukusebenza ngolwamkelo lwesicelo akumiwanga.
- (4) Ukuba isigqibo sicelelwa umngeni ukuba siphononongwe yinkundla, iSixeko singathi ngokufaka isicelo simise ukusebenza kwesigqibo de kugqitywe uphononongo.

### 106 Iimpazamo nezinto ezishiyiweyo

- (1) ISixeko singathi nanini na silungise impazamo kumagama esigqibo saso ukuba olo lungiso alutshintshi isigqibo saso okanye aludali utshintsho, ukumiswa okanye ukucinywa komqathango wemvume.
- (2) ISixeko singathi nanini na, ngokunokwaso okanye ngokufakwa kwesicelo ngumfaki-sicelo okanye iqela elichaphazelekayo, xa kunikwe isizathu esivakalayo, siyixolele impazamo ekwinkqubo ukuba ngaba olo xolelo alunafuthe elibi okanye alucaluli naliphi na iqela.

#### *Isiqendu 5*

#### *Ukongezwa kwesithuba sokusebenza solwamkelo (s 107)*

### 107 Ukongezwa kwesithuba sokusebenza solwamkelo

- (1) Kuxhomekeke kwimiqathango eshiyekileyo yeli candelo, yaye ngaphandle kokuba omnye umqathango walo Mthetho kaMasipala ubeka enye into, iSixeko singamkela isicelosokongezwa kwesithuba sokusebenza kolwamkelo olunikezelweyo okanye okuthathwa njengolunikezelweyo ngokwalo Mthetho kaMasipala.
- (2) ISixeko singangongezi isithuba ukuba –
  - (a) isicelo solongezo lwexesha singenisiwe emva kwexesha;
  - (b) imeko zangexesha lemvume yokuqala zitshintshile;
  - (c) iimfuno zomthetho okanye zomgaqonkqubo osebenza kulwamkelo ebezisebenza kwimvume yokuqala zitshintshile;
  - (d) iSixeko sikholelewa ukuba makongezwe imiqathango yolwamkelo; okanye
  - (e) kunikezwe ulwamkelo lotyeshelo-mthetho lwethutyana.
- (3) Isithuba esongeziweyo asinakuba ngaphezu kweminyaka emihlanu ukusuka kumhla wokuphelelwa kwemvume yokuqala.
- (4) Isithuba esongeziweyo siqala ukusebenza ngomhla t wokuphelelwa kwemvume yokuqala, nokuba sona sinikezwe nini na.
- (5) Isithuba sokusebenza kwemvume singongezwa kanye kuphela.
- (6) Ukuba iSixeko asikathathi sigqibo ngesicelo esixelwe kwicandelwana (1) ngomhla wokuphelelwa kwemvume, akunakusetyenziswa ilungelo elikhoyo de iSixeko songeze isithuba sokusebenza kwemvume.

#### *Isiqendu 6*

#### *Isibheni (ss108-109)*

### 108 Isibheni

- (1) Umntu oxelwe kwicandelwana (2) nomfaki-sicelo oxelwe kwicandelo 103 bangafaka isibheni kuGunyaziwe weSibheni ngokungenisa isaziso esibhaliweyo sesibheni nezizathu zesibheni.

- (2) Aba bantu balandelayo bangabhena kwisigqibo esenziwe ngokwalo Mthetho kaMasipala –
- umfaki-sicelo;
  - umnini ukuba umnini asingomfaki-sicelo;
  - uManejala weSixeko;
  - umntu oxelwe kwicandelo 89 onikwe iwonga lokuba ngumngeneleli;
  - umntu oxelwe kwicandelo 90(1) ofake uluvo okanye isichaso kwisicelo esithobela iimfuno zecandelo 90; kunye
  - nomnini okanye omnye umntu –
    - iSixeko esigqibe ngokwecandelo 127 ukuba sirhoxise ulwamkelo lotyeshelo-mthetho lwethutyana lwakhe okanye ulwamkelo olunikezelweyo lwexeshana;
    - onikwe umyalelo ngokwecandelo 128; okanye
    - ekuthwe makahlawule imali ehlawulelwa umsebenzi owenziweyo oxelwe kwicandelo 129.
- (3) Isibheni esixelwe kwicandelwana (1) kufuneka singeniswe zingaphelanga iintsuku ezingama-21 ukusukela kumhla wesaziso ngesigqibo, okanye kwimeko yesibheni esixelwe kwicandelo 103, zingaphelanga iintsuku ezingama-21 sokuphelelwa kwesithuba ekubhekiswe kuso kwicandelo 102.
- (4) Isibheni asisebenzi ukuba asithobeli eli candelo.
- (5) UGunyaziwe weSibheni angafumana iinkcukacha ezifunekayo ze awuphinde awuqwalasele umba.
- (6) UGunyaziwe weSibheni kufuneka agqibe –
- ukuba ingaba isibheni sifakwe kwangethuba na; yaye
  - isibheni sifakwe ngokwenkqubo yesigqibo exelwe kwicandelo 99.
- (7) UGunyaziwe weSibheni angathi –
- asikhabe isibheni ze aqinisekise isigqibo ekubheniweyo kuso;
  - amkele inxalenye okanye asamkele sonke isibheni ze –
    - atshintshe isigqibo ekubheniweyo kuso;
    - asikhabe isigqibo ze enze esitsha; okanye
    - asikhabe isigqibo ze abuyisele umba kumthathi-sigqibo, nemiyalelo okanye ngaphandle kwemiyalelo kuye nawuphi na umntu okanye isigqeba ukuze kuthathwe amanyathelo afanelekileyo;
  - agqibe ngesicelo esixelwe kwicandelo 103; okanye
  - abuyisele isibheni kwiqela lokuCebisa, ukuba likho ebelityunjiwe, okanye kwiSebe nemiyalelo yokuphanda, afumane ezinye iinkcukacha kwiSebe elichaphazelekayo, okanye ajonge imiba ethule engqalileyo ze anike ingxelo kuGunyaziwe weSibheni.

### 109 Inkqubo yokubhena

- (1) Umntu ogunyazisiweyo ukuba abhene kufuneka afake isibheni kuManejala weSixeko, ukuba ngaba isibheni sichaphazela uManejala weSixeko, yena uManejala weSixeko kufuneka afake isibheni kuGunyaziwe weSibheni.
- (2) Zingaphelanga iintsuku ezili-14 emva kokufakwa kwesibheni, uManejala weSixeko kufuneka anike isaziso malunga nesibheni ze acele ukuba kufakwe izimvo zabo kwisibheni ngembalelwano kwiintsuku ezingama-21 –
- ngumfaki-sicelo ukuba umfaki-sicelo akangombheni; kunye
  - nawuphi na umntu ofake isichaso okanye uluvo ngesicelo.
- (3) Emva kokufumana isibheni, iSixeko –
- singacela uMphathiswa wePhondo ukuba anike uluvo lwakhe ngesibheni ngembalelwano zingaphelanga iintsuku ezingama-60 ; yaye
  - kufuneka sicele ukuba isibheni sibe malunga nesicelo ekubhekiswe kuso kwicandelo 45(1)(a) ukuya ku(f) leLand Use Planning Act.
- (4) Isichaso esifke emva kwexesha asizi kuqwalaselwa ngaphandle kokuba uGunyaziwe weSibheni usamkele ngenxa yezizathu eziye zabekwa zavaakala.
- (5) UGunyaziwe weSibheni usenokungagqibi ngesibheni de onke amaqela ekufuneka enike uluvo abe akwenzile oko okanye de libe liphelile ixesha lokufaka izimvo.

- (6) ISebe kufuneka lidrafte ingxelo ehlola isibheni nazo zonke izimvo ezixelwe kumacandelwana (2) okanye (3) yaye kufuneka linikeze ingxelo kumthathi-sigqibo ukuba avakalise ezakho izimvo.
- (7) Ngokukhawuleza kangangoko anakho, yaye zingaphelanga iintsuku ezingama-150 emva kokufakwa kwesibheni, uManejala weSixeko kufuneka athumele isibheni kuGunyaziwe weSibheni kunye nawo onke amaxwebhu ayimfuneko kubandakanywa ingxelo nezimvo ezixelwe kweli candelo.
- (8) UGunyaziwe weSibheni kufuneka agqibe ngesibheni zingaphelanga iintsuku ezingama-90 emva kokuba uManejala weSixeko ethumele isibheni namaxwebhu kuGunyaziwe weSibheni.
- (9) UGunyaziwe weSibheni angathi, ngaphandle kwesivumelwano namaqela abandakanyeka kwisibheni, ongeze isithuba esixelwe kwicandelwana (8) ze azise amaqela ngezizathu sokongeza ixesha –
- kwiimeko ezizodwa ezihlangene nobunjani okanye ubunzima besicelo; okanye
  - ukuba iSixeko sisathathe ikhefu.
- (10) ISixeko kufuneka zingaphelanga iintsuku ezingama-30 zesigqibo sikaGunyaziwe weSibheni ngembalelwano sinike isaziso ngesigqibo nezizathu zesigqibo –
- kumaqela abandakanyeka kwisibheni; kunye
  - noMphathiswa wePhondo ukuba isibheni simalunga nesicelo ekubhekiswe kuso kwicandelo 45(1)(a) ukuya ku(f) leLand Use Planning Act.
- (11) ISixeko singagqiba ngeenkqubo ezifunekayo zokugqiba ngezibheni.

***Isiqendu 7***  
***limfuno ezibekiweyo nesaziso***  
*(ss 110-112)*

**110 limfuno ezibekiweyo zezicelo**

- (1) UManejala weSixeko unokuthi amisele kwizicelo –
- iinkcukacha zolwazi ezimalunga nemiba efana nobungakanani, isikeyili, umbala, inombolo yeekopi eziprintiweyo, ikopi ekwikhompyutha nefomathi yefayili;
  - ngendlela yokungenisa nokunxibelana neSixeko;
  - indlela yokwazisa umntu;
  - ezinye iinkcukacha ezifunwayo; kunye
  - nezinye iimfuno zeenkqubo.
- (2) Umyalelo oxelwe kwicandelwana (1) –
- Usenokubhekisa kwisicelo sonke okanye inxalenye yaso; yaye
  - Sisenokohlula phakathi kweentlobo zezicelo, izintlu zezicelo okanye izintlu zabafakisi-celo.
- (3) Kusebenza imiqathango yecandelo 138 kumyalelo okwicandelwana (1).

**111 Inkqubo nomhla wokwazisa**

- (1) Ukwazisa umntu oxelwe kulo Mthetho kaMasipala kungenziwa –
- siSixeko ngokumxelela ngomlomo; okanye
  - ngembalelwano –
    - isiwe ngesandla kuloo mntu;
    - ishiywe kwindlu yaloo mntu okanye kwishishini lakhe elikwiRibhabliki nomntu oneminyaka engaphezu kwelishumi elinesithandathu;
    - ngeposi erejistarishiweyo ethunyelwe kwidilesi yaloo mntu kwidilesi yendlu yokugqibela eyaziwayo okanye eyeshishini kwiRibhabliki njengoko kurekhodwe kuvimba weenkukacha weSixeko;
    - ukuba idilesi yaloo mntu kwiRibhabliki ayaziwa, mayisiwe kwarhente yakhe okanye ummeli wakhe owkwiRibhabliki ngendlela echazwe kwimihlathana(i), (ii) okanye (iii);
    - ukuba idilesi yaloo mntu neyearhente yakhe kwiRibhabliki ayaziwa, yabe iposelwe kwipropati okanye kwisakhiwo sakhe, mayithunyelwe ;
    - ngeimeyili;
    - ngefeksi; okanye

(viii) ngolunye uhlobo lwe-elektroniki oluchazwe kwiElectronic Communications and Transactions Act, 2002 (25 ka-2002).

(2) Ukuba iSixeko gives umntu isaziso ngomlomo, kufuneka ngokukhawuleza emva koko sirekhode ngembalelwano oko kuqulethwe kwisaziso nomhla esahanjiswa ngawo ze sinike ezo rekhodi silandela icandelwana (1)(b).

(3) Ngaphandle kokuba umntu uvumile ukuba afumane isaziso ngefeksi okanye ngolunye uhlobo olu-elektroniki okanye uManejala weSixeko uthe makwenziwe njalo okanye lo Mthetho kaMasipala ugunyazisa ukuba kusetyenziswe olo hlobo lolwaziso, ukuba iSixeko sisebenzise olo hlobo lolwaziso, iSixeko kufuneka seibenzise neendle ezichazwe kumacandelwana(1)(b)(i)-(1)(b)(v).

(4) Apho umnini-mhlaba enomntu ogunyazisiweyo ukuba ammele kwisicelo, isaziso esinikwe ummeli sithathwa ngokuba sinikwe umnini.

(5) Xa nasiphi isaziso kufuneka sinikwe umnini, umntu ohlala kwipropati okanye onelungelo kwipropati, okanye ummeli wakhe, kwanele ukuba loo mntu achazwe kwisaziso njengomnini, umntu ohlala kwipropati okanye onelungelo kwipropati, okanye ummeli, akunyanzelekanga ukuba lichazwe igama lakhe.

(6) Ngeenjongo zalo Mthetho kaMasipala, umhla wolwaziso, ukuba ulwaziso lwenziwe –

- (a) ngomlomo, ngumhla wonxibelelwano ngomlomo;
- (b) ngesandla, ingumhal wokusihambisa okanye wokusithatha;
- (c) ngeposi erejistarishiweyo, uthathwa njengomhla wesine emva komhla ostantshwe kwiposi engumhla aya kuthi afumane ngawo iposi evela eposini eyamkela isaziso; okanye
- (d) ngeimeyili, ifeksi, okanye ngolunye uhlobo lwe-elektroniki ngumhla loo imeyili, feksi okanye olunye uhlobo lwe-elektroniki ethunyelwe ngawo, ukuba ngaba umntu ochaphazelekayo uvumile ukuba athunyelelwe ngaloo ndlela okanye uManejala weSixeko uthe mayisetyenziswe loo ndlela yokwazisa.

## 112 Iindleko zokwazisa

ISixeko sinokuthi kwiinkqubo zayo zeendleko samkele iindleko ezibandakanyeka ukukhutshwa kwesaziso nomyalelo.

### **Isiqendu 8** **Izigqibo ezihlanganisiweyo** (s 113)

## 113 Isaziso kulandelwa inkqubo ehlanganisiweyo

(1) ISixeko singathi, sifumene isicelo esibhaliweyo nesizathu saso, esisuka kuumfaki-sicelo sigqibe ukuba –

- (a) inkqubo yesaziso soluntu eyenziwe kulandelwa omnye umthetho kwisicelo isisaziso soluntu sesicelo esenziwe ngokwalo Mthetho kaMasipala, ukuba ngaba inkqubo yesaziso soluntu iyahambelana neemfuno zalo Mthetho kaMasipala; okanye
- (b) isicelo esenziwe ngokwalo Mthetho kaMasipala singapapashwa ngokuhambelana neemfuno zesaziso sesicelo esihambelana nesi esenziwe kulandelwa omnye umthetho, olawulwa sisivumelwano esibhaliweyo esiphakathi kweSixeko neziko likarhulumente elinoxanduva lokulawula omnye umthetho.

(2) Ngaphandle kokuba iSixeko sigqibe kwelokuba inkqubo ngokomnye umthetho, njengoko kuchaziwe kwicandelwana (1)(a), ithathwa njengesaziso ngokwalo Mthetho kaMasipala okanye kusebenza imiqathango yecandelwana (1)(b) ISixeko kufuneka senze oko kuhambelana neemfuno zecandelo 79 zingaphelanga iintsuku ezingama-30 emva kokwazisa umfaki-sicelo ukuba isicelo siphellele.

(3) ISixeko singangena kwisivumelwano esibhaliweyo namanye amaziko karhulumente ukuphepha impinda ekungenisweni kweenkcukacha okanye ukuphunyezwa kwenkqubo kwiimeko apho uphuhliso oluphakanyisiweyo lufuna isicelo kwiSixeko nakwamanye amaziko karhulumente.

**ISAHLUKO 8.**  
**ABATHATHI-ZIGQIBO**  
(ss 114-122)

**114 Abathathi-zigqibo**

- (1) IBhunga leSixeko kufuneka libeke izintlu zezicelo emazigqitywe –
  - (a) siSigqeba soCwangciso lweMihlaba kaMasipala; kunye
  - (b) negosa eligunyazisiweyo.
- (2) Igosa eligunyazisiweyo elixelwe kwicandelwana (1)(b) linokudlisa isicelo kwiSigqeba soCwangciso lweMihlaba kaMasipala.
- (3) UGunyaziwe weSibheni nguSodolophu.
- (4) Ukuba uSodolophu akakwazi ukuba nguGunyaziwe weSibheni, uSodolophu angatyumba uGunyaziwe weSibheni obambeleyo.

**115 Umiselo lweSigqeba soCwangciso lweMihlaba kaMasipala**

- (1) IBhunga leSixeko kufuneka limisele iSigqeba soCwangciso lweMihlaba kaMasipala sommandla kamasipala waso.
- (2) Xa iBhunga leSixeko limisele iSigqeba soCwangciso lweMihlaba kaMasipala esixelwe kwicandelwana (1) kufuneka, kuxhomekeke kwicandelo 36 leSPLUMA –
  - (a) ligqibe ngenani lamalungu eSigqeba soCwangciso lweMihlaba kaMasipala;
  - (b) ligqibe ngenani lamagosa agunyazisiweyo nenani labanye abantu abaxelwe kwicandelo 36 leSPLUMA;
  - (c) lichonge amagosa agunyazisiweyo, aqeshwe isigxina kwamasipala nanolwazi kunye namava kwimiba yoCwangciso lweMihlaba engaMabala, ulawulo losetyenziso-mhlaba, uphuhliso lomhlaba okanye imithetho ehambelana nezi zinto ukuba abe ngamalungu eSigqeba soCwangciso lweMihlaba kaMasipala; yaye
  - (d) lityumbe abantu abangengobasebenzi bakamasipala abanolwazi kunye namava kwimiba yoCwangciso lweMihlaba engaMabala, ulawulo losetyenziso-mhlaba, uphuhliso lomhlaba okanye imithetho ehambelana nezi zinto ukuba abe ngamalungu eSigqeba soCwangciso lweMihlaba kaMasipala.
- (3) ISixeko kufuneka limeme izicelo okanye utyumbo lwabantu abaxelwe kwicandelwana (2)(d) ukuze bakhethwe kwiSigqeba soCwangciso lweMihlaba kaMasipala ngokwefomathi egqitywe siSixeko nangokubeka isaziso kumajelo eendaba ngokuhambelana neemfuno zecandelo 21 loMthetho weNkqubo zikaMasipala neSPLUMA.
- (4) Isaziso esixelwe kwicandelwana (3) kufuneka sinyanzelise izicelo okanye utyumbo ukuba lungeniswe kwifomu egqitywe siSixeko equelethe iinkcukacha ezichzwe kwicandelwana (5) ngomhla othile iye kumntu othile kwidilesi ethile esenokuba yi-imeyili.
- (5) Isicelo okanye utyumbo kufuneka sikhathshwe ubuncinane –
  - (a) iinkcukacha zomfaki-sicelo okanye nominee;
  - (b) iinkcukacha ezaneleyo zokuhlola umfaki-sicelo okanye ulwazi namava anawo kumba adweliswe kwicandelo 36(1)(b) leSPLUMA, iimfuno zalo Mthetho kaMasipala kunye nayiphi na enye inkqubo eyongezelelekileyo echongwe siSixeko;
  - (c) kutyumbo, ileta yokwamkela utyumbo evela kumtyunjwa;
  - (d) uqinisekiso ngumfaki-sicelo okanye umtyunjwa ukuba ufanelekile ukuba angatyunjwa ngokwecandelo 38 leSPLUMA;
  - (e) nenkcazelo yokubunjwa uza kuzibophelela indlela yokuziphatha; kunye
  - (f) nesivumelwano nomtyunjwa sokuba iSixeko singamphanda ze siqinisekise iinkcukacha ezinikwe ngumtyunjwa ngokunokwaso.
- (6) Iphaneli yokuvavanya equka amagosa agunyazisiweyo aqeshwe siSixeko natyunjwe siSixeko ukuvavanya izicelo notyumbo kufuneka –
  - (a) sivavanye amagama afunyenwe siSixeko ngomhla wokuvala ukuphendula kwisimemo ze atyumbe elandela iimfuno zeSPLUMA, lo Mthetho kaMasipala kunye nayiphi na enye inkqubo eyongezelelekileyo echongwe siSixeko; kunye
  - (b) enze izindululo ngokukhethwa kwabo azinike iBhunga leSixeko.
- (7) Xa livavanya izicelo okanye utyumbo, iBhunga leSixeko kufuneka liqwalasele –
  - (a) ulwazi namava omfaki-sicelo kwimiba ekwicandelwana (2)(d);



- (b) isidingo sokusebenzisa iziseko zengeqesho ngokobulungisa;
  - (c) amava nobungcali obufunekayo ukuze iSigqeba soCwangciso lweMihlaba kaMasipala sisebenze ngempumelelo;
  - (d) nayiphi enye inkqubo egqitywe siSixeko; kunye
  - (e) nayiphi enye inkqubo enyanzeliswe siSPLUMA.
- (8) Ukuba akho zicelo zifanelekileyo okanye abatyunjwa bafanelekileyo emva kokulandela inkqubo yezibhengezo, iSixeko kufuneka simeme ze sifune utyumbo okwesibini ze silandele inkqubo echazwe kumacandelwana (3) ukuya ku-(7).
- (9) Ukuba emva kwesimemo sesibini nokucela amagama, akukho zicelo zifanelekileyo okanye magama afunyenweyo, uGunyaziwe weSigqeba kufuneka achonge abantu abafake kwiSigqeba soCwangciso lweMihlaba kaMasipala abanazo iimfuno zecandelo 36 leSPLUMAZE athobele nenkqubo eyongezelelweyo egqitywe siSixeko.
- (10) UManejala weSixeko kufuneka azise abafaki-sicelo nabatyunjwa abaphumeleleyo ngokutyunjwa kwabo njenganalungu yaye akwenze oko zingaphelanga iintsuku ezingama-30 emva kokutyunjwa kwamalungu eSigqeba soCwangciso lweMihlaba kaMasipala, apapashe isaziso *kwiGazethi yePhondo* esibonisa –
- (a) igama lelungu ngalinye elityunjiweyo okanye elichongiweyo; kunye
  - (b) nethuba umntu aza kuba lilungu ngalo.
- (11) UManejala weSixeko kufuneka zingaphelanga iintsuku ezingama-30 emva kotyumbo lokuqala lwamalungu kwiSigqeba soCwangciso lweMihlaba kaMasipala –
- (a) Afumane isiqinisekiso esibhaliweyo kwiBhunga leSixeko ukuba lanelisekile ukuba iSigqeba soCwangciso lweMihlaba kaMasipala singaqala ukusebenza; yaye
  - (b) emva kokufumana isiqinisekiso ekubhekiswe kuso kumhlathi (a), apapashe isaziso *kwiGazethi yePhondo* esichaza umhla iSigqeba soCwangciso lweMihlaba kaMasipala esiza kuqala ngawo ukusebenza.
- (12) Isigqeba soCwangciso lweMihlaba kaMasipala singaqala ukusebenza kuphela emva kopapasho lwesaziso esixelwe kwicandelwana (11)(b).

#### **116 Isithuba sokusebenza kwamalungu eSigqeba soCwangciso lweMihlaba kaMasipala**

- (1) IBhunga leSixeko kufuneka lichaze isithuba igosa eligunyazisiweyo eliza kusisebenza xa lityumba elo gosa eligunyazisiweyo njengoko kuchaziwe kwicandelo 37(1) leSPLUMA
- (2) Igosa eligunyazisiweyo lingasebenza kuphela njengelungu leSigqeba soCwangciso lweMihlaba kaMasipala ngeli lixa liqeshwe isigxina siSixeko.
- (3) IBhunga leSixeko kufuneka isithuba sokuba umntu abe lilungu leSigqeba soCwangciso lweMihlaba kaMasipala ongelogosa eligunyazisiweyo etyunjwa njengelungu njengoko kuchaziwe kwicandelo 37(1) leSPLUMA.
- (4) Isithuba sokuba umntu abe lilungu leSigqeba soCwangciso lweMihlaba kaMasipala asinakudlula iminyaka emihlanu yaye sihlaziywa kube kanye kuphela.

#### **117 Imiqathango yokunikeza inkonzo neyokuZiphatha kweSigqeba soCwangciso lweMihlaba kaMasipala.**

- (1) IBhunga leSixeko kufuneka libeke imiqathango yenkonzonemali eza kuhlulwa amalungu eSigqeba soCwangciso lweMihlaba kaMasipala atyunjiweyo njengoko kuchaziwe kwicandelo 115(2)(d) ngokuhambelana nemigangatho ekubhekiswe kuyo kwiSPLUMA anezinye iimfuno.
  - (2) IBhunga leSixeko kufuneka lamkele inkqubo yendlela yokuziphatha yamalungu eSigqeba soCwangciso lweMihlaba kaMasipala, yaye kufuneka lithathele ingqalelo iimfuno ezingundoqo ezichazwe kwiSPLUMA ze lifune ukuba, ubuncinane, ilungu –
- (a) liziphathe ngokuhambelana nemigaqosiseko yoniko-nkcaza nokungafihlisi;
  - (b) lenze izigqibo ngokuthathi cala, ngokungathathi cala nangendlela eyiyo;
  - (c) liphathe uluntu namanye amalungu eSigqeba ngembeko, intembeko nokulunga;
  - (d) achaze elubala onke amashishini abucala anawo ukulungiselela izigqibo eziza kuthathwa kwinkqubo yocwangciso alilungu kuyo, okanye acelwe ukuba abe lilungu kuyo;
  - (e) lirhoxe ngokupheleleyo ekuthatheni inxaxheba njengomcebisi kwimiba echaphazela izinto eshihini lakhe elizenzayot, ze aphume kwitsheyimba xa kuxoxwa loo miba, ngaphandle kokuba lo mba woshishino wenziwe esidlangalaleni, okanye umqeshi



wakhe umnike imvume ebhaliweyo, yaye igosa lomsebenzi okanye lesigqeba elinegunya lokunika isigqibo kwimiba yentsulungeko kwiSixeko simnike igunya lokuba athathe inxaxheba;

- (f) lingafumani, lingakhangeli okanye linikeze ngesipho okanye amaqithiqithi konke konke esinokubonwa njengesinefuthe kwindlela ilungu elibona ngayo izinto ezixoxwayo nezigqitywayo njengomcebisi okanye umthathi-sigqibo kwinkqubo yocwangciso;
  - (g) lingasebenzisi igunya leofisi ukufumana impatho eyodwa engazi kuzuzisa uluntu okanye nayiphi na into ekhethekileyo engaziwa luluntu lonke;
  - (h) lingasebenzisi ulwazi oluyimfihlo olufunyenwe ngexesha lisenza imisebenzi yalo ukuqhubela phambili imcimbi yeshishini lalo;
  - (i) lingachazi ulwazi oluyimfihlo olufunyenwe ngexesha lisenza imisebenzi yalo ngaphandle kokuba kufuneka lenze njalo ngokomthetho okanye ngokweemeko zelo xesha ukuphepha ukuba kungachaphazeleki kakubi abanye abantu; kunye
  - (j) lingenzi isenzo esingafanelekanga ngamabom esiza kubeka ibala kwiSigqeba soCwangciso lweMihlaba kaMasipala, iSixeko, urhulumente ngokubanzi kunye neeprofeshini yabacwangcisi-mihlaba ngokufuna ushishino okanye ngokuthi likulungele, liyavuma okanye liyakwazi ukuba nefuthe ngendlela engafanelekanga.
- (3) Ilungu elaphula umgaqo wokuziphatha linetyala yaye emva kwesigwebo liya kuhlulula intlawulo exelwe kumacandelo 133(2) no-133(3).

#### **118 Ukungabi naTyala noMelo lwaseMthethweni**

- (1) Xa kusenziwa ibango okanye xa kufakwe ityala elimangalela ilungu leSigqeba soCwangciso lweMihlaba kaMasipala okanye igosa eligunyazisiweyo okanye uGunyaziwe weSibheni ngenxa yesenzo okanye ukungenziwa kwento lilungu, igosa eligunyazisiweyo okanye uGunyaziwe weSibheni xa belisenza umsebenzi walo okanye lisebenzisa amagunya alo, iSixeko kufuneka, ukuba ngokulwalo lwelungu, igosa eligunyazisiweyo okanye uGunyaziwe weSibheni likwenze oko ngesihle yaye ingasikuba kuba belingenasihoyo –
  - (a) kwibango lokumangalela umntu okanye ityala lomangalelo lomntu, kufuneka elo lungu okanye igosa eligunyazisiweyo okanye uGunyaziwe weSibheni afunyaniswe engenatyala kwelo bango; yaye
  - (b) lifunele elo lungu okanye igosa eligunyazisiweyo okanye uGunyaziwe weSibheni ummeli wasemthethweni ngeendleko zeSixeko okanye lihlawule iindleko zokumelwa ngumntu womthetho.
- (2) Ukuba kufakwe ityala ezinkundleni elimangalela ilungu leSigqeba soCwangciso lweMihlaba kaMasipala, igosa eligunyazisiweyo okanye uGunyaziwe weSibheni, iSixeko kufuneka, ukuba sibona ukuba ilungu, igosa eligunyazisiweyo okanye uGunyaziwe weSibheni likwenze oko ngesihle yaye ingasikuba kuba belingenasihoyo okanye elikwenzileyo likwenzele iSixeko, sifunele elo lungu igqwetha ngeendleko zeSixeko.
- (3) ISixeko kufuneka sithi sisebenzisa umgaqonkqubo okanye omnye umgaqo senze isigqibo –
  - (a) ngemiqathango yokungabi naTyala noMelo lwaseMthethweni; kunye
  - (b) iimeko apho ilungu lingazi kuba natyala okanye apho umelo ligqwetha luya kuthi lurhoxiswe siSixeko.
- (4) Ngeenjongo zeli candelo “ukungabi natyala” kuthetha isigqibo sokukhuselwa ekuhlawuleni umonakalo, ibango okanye iindleko ezinikezwe yinkundla kwilungu leSigqeba soCwangciso lweMihlaba kaMasipala, igosa eligunyazisiweyo okanye uGunyaziwe weSibheni okanye ezivunye siSixeko ngokwenkqubo yesigwebo ekuvunyelwene ngaso.

#### **119 Isithuba okanye ukususwa kwelungu**

- (1) Isithuba selungu asibi namntu ukuba –
  - (a) ilungu alizimisanga iintlanganisano ezimbini ezilandelelanayo zeSigqeba soCwangciso lweMihlaba kaMasipala ngaphandle kokufumana imvume kasihlalo weSigqeba;
  - (b) ilungu lingenise ileta ebhaliweyo yokuyeka kusihlalo weSigqeba;
  - (c) ilungu lisusiwe kwiSigqeba phantsi kwecandelwana (2);
  - (d) ilungu liyasweleka.

- (2) IBhunga leSixeko lingathi lisuse ilungu leSigqeba soCwangciso lweMihlaba kaMasipala, emva kokunika ilungu ithuba lokuba limanyelwe, ukuba –
- (a) Kukho izizathu ezaneleyo lokuba lisuswe; okanye
  - (b) ilungu laphule imigaqo yokuziphatha.
- (3) IBhunga leSixeko kufuneka lisuse ilungu leSigqeba soCwangciso lweMihlaba kaMasipala, emva kokunika ilungu ithuba lokuba limanyelwe, ukuba ilungu kufuneka lisuswe njengoko kuchaziwe kwicandelo 38(1) leSPLUMA.
- (4) IBhunga leSixeko kufuneka lizalise isithuba esikwiSigqeba soCwangciso lweMihlaba kaMasipala ngokwecandelo 116 kunye necandelo 117 kwimeko yelungu elingelogosa eligunyazisiweyo.

## **120 Ukusebenza kweSigqeba soCwangciso lweMihlaba kaMasipala**

- (1) IBhunga leSixeko kufuneka lityumbe ilungu leSigqeba soCwangciso sikaMasipala njengosihlalo nelinye ilungu njengosekela-sihlalo ukuba lisebenze njengosihlalo xa usihlalo engekho okanye engakwazi ukwenza umsebenzi wakhe.
- (2) Ukuba usihlalo nosekela-sihlalo abezi entlanganisweni yeSigqeba soCwangciso sikaMasipala, amalungu akhoyo kufuneka akhethe elinye lamalungu awo ukuba lihlalele intlanganiso.
- (3) IBhunga leSixeko lingathi ligqibe ukuba iSigqeba soCwangciso lweMihlaba kaMasipala sibe neephaneli, se ipaneli nganye ijongane nesicelo esimalunga nomhlaba okummandla othile weSixeko kunye/okanye uhlobo oluthile lwesicelo okanye loluhlu lwesicelo.
- (4) Kweli candelo, ngaphandle kokuba imeko ekubhekiswe kuyo ithetha enye into, '**Isigqeba soCwangciso lweMihlaba kaMasipala**' sibandakanya ipaneli yeSigqeba soCwangciso lweMihlaba kaMasipala exelwe kwicandelwana (3).
- (5) Isigqeba soCwangciso lweMihlaba kaMasipala kufuneka sihlalane kwindawo nexesha eligqitywe ngusihlalo, yaye kufuneka sidibane ubuncinane kanye ngenyanga ukuba ngaba kukho isicelo esifuna ukuqwalaselwa.
- (6) Isigqeba soCwangciso lweMihlaba kaMasipala kufuneka sityumbe ubuncinane amalungu amathathu eSigqeba soCwangciso sikaMasipala ukugqiba ngesicelo.
- (7) Ikhoram yentlanganiso yeSigqeba soCwangciso lweMihlaba kaMasipala bubuninzi bamalungu atyunjiweyo.
- (8) Ikhoram yentlanganiso yephaneli yeSigqeba soCwangciso lweMihlaba kaMasipala bubuninzi bamalungu akhethelwe loo phaneli.
- (9) Umntu ochophele intlanganiso yeSigqeba soCwangciso lweMihlaba kaMasipala unelungelo lokuvota xa iivoti zilingana.
- (10) Akukho mntu, ngaphandle koceba kamasipala, onoya kufaka izimvo ezithethwa ngomlomo kwintlanganiso yeSigqeba soCwangciso lweMihlaba kaMasipala ngaphandle kwemvume yomntu ochophele intlanganiso.
- (11) Umntu ofuna imvume exelwe kwicandelwana (10) kufuneka angenise isicelo kwiSigqeba soCwangciso lweMihlaba kaMasipala ngembalelwano ubuncinane iintsuku ezisixhenxe phambi kwentlanganiso leyo, okanye xa sele iza kuhlala intlanganiso ukuba kukho isizathu esivakalayo esichaziweyo, yaye kufuneka anikeze izizathu ezaneleyo zesicelo.
- (12) Uceba kamasipala ozimisele ukufaka izimvo ngomlomo kwiSigqeba soCwangciso lweMihlaba kaMasipala kufuneka anike iSigqeba soCwangciso lweMihlaba kaMasipala isaziso ngembalelwano ngenjongo yakhe ubuncinane iintsuku ezintlanu phambi kwentlanganiso leyo, okanye xa sele iza kuhlala intlanganiso ukuba kukho isizathu esivakalayo esichaziweyo.
- (13) Isigqeba soCwangciso lweMihlaba kaMasipala singacela nawuphi umntu ukuba angenise izimvo ezichazwa ngomlomo kuwo nawuphi umba wesicelo.
- (14) Umntu ochophele intlanganiso yeSigqeba soCwangciso lweMihlaba kaMasipala angabeka imiqathango efanelekileyo ngezimvo ezichazwa ngomlomo.
- (15) Isigqeba soCwangciso lweMihlaba kaMasipala kufuneka anikeze naliphi iqela eliyinxalenye yeentlanganiso elichatshazelwayo l uluvo oluchazwa ngomlomo ithuba lokuba liphendule kolo luvo luchazwa ngomlomo.
- (16) Iintlanganiso zeSigqeba soCwangciso lweMihlaba kaMasipala kufuneka zivuleleke kuluntu ngaphandle kwaxa iSigqeba soCwangciso lweMihlaba kaMasipala sinike omnye umyalelo kwiimeko ezizodwa.

(17) IBhunga leSixeko kufuneka lamkele imigaqo yenkqubo yokusebenza kakuhle kweSigqeba soCwangciso lweMihlaba kaMasipala.

(18) ISixeko kufuneka –

- (a) siqinisekise ukuqhubekeka kokusebenza kweSigqeba soCwangciso lweMihlaba kaMasipala ngokwecandelo 38 leSPLUMA; kunye
- (b) sibonelele iSigqeba soCwangciso lweMihlaba kaMasipala ngegosa eligunyazisiweyo elinomsebenzi wobumabhalane kwiSigqeba soCwangciso lweMihlaba kaMasipala.

## 121 Iqela lokuCebisa

(1) USodolophu angacebisa kwiBhunga leSixeko ukuba limisele iQela lokuCebisa ukuze liqwalasele ze linike izindululo kuGunyaziwe weSibheni malunga nezibheni.

(2) Iqela lokuCebisa oelxilwe kwicandelwana (1) lingamiselwa ngokomnye umthetho.

(3) Iqela lokuCebisa lingacela nawuphi na umntu ukuba angenise izimvo ezichazwa ngomlomo kuwo nawuphi na umba wesicelo yaye kufuneka akwenze oko ukuba kubonakala ukuba imiba yesigqibo sesibheni ayikwazi kusombululeka ngokwamaxwebhu aphambi koGunyaziwe weSibheni xa kungekho maqela.

(4) Iqela lokuCebisa lisebenzise inkqubo yokugqiba ngezicelo ezixelwe kwicandelo 99.

## 122 Umcebisi ngobucukubhede

UGunyaziwe weSibheni angaqesha umcebisi ngobucukubhede ukuba acebise okanye amncedise ngomba oyinxalenye yesibheni.

## ISAHLUKO 9.

### UNYANZELISO

(ss 123-135)

#### Isiqendu 1

#### *Imiqathango yentshayeleyo yesi Sahluko*

(ss123-124)

## 123 linkcazelo ezikwesi Sahluko

Kwesi Sahluko, ngaphandle kokuba imeko ekubhekiswe kuyo ithetha enye into –

‘**ulwaphulo-mthetho**’ lubandakanya a ukungathobeli umsebenzi okanye imfuno; yaye

‘**umnini**’, ukongeza kwinkcazelo enikwe kwicandelo 1, uthathwa ngokuba ubandakanya –

- (a) ukuba umnini obhalisiweyo uswelekile yaye ukuba akutyunjwanga umntu wokulawula ilifa – yindlalifa; yaye ukuba akho ndlalifa okanye ukuba iSixeko asikwazi kufumana ndlalifa, –umntu onelungelo lokuzuza kusetyenziso lomhlaba okanye isakhiwo ozuzayo ngazo;
- (b) ukuba umnini obhalisiweyo lishishinana elibhalisiweyo – ilungu lelo shishinana ngexesha ebeliphuma kwiincwadi zokurejistarishwa;
- (c) ukuba umnini obhalisiweyo akekho kwiRiphabliki yaye akaziwa apho akhoyo –umntu oyarhente okanye olawula nomenteyina okanye oqokelela irenti okanye ezinye iimali zaloo mhlaba okanye eso sakhiwo onoxanduva lwawo okanye kwaso; yaye
- (d) Ukuba iSixeko asikwazi kufumana umntu ochazwe njengomnini –umntu umntu onelungelo lokuzuza kusetyenziso lomhlaba okanye isakhiwo ozuzayo ngazo.

## 124 Amanyathelo onyanzeliso ekunokukhethwa kuwo

ISixeko singathatha naliphi okanye nawaphi amanyathelo onyanzeliso axelwe kwesi Sahluko, nangaluphi ulandelwano okanye nayiphi indibanisela yawo xa kungathotyelwa imiqathango okanye siwalandelelanise.

**Isiqendu 2**  
**Isikhalazo**  
(s 125)

**125 Isikhalazo**

- (1) Umntu, ochatshazelwe lulwaphulo-mthetho oluchaziweyo lwalo Mthetho kaMasipala, angathi ngembalelwano, esebenzisa ifomu yokwenza oku, okanye elandela indlela ebekwe kumgaqonkqubo, acele uManejala weSixeko ukuba aphande ulwaphulo-mthetho oluchaziweyo ze athathe amanyathelo elandela esi Sahluko.
- (2) ISixeko kufuneka siphande isikhalazo kwixesha elibekiweyo elihambelana nenkqubo echazwe kwizikhokelo neyamkelwe liSebe.
- (3) ISixeko kufuneka sazise umfaki-sikhalazo ngesiphumo sophando zingaphelanga iintsuku ezingama-30 zokugqitywa kophando namanyathelo athatyathiweyo ukuba iSixeko sibona ukuba lo Mthetho kaMasipala wophulwe.

**Isiqendu 3**  
**Unyanzeliso-mthetho lukarhulumente**  
(ss 126-132)

**126 Isaziso sothotyelo**

- (1) ISixeko singahambisa isaziso kumnini-mhlaba okanye omnye umntu ukuba kukho izizathu ezivakalayo zokukholelwa ukuba umnini okanye omnye umntu waphule lo Mthetho kaMasipala.
- (2) Isaziso kufuneka –
  - (a) sichaze iyunithi yomhlaba;
  - (b) sichaze oku kuziphatha kululwaphulo-mthetho lwalo Mthetho kaMasipala;
  - (c) sichaze ukuba ngowuphi lo mqathango walo Mthetho kaMasipala, umqathango wolwamkelo okanye omnye umqathango owaphulwa koko kuziphatha;
  - (d) ukuba kuyimfuneko, sichaze ukuba oko kuziphatha kulityala ze sichaze isigwebo sako;
  - (e) siyalele umnini okanye omnye umntu ukuba ayeke oko kuziphatha kungekho mthethweni, athobele lo Mthetho kaMasipala, umqathango wolwamkelo okanye omnye umqathango ngoko nangoko okanye ngexesha elibekwe siSixeko, yaye apho kuyimfuneko kufuneka sichaze amanyathelo aza kuthathwa othobelo;
  - (f) sichaze ukuba ukungathobeli isaziso kulityala ze sichaze isigwebo sako; yaye
  - (g) sichaze ukuba, xa kungathotyelwa isaziso, iSixeko singathatha elinye okanye ala manyathelo alandelayo –
    - (i) ukuba kuyimfuneko, siya kuthatha amanyathelo axelwe kwicandelo 127 ukurhoxisa ulwamkelo lotyeshelo-mthetho lwethutyana okanye ulwamkelo olunikezelweyo ixeshana elithile;
    - (ii) siya kuthatha amanyathelo axelwe kwicandelo 128 ukukhupha umyalelo kwimiqathango echazwe kwisaziso;
    - (iii) ngokwecandelo 129 sisebenzise isigqibo sentlawulo ehlawulelwa umsebenzi owenziweyo;
    - (iv) singafaka isicelo kwinkundla ukuba ize nesigwebo kubandakanywa iindleko zesicelo; kananjalo
    - (v) sifakala isimangalo setyala.
- (3) Ukuba kuyimfuneko, isaziso singacebisa umnini okanye omnye umntu ngelungelo labo lokufaka isicelo sokulungisa ulwaphulo-mthetho njengoko kuchaziwe kwicandelo 130, yaye singachaza ukuba iSixeko sizimisele ukuthatha amanyathelo axelwe kwicandelwana (2)(g) ukuba umnini okanye omnye umntu akalulungisi ulwaphulo-mthetho ngexesha elibekiweyo.
- (4) Isaziso singamema umnini okanye omnye umntu ngexesha elibekiweyo ukuba azise iSixeko ukuba ngawaphi amanyathelo athatyathiweyo ukuthobela isaziso.
- (5) Akukho sibheni kwisigqibo sokukhupha okanye sokungakhuphi isaziso sothotyelo ngokweli candelo.

## 127 Urhoxiso lolwamkelo

- (1) Ukuba iSixeko sinoluvo lokuba umnini-mhlaba okanye omnye umntu akathobeli ulwamkelo lotyeshelo-mthetho lwethutyana okanye ulwamkelo olunikezelweyo ixeshana elifutshane, singahambisa isaziso kumnini okanye omnye umntu –
  - (a) esinikeza iinkcukacha ezixelwe kumacandelo 126(2)(a)-126(2)(c); yaye
  - (b) simeme umnini okanye omnye umntu ngexesha elibekiweyo ukuba anike inkcazelo ebhaliweyo ngesaziso yaye anike izizathu zokuba kutheni kungenakurhoxiswa ulwamkelo.
- (2) Emva kokuqwalasela inkcazelo nezizathu ezinikiweyo, yaye ukuba sanelisekile ukuba lo Mthetho kaMasipala uyaphulwa, iSixeko singathatha isigqibo sokurhoxisa ulwamkelo oluxelwe kwicandelwana (1).
- (3) Ukuba iSixeko sigqibe ngokurhoxisa ulwamkelo –
  - (a) iSixeko sazise umnini okanye omnye umntu njengoko kuchaziwe kwicandelo 104(2); yaye
  - (b) ulwamkelo lurhoxiswa ukususela kumhla wokuqala wokusebenza kwesigqibo oxelwe kwicandelo 105(2).
- (4) Emva kokuba luqalile ukusebenza urhoxiso lolwamkelo, iSixeko kufuneka –
  - (a) kwaziswe umnini okanye omnye umntu ngorhoxiso ze kuyalelwe umnini okanye omnye umntu ukuba ayeke yonke into ayenzayo kuloo mhlaba ze athathe amanyathelo abonwa efanelekile siSixeko ukuthobela lo Mthetho kaMasipala ngoko nangoko okanye ngexesha eligqitywe siSixeko; yaye
  - (b) sihlaziye irejista yokuzowuna.

## 128 Umyalelo

- (1) Ukuba iSixeko sinoluvo lokuba umnini-mhlaba okanye omnye umntu waphula umthetho walo Mthetho kaMasipala, singahambisa isaziso kumnini okanye omnye umntu –
  - (a) esinikeza iinkcukacha ezixelwe kumacandelo 126(2)(a)-126(2)(c); yaye
  - (b) simeme umnini okanye omnye umntu ngexesha elibekiweyo ukuba anike inkcazelo ebhaliweyo kwisaziso ze anike izizathu ukuba kutheni iSixeko ukufuneka singayaleli umnini okanye omnye umntu ngexesha elibekiweyo ukuba –
    - (i) afake amaxwebhu kubandakanywa umzobo okanye iplani kwiSixeko okanye kutyunjwe umntu oyingcali okhethwe siSixeko ukuba enze uphando ze anike ingxelo kwiSixeko ngobunjani nobungakanani bolwaphulo-mthetho;
    - (ii) achithe isakhiwo okanye inxalenye yaso esaphula lo Mthetho kaMasipala ze abuyisele isakhiwo kwimeko ebesikuyo okanye alungise umhlaba kuxhomekeke kwimeko leyo ngexesha elibekwe kumyalelo; okanye
    - (iii) alungise elinye ifuthe lolwaphulo-mthetho.
- (2) Emva kokuqwalasela inkcazelo nezizathu ezinikiweyo, yaye ukuba sanelisekile ukuba lo Mthetho kaMasipala uyaphulwa, iSixeko singathatha isigqibo sokukhupha umyalelo onemiqathango ebufana naleyo ixelwe kwicandelwana (1)(b).
- (3) Umyalelo kufuneka –
  - (a) uchaze emakwenziwe;
  - (b) ubandakanye iinkcukacha ezixelwe kwicandelo 104(2);
  - (c) uchaze ukuba ukungathobeli umsebenzi onikwe ngumyalelo lityala ze uchaze nesigwebo; yaye
  - (d) uchaze ukuba, endaweni okanye ngaphezu kokutshutshisa umnini okanye omnye umntu, ngaphandle, iSixeko singafaka isicelo kwinkundla efanelekileyo esinyanzelisa uthotyelo lomyalelo nesinye isigwebo esifanelekileyo kubandakanywa iindleko yesicelo.
- (4) Umnini okanye omnye umntu kufuneka athobele umyalelo ukusukela kumhla wokuqala wokusebenza kwesigqibo oxelwe kwicandelo 105(2).

## 129 Intlawulo ehlawulelwa umsebenzi owenziweyo

- (1) Umntu owaphula lo Mthetho kaMasipala, nofuna ukulungisa ulwaphulo-mthetho ngokwecandelo 130, angafaka isicelo kwiSixeko sokuba kugqitywe intlawulo ehlawulelwa



umsebenzi owenziweyo. Ukuba iSixeko asikhuphanga umyalelo (ngokwecandelwana 128) wodilizo lwesakhiwo okanye lomhlaba ochaphazelekayo okanye inxalenye yawo.

- (2) Umntu ofaka isicelo esixelwe kwicandelwana (1) kufuneka –
  - (a) afake isicelo;
  - (b) ahlawule umrhumo ochaziweyo;
  - (c) anike iinkcukacha ezixelwe kumacandelwana (7) no-(8); yaye
  - (d) athobele umsebenzi womfaki-sicelo okwicandelo 78.
- (3) UManejala weSixeko angafaka isicelo kwiSigqeba soCwangciso lweMihlaba kaMasipala somyalelo wokuba umntu owaphule lo Mthetho kaMasipala kufuneka ahlawule intlawulo ehlawulelwa umsebenzi owenziweyo esisixamali esigqitywe siSigqeba soCwangciso lweMihlaba kaMasipala, yaye kufuneka anikeze iinkcukacha ezixelwe kumacandelwana (7) no-(8) ngohlobo aziwa ngawo nguManejala weSixeko.
- (4) Ukuba uManejala weSixeko wenze isicelo esixelwe kwicandelwana (3), iSigqeba soCwangciso lweMihlaba kaMasipala kufuneka simeme umntu ochaphazelekayo ngexesha elibekiweyo ukuba anike inkcazelo ebhaliweyo ngesicelo.
- (5) ISebe kufuneka linikeze ngengxelo ebhaliweyo kwiSigqeba soCwangciso lweMihlaba kaMasipala.
- (6) Isigqeba soCwangciso lweMihlaba kaMasipala singathi –
  - (a) sifune iinkcukacha ezongezelelekileyo ukugqiba ngesicelo ngokweli candelo; yaye
  - (b) sibhale ingxelo embi ngomntu ongefuniyo ukunikeza iinkcukacha ezixelwe kwicandelwana (2)(c) okanye kumhlathi (a) ezanelisa iSigqeba soCwangciso lweMihlaba kaMasipala.
- (7) Emva kokuqwalasela ingxelo yeSebe, izimvo zoManejala weSixeko nezinye izinto ezivela kumntu ochaphazelekayo, ukuba iSigqeba soCwangciso lweMihlaba kaMasipala sigqibe ukuba simisele intlawulo ehlawulelwa umsebenzi owenziweyo kumntu owaphule lo Mthetho kaMasipala, kufuneka sigqibe ngesixamali –
  - (a) umsebenzi wolwakhiwo owaphula lo Mthetho kaMasipala – awunakuba ngaphantsi kwe- 10% yaye awunakuba ngaphezulu kwe-100% wexabiso lesakhiwo, lolwakhiwo nosebenzi wobunjineli owenziwe ngokungekho mthethweni, njengoko iSixeko senze isigqibo;
  - (b) usetyenziso-mhlaba olwaphula lo Mthetho kaMasipala – alunakuba ngaphantsi kwe- 10% yaye alunakuba ngaphezulu kwe-100% loqikelo-maxabiso lommandla, njengoko iSixeko senze isigqibo; yaye
  - (c) kumsebenzi wolwakhiwo nosetyenziso-mhlaba olwaphula lo Mthetho kaMasipala – kufuneka kubandakanywe izohlwayo ezikwimihlathi (a) no-(b).
- (8) Xa kugqitywa ngemali emayihlawulelwe umsebenzi owenziweyo, iSigqeba soCwangciso lweMihlaba kaMasipala kufuneka siqwalasele ubuncinane le miba ilandelayo –
  - (a) ubunjani, ixesha eliluthathileyo nobungakanani bolwaphulo-mthetho;
  - (b) ukuziphatha komntu obandakanyeka kulwaphulo-mthetho;
  - (c) ingaba ukuziphatha ngokungekho mthethweni kuye kwayekwa na; kunye
  - (d) nokuba umntu obandakanyekayo kolu lwaphulo-mthetho wakhe wawophula na lo Mthetho kaMasipala ngaphambili okanye umthetho odlulileleyo wocwangciso.
- (9) Isigqeba soCwangciso lweMihlaba kaMasipala smaazise umntu owaphule lo Mthetho kaMasipala ngesigqibo saso, ukuba sigqiba ngokumhlalisa imali ehlawuliselwa umsebenzi owenziweyo, isaziso kufuneka –
  - (a) sichaze intlawulo ehlawulelwa umsebenzi owenziweyo;
  - (b) sibandakanye iinkcukacha ezixelwe kwicandelo 104(2);
  - (c) sichaze ukuba umntu kufuneka ahlawule intlawulo ehlawulelwa umsebenzi owenziweyo kwiSixeko zingaphelanga iintsuku ezingama-30 zomhla wokuqala wokusebenza kwesigqibo esixelwe kwicandelo 105(2) okanye ngexesha eligqitywe siSigqeba soCwangciso lweMihlaba kaMasipala;
  - (d) sichaze ukuba intlawulo ehlawulelwa umsebenzi owenziweyo ngokweli candelo ayinqandi igunya leSixeko lokuphanda eli tyala okanye lokufaka isimangalo ezinkundleni; yeye
  - (e) sichaze ukuba, ngaphandle kwesaziso, iSixeko singafaka isicelo kwinkundla efanelekileyo esiqinisekisa intlawulo ehlawulelwa umsebenzi owenziweyo nesinye isigwebo esifanelekileyo kubandakanywa iindleko yesicelo.



(10) ISixeko singafaka isicelo kwiNkundla ePhakamileyo womyalelo oqinisekisa lo myalelo weSigqeba soCwangciso lweMihlaba kaMasipala ukuba kuhlalulwe intlawulo ehlawulelwa umsebenzi owenziweyo.

### 130 Ulungiso lolwaphulo-mthetho

- (1) Umntu owaphula lo Mthetho kaMasipala angafaka isicelo kwiSixeko ngokwalo Mthetho kaMasipala semvume efunekayo.
- (2) Kuxhomekeke kwicandelwana (3), umntu oxelwe kwicandelwana (1) kufuneka angenise isicelo ze ahlawule intlawulo ehlawulelwa umsebenzi owenziweyo egqitywe ngokwecandelo 129 phambi kokuba iSixeko siqwalasele isicelo esixelwe kwicandelwana (1).
- (3) Ukuba isicelo sentlawulo ehlawulelwa umsebenzi owenziweyo oxelwe kwicandelo 129 singenisiwe kodwa akukathwa sigqibo naso, okanye intlawulo ehlawulelwa umsebenzi owenziweyo egqitywe ngokwecandelo 129 ayikahlawulwa, kwiimeko ezizodwa iSixeko singaqwalasela isicelo esixelwe kwicandelwana (1), ze xa sivumela ulwamkelo okanye sisenza isigqibo sibeke imiqathango efanelekileyo ukuqinisekisa ukuba iyahlawulwa nayiphi imali ehlawulelwa umsebenzi owenziweyo.
- (4) Ukungeniswa kwesicelo sokwenza isigqibo okanye sentlawulo ehlawulelwa umsebenzi owenziweyo ngokwecandelo 129, okanye ulwamkelo lwesicelo esixelwe kweli candelo, akunqandi igunya leSixeko lokuphanda eli tyala okanye lokufaka isimangalo ezinkundleni.

### 131 Unyanzeliso lwesigwebo

Noxa kukho imiqathango ekwesi Sahluko yolungiso, iSixeko singafaka isicelo kwiNkundla ePhezulu ukufumana isigqibo esifanelekileyo, kubandakanywa imiyalelo enyanzelisa umnini okanye omnye umntu ukuba –

- (a) achithe, asuse okanye atshintshe isakhiwo okanye umsebenzi owenziweyo owaphula lo Mthetho kaMasipala, ze ahlaziye umhlaba ochaphazelekayo; kunye
- (b) ayeke ukuziphatha ngendlela eyaphula lo Mthetho kaMasipala, athobele lo Mthetho kaMasipala, okanye alungise elinye ifuthe elibi elenziwe lolu lwaphulo-mthetho.

### 132 Umba ongxamisekileyo

Ukuba iSixeko sikholelwa ukuba kufuneka kuthathwe amanyathelo akhawulezileyo ukutshintsha ukuziphatha okwaphula lo Mthetho kaMasipala, ukuthobela lo Mthetho kaMasipala, okanye ukulungisa elinye ifuthe elibi elenziwe lolu lwaphulo-mthetho, iSixeko singathi –

- (a) Sithumelele isaziso esifanelekileyo sothotyelo kumnini okanye omnye umntu ngefowuni, ngeimeyili okanye ngenye indlela yonxibelelwano nge-elektroniki exelwe kwiElectronic Communications and Transactions Act, 2002 (25 ka-2002) okanye ngokubeka isaziso kwiyunithi yomhlaba okanye ngokwenza zonke ezi zinto; okanye
- (b) singafaka isicelo esingxamisekileyo kwiNkundla ePhezulu sesigwebo esifanelekileyo, kubandakanywa umyalelo wokumisa loo nto ayenzayo.

### *Isiqendu 4* *Umiselo lwesigwebo* (ss 133-134)

### 133 Amatyala nezigwebo

- (1) Umntu unetyala ukuba umntu –
  - (a) waphula –
    - (i) isigqibo esithathiweyo okanye umqathango obekiweyo okanye othathwa njengoba ubekiwe ngokwalo Mthetho kaMasipala;
    - (ii) imiqathango yenkqubo yolawulo lophuhliso;
    - (iii) usebenzisa umhlaba ngendlela engavunyelwanga yinkqubo yolawulo lophuhliso;
    - (iv) isaziso sothotyelo esikhutshwe kulandelwa icandelo 126; okanye
    - (v) umyalelo okhutshwe kulandelwa icandelo 128;
  - (b) utshintsha okanye atshabalalise umhlaba kangangokuba kungakwazeki ukusebenzisa ipropati ngeenjongo ezibekwe kwinkqubo yolawulo lophuhliso;

- (c) ugrogrisa, uphazamisa, unqanda okanye akavuleli igosa elifuna ukungena xa kuthwe makavule okanye usebenzisa ulwimi oluthukayo kwigosa eligunyazisiweyo okanye nawuphi na umntu okhapha elo igosa eligunyazisiweyo eliyokwenza umsebenzi eligunyaziswe ukuba liwenze ngokwecandelo<sup>135</sup>;
  - (d) xa eceliwe ligosa eligunyazisiweyo ukuba anike ulwazi, aphosise okanye anike ulwazi olulahlekisayo; okanye
  - (e) unika iinkcukacha okanye iimpendulo kwiisicelo okanye kwisibheni kazaziyo ukuba aziyonyani okanye ziyalahlekisa okanye akholelwa ukuba azichanekanga.
- (2) Xa umntu efunyaniswe enetyala ngokwalo Mthetho kaMasipala, uya kuhlululwa imali okanye avelwe iminyaka engekho ngaphezulu kwama-20 okanye azifumane zozibini ezi zigwebo.
- (3) Umntu funyaniswe enetyala ngokwalo Mthetho kaMasipala who, othe emva kwesigwebo waqhubeka waziphatha ngendlela ebeziphethe ngayo ebimbambisile, uya kuhlululwa imali okanye avelwe isithuba esingekho ngaphezulu kweenyanga ezintathu okanye azifumane zozibini ezi zigwebo, ngosuku ngalunye athe waqhubeka nokwaphula umthetho.
- (4) Umnini-mhlaba –
- (a) Ovumela ukuba umhlaba wakhe usetyenziswe, okanye ongathathi manyathelo ukuqinisekisa ukuba umhlaba wakhe ungasetyenziswa ngendlela eyaphula lo Mthetho kaMasipala unetyala yaye emva kwesigwebo uya kuhlululwa intlawulo exelwe kwicandelo (2);
  - (b) Ofumene isigwebo esixelwe kumhlathi (a) nothi aqhubeke nokaphula umthetho ebewugwetyelwe, unetyala lokuqhubeka esaphula umthetho yaye emva kwesigwebo uya kuhlululwa intlawulo exelwe kwicandelwana (3).

### **134 Utshutshiso lwequmrhu elilawula isakhiwo namahlakani alo**

Umntu unetyala eliya kubambisa yena ngqo ngokwalo Mthetho kaMasipala ukuba –

- (a) Ulwaphulo-mthetho lwenziwe –
  - (i) liqumrhu elimiselwe ngokwemiqathango yawo nawuphi na umthetho; okanye
  - (ii) ishishini lobuhlakani;
- (b) abe umntu ngexesha lelo tyala ebe lihlakani kwelo shishini, okanye ilungu lebhodi, okanye sekomiti okanye esinye isigqeba esilawula iqumrhu; yaye
- (c) umntu ebefanele ukuba uyazi ukuba kwaphulwa umthethowaza akathatha manyathelo ukunqanda olo lwaphulo-mthetho.

### **Isiqendu 5**

### ***Amagunya ophando nawonyanzeliso-mthetho egosa eligunyazisiweyo***

(s 135)

### **135 Amagunya nomsebenzi wegosa eligunyazisiweyo**

- (1) ISixeko singagunyazisa igosa okanye nawuphi omnye umntu ukuba athathe amanyathelo ngokweli candelo ngeenjongo zokuphanda nawuphi na umba omalunga nalo Mthetho kaMasipala.
- (2) Igosa lonyanzeliso-mthetho eliqeshwe siSixeko lithathwa njengegosa eligunyazisiweyo elixelwe kwicandelwana (1);
- (3) Igosa eligunyazisiweyo lingathi, kuxhomekeke kwicandelwana (4) nelesi- (5), nangaliphi ixesha elifanelekileyo, yaye ngaphandle kokunika isaziso, lingene ze lihlale nawuphi umhlaba, isakhiwo okanye nayiphi na indawo ngenjongo zokuqinisekisa uthotyelo lwalo Mthetho kaMasipala.
- (4) Igosa eligunyazisiweyo lingathi nangaliphi ixesha elifanelekileyo emva kokunika isaziso esifanelekileyo kumnini okanye umntu ohlala apho kulo omhlaba okanye kweso sakhiwo, emva kokufumana imvume kumnini okanye kumntu ohlala apho ngokusemthethweni okanye umntu olawula isakhiwo ahlale indlu yomntu ngaphandle kwewaranti ngenjongo zokuqinisekisa uthotyelo lwalo Mthetho kaMasipala.
- (5) Igosa eligunyazisiweyo, ukuba imvume ayifunyenwanga, njengoko kuchaziwe kwicandelwana (4), lingathi lifumene iwaranti yokungena, lingene lihlale indlu yomntu ngaphandle kwewaranti ngenjongo zokuqinisekisa uthotyelo lwalo Mthetho kaMasipala.
- (6) Igosa eligunyazisiweyo linganika isaziso sokungena kumhlaba okanye kwisakhiwo ngaphandle kweso siyindlu yomntu yaye lingenza uhlolo okanye lithathe amanyathelo

onyanzelisao-mthetho ngaphandle kwemvume yomnini okanye yomntu ohlala apho kuloo mhlaba okanye kweso sakhiwongaphandle kwewaranti ukuba –

- (a) likholelwa ukuba ngenxa yezizathu ezivakalayo liza kuyifumana iwaranti; yaye
  - (b) ulibaziseko lokufumaneka kwewaranti luza kuphelisa injongo yohlolo nonyanzeliso-mthetho.
- (7) Igosa eligunyazisiweyo kufuneka liphathe isatifikethi esisayinwe ngumanejala weSixeko esichaza ukuba utyunjwe njengeigosa eligunyazisiweyo ngeenjongo zalo Mthetho kaMasipala okanye kufuneka abonise ubungqina bokuba uligosa lonyanzeliso-mthetho.
- (8) Igosa eligunyazisiweyo kufuneka lisikhuphe isatifikethi xa liceliwe ukuba lenze njalo nguye nawuphi na umntu ochatshazelwa kukusebenzisa kwakhe igunya ngokweli candelo.
- (9) Igosa eligunyazisiweyo alinakuphanda umba ochaphazela lona ngqo.
- (10) Ekuqinisekiseni uthotyelo lwalo Mthetho kaMasipala, igosa eligunyazisiweyo likhatshwe –
- (a) likhatshwe yitoliki, lipolisa okanye nawuphi omnye umntu onokuncedisa kuhlolo;
  - (b) lingabuza nawuphi na umntu okuloo mhlaba, ukuba igosa eligunyazisiweyo libona ukuba angabonelela ngeenkukacha zomba ongqamene nalo Mthetho kaMasipala;
  - (c) lingabuza nawuphi na umntu nangasiphi na isenzo okanye ukungenziwa kwento ukuba loo nto kukholeleka ukuba idala ulwaphulo-mthetho lwalo Mthetho kaMasipala;
  - (d) lingabuza umntu makunga naso nasiphi na isakhiwo, into, uxwebhu, incwadi okanye irekhodi okanye lihlale naluphi uxwebhu olubhaliweyo okanye olukwisixhobo esielektroniki olunokuba negalelo kuphando;
  - (e) lihlale nayiphi incwadi, irekhodi, naluphi uxwebhu olubhaliweyo okanye olukwisixhobo esielektroniki ze lenze ikopi yalo okanye ucaphulo lwalo ze lisuse olo xwebhu, loo ncwadi, elo rekhodi okanye iinkukacha ezielektroniki ukuze liye kwenza iikopi okanye ucaphulo;
  - (f) lifune umntu ukuba akhuphe okanye ase kwindawo echaziweyo ligosa eligunyazisiweyo, naluphi uxwebhu olubhaliweyo okanye olukwisixhobo esielektroniki, incwadi, irekhodi ekubhekiswe kulo kumhlathi (e) ukuze zihlolwe;
  - (g) lifune ingcaciso nangaluphi na ulwazi olukwelo xwebhu, ncwadi rekhodi okanye olukwisixhobo esielektroniki
  - (h) lihlale nayiphi into, iplanti okanye oomatshini abakuloo mhlaba, okanye nawuphi umsebenzi owenziwe kuloo mhlaba okanye nawuphi umqathango osebenza kuloo mhlaba, okanye asuse nayiphi into, iplanti okanye oomatshini okanye inxalenye okanye isampula yabo;
  - (i) lithathe nayiphi incwadi, irekhodi okanye olunye uxwebhu, iinkukacha okanye nayiphi into, iplanti okanye oomatshini okanye inxalenye okanye isampula yabo, ezizizinto elibona ukuba zingabubungqina kwityala lawo nawuphi na umntu omangalelelwe ityala phantsi kwalo Mthetho kaMasipala, ukuba ngaba uyafuna umsebenzisi wezo zinto, angenza iikopi zazo phambi kokuba zithathwe, kuxhomekeke kwisixhobo eso ukuba siyakopeka na;
  - (j) lingayalela nawuphi na umntu ukuba eze kuywe kwindawo egqitywe ligosa eligunyazisiweyo ze libuze loo mntu eyedwa okanye kukho nawuphi omnye umntu malunga nawo nawuphi na umba omalunga nalo Mthetho kaMasipala; yaye
  - (k) angathatha iifoto okanye arekhode nawuphi na umntu okanye nantoni na ukulungiselela uphando.
- (11) Xa igosa eligunyazisiweyo lisuse okanye lithathe nayiphi incwadi, irekhodi okanye olunye uxwebhu, iinkukacha okanye nayiphi into, iplanti okanye oomatshini okanye amanye amaxwebhu njengoko kuchaziwe apha ngentla, kufuneka anike umnini okanye umntu olawula loo ndawo irisithi ze ezo zinto azibuyise ngokukhawuleza kangangoko anakho, emva kokuphumeza injongo ebezithathele yona.
- (12) Apho igosa eligunyazisiweyo lingena kumhlaba ngokwecandelwana(3), umntu olawula loo ndawo kufuneka amvumle ukuba asebenze kweso sakhiwo ngokukuo nangokhuseleko ngokwemiqathango yalo Mthetho kaMasipala.
- (13) Igosa eligunyazisiweyo elingen ze lisetshe kuwo nawuphi mhlaba okanye indu yomntu ngokweli candela, kufuneka likwenze oko ngesidima nocwangco yaye lithathele ingqalelo ilungelo lomntu ngamnye lokuba aphathwe ngesidima, elenkululeko, elokhuseleko nelungelo elilelakhe njengomntu.

**ISAPHLUKO 10.**  
**UKUTHIYA NOKUNOMBOLISHA IZITALATO**  
*(s 136)*

**136 Ukuthiya nokunombolisha izitalato**

- (1) Ukuba isitrato sidaleke ngenxa yolwamkelo lwesicelo, iSixeko kufuneka sivumele ukuthiywa kweso sitrato yaye kufuneka sinike inombolo yesitrato allocate isitrato number kwiyunithi nganye yomhlaba ekwesio sitrato.
- (2) Igama eliphakamyisiweyo lesitrato neenombolo kufuneka zingeniswe njengenxalenye yesicelo solwahlula-hlulo.
- (3) Ekuqwalaseleni ukuthiywa kwesitrato, iSixeko kufuneka sithathele ingqalelo imigaqonkqubo echaphazelekayo emalunga nokuthiywa kunye nokunombolishwa kwezitrato.
- (4) Umfaki-sicelo kufuneka amise iimpawu ezibonisa igama lesitrato ngokwemigangatho yeSixeko.
- (5) Akukho mntu onokutshintsha igama lesitrato eamkeliweyo njengoko kuchaziwe kwicandelwana (1) kungafunyenwanga mvume yeSixeko.
- (6) Akukho mntu unokuxhoma igama lesitrato ngaphandle kokuba igama lamkelwe siSixeko.
- (7) ISixeko singathi, ngokunokwaso, sitshintshe igama lesitrato emva kokuthobela imiqathango echazwe kwiSiqendu 2 okanye iSahluko 7.
- (8) ISixeko singathiya nasiphi isitrato esingenagama esidalwe lulwamkelo lwesicelo ngokwalo Mthetho kaMasipala okanye umthetho wocwangciso.
- (9) Kusebenza inkqubo njengoko ichaziwe kwiSahluko 7.
- (10) Umntu otshintsha okanye oxhoma igama lesitrato ngaphandle kwemvume yeSixeko unetyala yaye emva kwesigwebo uya kuhlawula intlawulo exelwe kumacandelo 133(2) no-133(3).

**ISAPHLUKO 11.**  
**ISATIFIKETHI SONIKEZELO**  
*(s 137)*

**137 Isatifikethi sonikezelo**

- (1) Xa kuza kunikezwa umhlaba oza kuphumeza ubhaliso lokuqala lweyunithi yomhlaba enikezelweyo edalwe lulwahlula-hlulo olwamkelweyo olukummandla weSixeko kufuneka kunikwe iSixeko ubungqina obanelisa iSixeko bokuba zonke iimfuno ezixelwe kwicandelo 54(1) zithityelwet.
- (2) Unikezelo oluza kuphumeza ubhaliso lokuqala lweyunithi yomhlaba ekummandla weSixeko eboniswe kwisistimu, oluxhomekeke kumanyathelo ekubhekiswe kuwo kwimihlathi (a) no-(b), kufuneka lunikeze ubungqina obanelisa iSixeko bokuba –
  - (a) apho bekubekwe intlawulo yolwaphulo-mthetho ngokoMmiselo okanye intlawulo ehlawulelwa umsebenzi owenziweyo oxelwe kwicandelo 129 – kufuneka ukuba ibe loo ntlawulo ibhatelwe;
  - (b) apho kukhutshwe umyalelo kulandelwa icandelo 128 – lo myalelo ube uthotyelwe.
- (3) Ukuba uManejala weSixeko wanelisekile ukuba iimfuno zecandelwana (1) no-(2) zithotyelwe, uManejala weSixeko kufuneka akhuphe isatifikethi esigunyanzisa unikezelo, yaye ukuba iyunithi yomhlaba idalwe lulwahlula-hlulo olwamkelweyo, uManejala weSixeko kufuneka akhuphe isatifikethi kwiyunithi nganye yomhlaba yaye angakhupha isatifikethi seyunithi yomhlaba ekwisigaba esamkelweyo siSixeko.
- (4) Akukho mntu ongafaka isicelo kwiRejistra yoBunini-Mihlaba, yaye iRejistra yoBunini-Mihlaba ayinakubhalisa unikezelo lweyunithi yomhlaba ngaphandle kwesatifikethi esixelwe kwicandelwana (3).
- (5) Ukuba isatifikethi esixelwe kwicandelwana (3) sikhutshwe ngempazamo –
  - (a) umnini omtsha kufuneka aqhubeke athobele zonke iimfuno ezixelwe kwicandelwana (1), nokuba omnye umntu na unoxanduva lokwenza oko; yaye
  - (b) iSixeko saphulelwe kuxanduva lwawo nawuphi na umonakalo onokwenzeka ngenxa yoku.

**ISAPHLUKO 12.**  
**IMIQATHANGO YOLAWULO GABALALA**  
*(ss 138-143)*

**138 Imigaqonkqubo, iinkqubo, imigaqo, imigangatho, iimfuno nezikhokelo**

- (1) ISixeko singamkela umgaqonkqubo, inkqubo, umgangatho, imfuno okanye isikhokelo solawulo olululo lwalo Mthetho kaMasipala.
- (2) Ngaphandle kokuba igunya lokuyalela linikwe omnye umntu okanye elinye iqumrhu, UManejala weSixeko angabeka nawuphi umyalelo ngokwalo Mthetho kaMasipala.
- (3) ISixeko kufuneka sibhale kwiwebhusayithi yeSixeko nawuphi umyalelo oxelwe kwicandelwana (2) singenza kuba kufumaneka kwiwebhusayithi yeSixeko nawuphi umgaqonkqubo inkqubo, umgangatho, imfuno okanye isikhokelo esixelwe kwicandelwana (1).
- (4) Kusebenza umgaqonkqubo ochaphazelekayo, inkqubo, umgangatho, imfuno okanye isikhokelo kwisicelo esenziwe ngokwalo Mthetho kaMasipala.

**139 Unikezo-gunya**

- (1) UManejala weSixeko unokuthi –
  - (a) Anganikeza nawuphi umsebenzi, igunya kuManejala weSixeko ngokwalo Mthetho kaMasipala kumsebenzi kamasipala; okanye
  - (b) Angayalela umsebenzi kamasipala ukuba enze nawuphi umsebenzi weManejala weSixeko ngokwalo Mthetho kaMasipala.
- (2) USodolophu angadlulisa igunya lokugqiba ngesibheni esidalwe sisigqibo segosa eligunyazisiweyo okanye ukungathwa kwesigqibo (icandelo 103) kumntu okwisikhundla sezopololitiko okanye igosa eligunyazisiweyo.

**140 Isaphulelo**

ISixeko singathi ngembalelwano nangokwemiqathango yecandelo 60 leLand Use Planning Act saphulele isicelo ukuba singathobeli imiqathango yaloo Mthetho kaMasipala ukunciphisa uxanduva lwemali okanye lolawulo lwesicelo –

- (a) sobonelelo ngezindlu ezixhaswa yisabhusidi karhulumente; okanye
- (b) sophuculo lwendawo yokuhlala ekhoyo.

**141 Uxanduva lweSixeko**

ISixeko asinabutyala ngelahleko okanye ngomonakalo owenzeke kuye nawuphi na umntu ngenxa yesenzo okanye ukungenzeki kwento engenzekanga ngabom emalunga nokwenziwa kwawo nawuphi umsebenzi phantsi kwalo Mthetho kaMasipala, ngaphandle kokuba kukho ubungqina bokungakhathali okukhulu.

**142 Ugcino nemiqathango yethutyana**

- (1) Nayiphi imvume, umyalelo, isigqibo, imvume, ilungelo, ugunyaziso, uqinisekiso okanye umyalelo okhutshiweyo okanye osebenzayo ngokomthetho obhangiswe yiLand Use Planning Act, nobukho phambi nje kokuqala kweLand Use Planning Act, osebenzayo apho kuyimfuneko uthathwa njengokhutshwe okanye oqhubeka ngokuhambelana n lo Mthetho kaMasipala kuxhomekeke kwimiqathango obukhutshwe phantsi kwayo yaye ukusebenza isithuba obubekelwe sona phantsi kwaloo mthetho ubhangisiweyo.
- (2) Noxa uMmiselo usenokubhangiswa, naliphi inyathelo okanye isicelo esenziwe phambi kokuqala ukusebenza kwalo Mthetho kaMasipala neLand Use Planning Act, kubandakanywa nenkqubo yokuzowuna ebikhona, ebingekagqitywa phambi ngqo kokuqala kwalo mthetho Mthetho kaMasipala, kufuneka igqityezelwe ukuba le Land Use Planning Act nalo Mthetho kaMasipala awukaqali ukusebenza yaye ukuba inkqubo yokuzowuna zange ibhangiswe.
- (3) Ulwaphulo-mthetho lomthetho obhangiswe yiLand Use Planning Act luthathwa njengolwaphulo-mthetho lwalo Mthetho kaMasipala yaye izigwebo kulo Mthetho kaMasipala ziyasebenza aho ukuziphatha kukhokelela kwityala ngokwalo Mthetho kaMasipala.
- (4) Xa ulwamkelo lusetyenzisiwe, iyunithi yomhlaba ithathwa njengenozowuno oluhambelana nokuzowuna okukwinkqubo yolawulo lophuhliso egqitywe siSixeko ukuba –



- (a) isicelo sokuzowuna kwakhona okanye inkqubo yotshintsho yamkelwe kodwa akukenziwa nto ngayo phambi kokuqala kwalo Mthetho kaMasipala; okanye
- (b) isicelo sokuzowuna kwakhona okanye okanye inkqubo yotshintsho yamkelwe emva kokuqala kwalo Mthetho kaMasipala ngokuhambelana nemiqathango yenkqubo yangaphambili yokuzowuna (njengoko kuchaziwe kwicandelwana (2)).
- (5) Isicelo sokwakha esasifakwe saze samkelwa ngokusesikweni –
  - (a) phambi kowe-1 Matshi 2013 nesisaqhubayo; okanye
  - (b) ngomhla okanye emva kowe-1 Matshi 2013 ngenjongo yokusebenza ngolwamkelo ingokwemiqathango yomthetho wocwangciso wangaphambili, kufuneka sihlolwe ngokuhambelana naloo mvume, ukuba ngaba isicelo sokwakha samkelwe ngowe-31 Agasti 2017.
- (6) Umnini-mhlaba onomhlaba oye wazowunwa ukuya kutsho ngowe-1 Matshi 2013 njengowoShishino Gabalala: Izowunana GB3 ukuya ku-GB7 okanye izowunana yosetyenziso oluxubileyo uMU2 noMU3 unokuthi de kube ngowe-28 Februwari 2023, akhethe ukuba phantsi kwemiqathango yokuzowuna yenkqubo yolawulo lophuhliso okanye inkqubo yokuzowuna esebenzayo ngowe- 28 Februwari 2013.
- (7) Apho umnini-mhlaba oxelwe kwicandelwana (6) ukuba phantsi kwemiqathango yokuzowuna yenkqubo yokuzowuna esebenzayo ngowe- 28 Februwari 2013, yonke imiqathango esebenza koko kuzowuna yiyo eya kusebenza yaye akukho lutyeshelo-mthetho lolo zowuno luya kunikezwa.
- (8) Naluphi ubhekiso kulwamkelo olukummandla weSixeko loMlawuli okanye iBhodi yeeLokishi kumqathango othintelayo, ngaphandle komqathango osetyenziswa nguRhulumente wePhondo ukufumana amalungelo omthetho abucala, luthathwa njengobhekiso kulwamkelo lweSixeko.

#### **143 Isihloko esifutshane nokuqala ukusebenza kwalo mthetho**

- (1) Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala woCwangciso weSixeko saseKapa ka-2015 yaye uya kuqala ukusebenza ngomhla obekwe nguSodolophu ngesibhengezo *kwiGazethi yePhondo*.
- (2) USodolophu angabeka imihla eyahlukileyo imiqathango eyahlukileyo yalo Mthetho kaMasipala emayiqale ngayo ukusebenza.



**ISHEDYULI 1**  
**IZICWANGCISO ZOBUME BESAKHIWO EZICHONGWE NJENGESIKHOKELO SOPHUHLISO**  
**LWEMIHLABA ENGAMABALA YESITHILI**  
**(s20(1))**

	<b>Igama leplani yolwakhiwo</b>
1.	Iplani yeSithili saseBlaauwberg : Ingxelo yobuNgcali
2.	Iplani yeSithili saseCape Flats : Ingxelo yobuNgcali
3.	Iplani yeSithili saseHelderberg : Ingxelo yobuNgcali
4.	Iplani yeSithili saseKhayelitsha Mitchells Plain Greater Blue Downs : Ingxelo yobuNgcali
5.	Iplani yeSithili saseMantla: Ingxelo yobuNgcali
6.	Iplani yeSithili saseSouthern : Ingxelo yobuNgcali
7.	Iplani yeSithili saseTable Bay : Ingxelo yobuNgcali
8.	Iplani yeSithili saseTygerberg : Ingxelo yobuNgcali

**ISHEDYULI 2**  
**IZICWANGCISO ZOBUME BESAKHIWO EZICHONGWE NJENGESIKHOKELO SOPHUHLISO**  
**LWEMIHLABA ENGAMABALA YEMIMANDLA**  
**(s20(2))**

	<b>Igama leplani yolwakhiwo</b>
1.	Iplani yolwakhiwo lwengingqi yaseConstantia Triangle
2.	Isikhokelo soPhuhliso lwe-Elsieskraal River Valley
3.	Iplani yoLawulo lweVictoria Avenue, Hout Bay: Oxford Street ukuya ePrincess Street
4.	Iplani yolwakhiwo lwaseScarborough naseMisty Cliffs
5.	Iplani yolwakhiwo lwaseSimon's Town
6.	Iplani yolwakhiwo lwengingqi yaseSunnydale
7.	Isikhokelo sokuDizayina iDolophu soMbindi-dolophu waseDurbanville

**ISHEDYULI 3**  
**INKQUBO YOLAWULO LOPHUHLISO YESIXEKO SASEKAPA**  
**(s25(1)(a))**

**ISAHLULO I: INGCACISO NEENKQUBO**  
*(imiba 1-7)*

**ISAHLUKO 1.: IINKCAZELO NEENGACISO**  
*(imiba 1-6)*

**1 linkcazelo kule nkqubo yolawulo lophuhliso**

Kule nkqubo yolawulo lophuhliso ngaphandle kokuba imeko ekubhekiswe kuyo ithetha enye into – ‘**indawo yokuxhela**’ ithetha indawo apho izilwanyana zixhelwa khona ze zillungiselelwe ukuhanjiswa ziye kwiivenjike ezithengisa inyama, isuphamakethi nevenkile zokutya;

‘**iyunithi eyongezelelekileyo yokuhlala**’ ithetha iyunithi yokuhlala enokwakhiwa ngemvume yeSixeko kwiindawo ezizowunwe njengezolimo, ngaphezu kwendawo yesibini yokuhlala, indlu okanye indawo yokuhlala abasebenzi baloo fama;

‘**ilungelo lokusebenzisa elongeziweyo**’ lithetha usetyenziso-mhlaba oluchazwe kule nkqubo yolawulo imiqathango okanye eminye imiqathango iye yathotyelwa;

‘**indawo yolonwabo yabantu abadala**’ ithetha ipropati ezowunelwe iithiyetha zeefilimu zabantu abadala, okanye iiklabhu zokukhulula apho kuboniswa izinto ezidibene nesondo ezenziwa ngqo kodwa azibandakanyi iinkonzo zesondo okanye ivenkile yezinto zesondo;

‘**indawo ebonelela ngeenkonzo zesondo**’ ithetha ipropati esetyenziselwa ukumasaja okanye indawo ekubonelelwa kuyo ngesondo, ngaphandle kokuba ezo nkonzo ziyinxalenye yenkonzo yokunyanga ebonelelwa ngumsebenzi wezempilo obhalisiweyo okanye enye iprofeshinali ebhalisiweyo kodwa ayibandakanyi indawo yolonwabo yabantu abadala okanye ivenkile yezinto zesondo;

‘**ivenkile yezinto zesondo**’ ithetha ipropati esetyenziselwa ukuthengisa izinto ezinamanyala esondo nokuba ezo zinto ziboniswe ukuba ziyathengiswa okanye aziboniswa, ngaphandle kokuba ezo zinto ziyinxalenye yenkonzo yokunyanga ebonelelwa ngumsebenzi wezempilo obhalisiweyo okanye enye iprofeshinali ebhalisiweyo kodwa ayibandakanyi indawo yolonwabo yabantu abadala okanye iinkonzo zesondo;

‘**iintengiso**’, xa kubhekiswa kwizinto ezixhonywa phandle, zinentsingiselo enye naleyo yoMthetho kaMasipala weNtengiso neMpawu eziXhonywa Ngaphandle kwiSixeko;

‘**ishishini lezolimo**’ lithetha ishishini lokuprosesa iimveliso zolimo okanye elikufuphi neyunithi yomhlaba apho kukhuliswa khona ezi mveliso zolimo, nalapho kufuneka kubekho indawo ekufutshane yokuziprosesa ezi mveliso ngenxa yohlobo lwazo ubuthathaka bazo nokukhawuleza ukubola kwazo; yaye ibandakanya indawo eyenza iwayini kodwa ayibandakanyi urhwebo ngeenkonzo okanye indawo yokuxhela;

‘**ulimo**’ luthetha ukuvunwa kwezityalo, ukufuywa kweenkomo, ukufuya iinyosi okanye ukuba nefama yezilwanyana zasendle, yaye lubandakanya izakhiwo ezikufuphi nemisebenzi eyenziwa efama, ezifana neeyunithi ezizindlu zokuhlala zomfama, umanejala wefama nbasebenzi basefama, ukupakishwa kweemveliso zasefama eeziveliswa kwipropati ukuze zisiwe emarikenini, nendawo yokukhulisa izityalo; kodwa alubandakanyi ukusebenza ngezityalo, ukufama izilwanyana okumandla, ivenkile yasezifama, ukusetyenziswa kwezibonelelo zendalo, kunye noshishino lwezolimo;

‘**ilungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni**’ lithetha uphuhliso lwendawo echaziweyo ngentla okanye ngezantsi kwesitrato sikawonkewonke, indawo elibala, umzila kaloliwe okanye olunye uhlobo lwesithuthi nokunikezwa kwamalungelo osetyenziso anokuthi abandakanye naluphi usetyenziso olwamkelwe siSixeko;

‘**iziko leenqwelomoya**’ lithetha isakhiwo esineendawo zokusuka kweenqwelomoya kunye nezakhiwo ezihambelana nendawo zokufikela kwazo kwakunye neendawo ezihoywa nezihlala kuzo;

‘**uxhaso**’ uthetha usetyenziso-mhlaba, injongo, isakhiwo okanye aumsebenzi ohlangene okanye ophantsi komnye kusetyenziso lwezpropati;

**‘iziko lokukhathalela izilwanyana’** lithetha indawo yokukhathalela izilwanyana esebenza njengeshishini okanye njengendawo yokukhathalela, yaye ibandakanya izindlwana zezilwanyana namaziko oqeqesho lwazo;

**‘ieriyali’** uthetha nayiphi isistimu yeentambo, yeepali, imigangatho ekhannyisayo okanye izixhobo ezibunjalo, ezisetyenziselwa ukuhambisa okanye ukufumana amaze onxibelelwano ngombane okanye ukutsala amaza;

**‘ukufama izidalwa zasemanzini’** kuthetha ukukhulisa izityalo nezilwanyana zasemanzini oko ukwenzela ukushishina, uzikhulisela kumadama akhiweyo okanye ematankini zinenkxaso yokudaada emanzini;

**‘iatriyam’** uthetha into eyakhiweyo engenamagumbi namigangatho esuka kumgangatho osezantsi ukuya phezulu kodwa apha kuyo ayahlulwa yimigangatho, ivulelekile nje. Iatriyam inomgangatho osezantsi kunye nophahla kuphela okanye isilingi;

**‘usetyenziso ngegunya’** luthetha usetyenziso olwenziwa okanye olwenzelwa iziko likarhulumente, oluneempawu ezingenakufakwa phantsi kwezinye izintlu zosetyenziso kule nkqubo yolawulo lophuhliso, yaye lubandakanya usetyenziso:

- (a) lukarhulumente wesizwe, olufana nenkampu yamajoni, isitishi samapolisa okanye intolongo;
- (b) loRhulumente wePhondo, ukwenza izitishi neendawo zokukhempisha;
- (c) iSixeko, njengenkonziso zokucima umlilo, iidepho zikamasipala, kubandakanywa kubandakanywa iindawo ezisetyenziswa ngabasebenzi ekufuneka bahlale belindele nantoni enokwenzeka;
- (d) loRhulumente wangaphandle, efana nee-mbasi kanye iziko labameli-sizwe kodwa ayibandakanyi indlu yokuhlala yabantu abasebenzela aboo nozakuzaku.

**‘umyinge womgangatho ophantsi’** uthetha iavareji yowona mgangatho uphezulu nowona uphantsi omelene nesityaba esingaphandle okanye udonga oluhla luye kutshona kwisiseko sesakhiwo okanye omelene nesahlulo sesakhiwo, yaye iSixeko:

- (a) singagqiba ngomgangatho ophantsi ngokujonga imilinganiselo enikezwe kwiplani yesakhiwo;
- (b) sithathe ngokuba umgangatho ngumyinge womgangatho ophantsi ngokwemilinganiselo ekwiplani yeekhonto, imiyinge yaloo ngingqi okanye ezinye iinkcukacha iSixeko esinazo; okanye
- (c) sifune ukuba umnini okanye umfaki-sicelo akhomishine umcwangcisi-mhlaba obhalisiweyo ukuba amete imigangatho ephantsi okanye efakelweyo ukuze kunikwe iSixeko iinkcukacha ezaneleyo ukuze sigqibe ngomyingwe womgangatho ophantsi ukuze sikwazi ukulandelela inkqubo yolawulo lophuhliso;

**‘amagunjana okulala’** anentsingiselo enye ne-‘hostele’ umahluko nje ngowokuba apha indawo ziibhedana nje asiyokamire nganye;

**‘ibhalkhoni’** ithetha umgangatho ongaphandle kwesakhiwo ongaphezulwana komgangatho osezantsi ovalwa ngamadongana asezantsi okanye iintsinjana okanye ngamadonga amelene namagumbi akuloo mgangatho, yaye ingabandakanya uphahla neentsika ezixhasa olo phahla;

**‘umgangatho osezantsi’** wesakhiwo uthetha isityaba esicingelwayo esizotyweyo kumgangatho osezantsi wesiqhelo wesakhiwo, okanye kwisahlulo sesakhiwo, uba sezantsi k umgangatho yaye ungaphezu kwebhejisimenti;

**‘igumbi elingaphantsi’** lithetha esa sithuba kwisakhiwo phakathi komgangatho nesilingi, esingesosakuhlala mntu esingaphantsi komgangatho osezantsi okhoyo nesihlala singaphantsi, ngaphandle nje kokuba singabandakanya indawo yokungena iimot ukusuka endleleni, ukuba ngaba loo ndawo yokungena ikwin-engile esezantsi;

**‘indlu yeendwendwe yokulala neyokudla isidlo sakusasa’** ithetha indlu yokuhlala okanye indawo yesibini yokuhlala apho umnini wendlu ebonelela ngegumbi lokulala nokutya kwindwendwe ezidlulayo ukuze ahlawule; ukuba ngaba:

- (a) ubuninzi bendlu yokuhlala echaphazelekayo yeyosapho olunye; yanye
- (b) ipropati ithobela iimfuno eziqulethwe kule nkqubo yolawulo lophuhliso zendlu yeendwendwe yokulala neyokudla isidlo sakusasa;

**‘ihostele’** ithetha isakhiwo apho kubonelelwa ngegumbi lokulala, yaye ingabandakanya ukupheka, ukutya, izibonelelo zabantu abaninzi ezisetyenziswa ngabantu abahlala apho, nezinye izakhiwo ezingaphandle ezisetyenziswa apho; yaye ibandakanya isakhiwo apho kurentwa amagumbi okuhlala, ihostele yolutsha, igunjana lokuhlala, indlu yeendwendwe, ikhaya labadala, iklabhu

yabantu abakhubhazekileyo okanye abazinkedama; kodwa ayibandakanyi ihotele, indlu yokuhlala, indawo yesibini yokuhlala okanye indlu yeqela;

**'umda'** xa kubhekiswa kwiyunithi yomhlaba uthetha omnye wemigca esikiweyo eyahlula iyunithi yomhlaba kwenye iyunithi yomhlaba okanye kumda wendlela;

**'udonga olungumda'** luthetha naluphi udonga, ucingo okanye isakhiwo esibiyelelo kufuphi nomda wepropati, kunye nasiphi esinye isakhiwo, kubandakanywa izixhobo zokhuseleko ezifana nezipayikhi, ucingo olunezinto ezitsolo okanye olunombane otshowukhayo, olubekwe ngaphezulu kodonga olungumda;

**'igumbi lokoja'** lithetha igumbi eliyinxalenye yendlu okanye isakhiwo esingaphandle elisetyenziselwa ukonwabisa nalapho kunokwenziwa ukutya kulungiswe neziselo, kodwa alibandakanyi ikhitshi;

**'isakhiwo'**, ngaphandle kokucutha intsingiselo yaso yesiqhelo, sibandakanya:

- (a) nasiphi isakhiwo esinophahla;
- (b) naziphi izitepsi ezingaphandle, umgangatho wesakhiwo kunye nayiphi igalari, uphahla, ibhalkhoni, iveranda, okanye iimpawu ezibunjalo zesakhiwo;
- (c) nawaphi amadonga, izibiyeli ezivalele nayiphi na into ekubhekiswe kuyo kumhlathi (b) apha ngentla; kunye
- (d) nayiphi na enye inxalenye yesakhiwo;

**'umgca wesakhiwo'** uthetha umgca ocingelwayo kwiyunithi yomhlaba, ochaza umgama ukuya kutsho kumda osikiweyo, apho ulwakhiwo lwesazakhiwo lungenakudlula khona;

**'iyadi yomakhi'** ithetha ipropati esetyenziselwa ukugcina imathiriyeli nezixhobo:

- (a) efunekayo okanye eqhele ukusetyenziselwa umsebenzi wokokha;
- (b) eyayifunyenwe kwisakhiwo esichithiweyo okanye kumhlaba ogrunjiweyo; okanye
- (c) esetyenziswa xa kuphuhliswa umhlaba, njengokugcina imathiriyeli esetyenziselwa ukwenza iindlela, ukufakelwa kweenkonzo ezingundoqo, okanye yalo naluphi na ulwakhiwo, nokuba lolukarhulumente okanye lolwabucala;

**'izakhiwo zoshishino'** uthetha ipropati apho kuqthutya ushishino yaye ibandakanya ivenkile, isuphamakethi, iresty, ukuthengiswa kotywala, indawo yokukhulisa izityalo, iofisi, urhwebo ngeenkonzo, indawo yomngcwabi, iziko nesakhiwo esinomsebenzi obunjalo, kodwa ayibandakanyi indawo yokuhlanganela, indawo yolonwabo, iziko, igaraji yokulungisa iimoto, ifemu, ushishino olunobungozi, umsebenzi onobungozi, ishishini lokonwabisa abantu abadala, iinkonzo zesondo okanye ivenkile yezinto zesondo;

**'umgca ongumda'** uthetha umgca omele umda osemthethweni weyunithi yomhlaba njengoko irekhodiwe kumzobo okanye iplani-gabalala eyamkelwe nguMhloli-Mhlaba Gabalala nebhalisiweyo kwiofisi yabanini-mhlaba;

**'indawo yokukhempisha'** ithetha ipropati apho kusetyenziswa intente neekharaveni ukuhlalisa iindwendwe, yaye ibandakanya iindawo zokuhlamba, ezokupheka nezinye izibonelelo ezisetyenziswa ziindwendwe;

**'ikhenophi'** lithetha uphahlanyana, islebhu okanye isigqubuthelo (esingengomgangatho ophantsi webhalkhoni) esivele kudonga lwesakhiwo;

**'ikharaveni'** ithetha isithuthi esinezixhobo okanye esijikwe senziwa indawo yokuhlala neyokulala nesinokuhanjiswa nanini na;

**'ikhapoti'** ithetha isakhiwo sokugcina iithuthi esinye okanye ezininzi esigqunywe ngophahla, ukuba ngaba esivulekileyo emacaleni;

**'isango elikwindlela yesithuthi'**, lithetha indawo yokungenz okanye yokuphuma okanye elidityanisiwe elikwiyunithi yomhlaba eyindlela;

**'amangcwaba'** athetha indawo yokugncwaba abantu nezilwanyana, yaye ingabandakanya nezakhiwo ezifana neofisi necawe, kodwa kaibandakanyi ndawo yokutshisa izidumbu;

**'ikliniki'** ithetha yokuxilonga nokunyanga izigulo zabantu okanye yokuphuculo impilo yabantu, engenazibonelelo zininzi, ukuba ngaba ikliniki inendawo yokulalisa abantu, ezo ndawo azibikho ngaphezulu kwamashumi amabini zabantu abazizigulane kunye nabasebenzi; yaye ikliniki ingabandakanya amagumbi okuxilongela izigulane, ithiyetha yotyando, iziko lezigulane elingalalisiyo neziko lokuphilisa elisetyenziselwa ezinye iinkonzo;

**'yoshishino'** xa ehlanganiswa nosetyenziso, njengaxa kuthwa 'ishishini lokonwabisa', 'ushishino ngendawo yokubambela inkomfa' njl. njl., uthetha ishishini eliqhutywa ngenjongo yokwenza ingeniso nalapha kungekho zinjongo okanye zincinci iinjongo zamalizo;

**'umda ofanayo'** xa kubhekiswa kwiyunithi yomhlaba uthetha umda ofanayo noweyunithi yomhlaba omelene nalowo ngaphandle komda wesitrato;

**'indawo yokubambela inkomfa'** uthetha eshishina ngokubamba iinkomfa apho kunikezwa iingcinga nolwazi phakathi kwamaqela abantu okanye abathunywa abasebenza kwenee indawo, yaye ingabandakanya nendawo yokulala ze ibonelele nangokutya kubathunywa;

**'isiza seekhonteyina'** sithetha ipropati esetyenziselwa ukugcina iikhonteyina zezinto okanye zothutho;

**'isikhokelo somba'** uthetha iplani okanye isicwangciso esibhaliweyo esamkeliweyo siSixeko njengoko sichazwe kumba 136(4)(a);

**'ubungakanani'** buthetha ummandla uwonke weyunithi yomhlaba onokuhavarishwa zizakhiwo, ochazwa njengepesenti yommandla weyunithi yomhlaba, yaye uyakubandakanya yonke imimandla enamaphahla; ukuba ngaba ezi nxalenye zezakhiwo zilandelayo azizi kubalwa kubungakanani:

- (a) izituphu, izitephu zamasango nendawo zokumisa izithuthi;
- (b) iibhalkoni ezivulekileyo nezikhuseli ezisongekayo;
- (c) imihombiso yamadonga, iitshimini, iipali ezijijelwe ngeentyatyambo, iibhokisi zeeentyatyambo, imibhobho yamanzi, imibhobho yeedreyini nezinye izinto zokuhombisa ezingekho ngaphezu kwe-500 mm ukusuka kudonga lwesakhiwo;
- (d) ulundi lwendlu olungekho ngaphezu kwe-1 m ukusuka kudonga lwesakhiwo;
- (e) umgangatho osezantsi ukuba ngaba umntla wawo awukho ngaphezu komgangatho osezantsi okhoyo;

**'indawo yokutshisa izidumbu'** uthetha indawo yokufaaka izidumbu emlilweni ovuthayo, yaye ibandakanya indawo ezizenye ezifana necawe kunye neeofisi;

**'imibhiyozo yenkcubeko neyoluntu'** ithetha ukwenziwa kwemibhiyozo yenkcubeko neyoluntu nguye nawuphi na umntu oyinxalenye yeqela lenkcubeko, lenkolo okanye lolwimi, ukuba ngaba loo mibhiyozo isemthethweni;

**'isikhokelo sophuhliso'** sithetha isikhokelo sophuhliso njengoko sichaziwe kumba 136(4)(b);

**'ukuxhoma'** uphawu, kubandakanya nokumisa izixhasi zolo phawu;

**'amagumbi abasebenzi'** athetha isakhiwo esingaphandle esinobungakanani bomgangatho obungekho ngaphezu kwe-50 m<sup>2</sup>, kubandakanywa izixhobo zococeko nezokupheka, ezisetyenziselwa ukuhlala abasebenzi abaqeshwe kuloo mzi uchaphazelekayo;

**'usetyenziso olungundoqo'** luthetha usetyenziso olungundoqo lwepropati, yaye lungabandakanya usetyenziso olungundoqo, usetyenziso ngemvume okanye olunye oluvunyelweyo kwipropati;

**'indlu yokuhlala'** ithetha isakhiwo esiqulethe kuphela iyunithi enye yendlu, nezakhiwo ezingaphandle ezisetyenziswa nalo ndlu yokuhlala, kubandakanywa amagumbi abasebenzi;

**'iyunithi eyindlu'** ithetha iqela lamagumbi anekhitshi, esetyenziselwa ukuhlala usapho olunye, ebandakanya izakhiwo ezingaphandle kodwa ayibandakanyi amagumbi abasebenzi, okanye indawo yokulala yabakhenkethi okanye indawo esetyenziswa njengenxalenye yehotele;

**'udini lomhlaba'** luthetha umhlaba omiswe ngendlela yokuba unqande umhlaba okanye ilitye eliqengqelekayo;

**'ulundi'** luthetha inxalenye yophahla evele ngapha komphambili wesakhiwo, kubandakanywa neegatha;

**'ikhosistimu'** ithetha izidalwa ezixhasanayo nezisebenzisana nendalo ezingqongileyo;

**'izixhobo zokudlala zombane okanye ezingoomatshini'** ithetha izixhobo zombane okanye ezimekhenikhali okanye ezifana nezo ezenzelwe ukudlala okanye zolonwabo okanye ukumangalisa okanye apho iophareyitha okanye umdlali kufuneka ehlawule imali ethile njengoko kugqitywe ngumthetho yaye ukusebenzisa bao matshini kubandakanya intlawulo ngokuthi ufake imali ezinko 143zo, ithowukheni idiski okanye enye into;

**'isivumelwano sokutsiba umda'** sithetha isivumelwano phakathi komnini-mhlaba neSixeko esimalunga nokuba inxalenye yesakhiwo okanye isakhiwo siwelele kwipropati yomnini okanye kwipropati yeSixeko;

**'izitepsi nomgangatho wazo'** uthetha izitepsi nomgangatho wazo ezikwisakhiwo, kubandakanywa amadonga asezantsi neereyili ukuba ezo zitepsi nalo migangatho yazo azikho kumadonga esakhiwo;

**'usetyenziso lolondolozo lokusingqongileyo'** uthetha usetyenziso okanye ukumenteyinwa komhlaba kwimeko yendalo ngenjongo yokulondolozisa ubume nempawu zendalo zalo mhlaba, kwakunye neziityalo nezinambuzane ezikuloo mhlaba, yaye ibandakanya izibonelelo ezifunekayo;



**'izibonelelo zokusingqongileyo'** zithetha izibonelelo zolawulo, zophando, zengcaciso, zemfundo nezokuba abantu babuke indalo okanye isiza selifa lemveli; yaye ibandakanya iindawo yabasebenzi, iinkonzo zenkxaso nezibonelelo ezihambelana noko, kodwa azibandakanyi izibonelelo zabakhenkethi okanye indawo yokulala yabakhenkethi;

**'isiza sokusingqongileyo - okanye isicwangciso solawulo lwemisebenzi'** sithetha isicwangciso ekubhalwe kuso ulawulo lolungiso lwesiza, ulwakhiwo kunye/okanye imisebenzi echaphazela izibonelelo zendalo esingqongileyo okanye indawo ebalulekileyo kwezokusingqongileyo, iinqobo zayo zokusingqongileyo neemfuno zolawulo, okanye zombini;

**'igumbi lezixhobo'** lithetha isakhiwo okanye inxalenye yaso ekufakwa kuso izixhobo zonxibelelwano. Esi ingasisakhiwo esizimele sodwa esisetyenziselwa ezi zixhobo okanye ingayikhonteyina igumbi elikwisakhiwo;

**'umiso lwesakhiwo'** kwisakhiwo ibandakanya:

- (a) ulwakhiwo lwesakhiwo esitsha;
- (b) utshintsho okanye uguqulo, okanye ufakelo lwesakhiwo; kunye
- (c) ukwakhiwa kwakhona kwesakhiwo esichithiweyo;

ukanti **'ukumiswa kwesakhiwo'** kunentsingiselo efanayo;

**'isiza'** sinentsingiselo efanayo 'neyunithi yomhlaba';

**'umgangatho osezantsi okhoyo'** uthetha umgangatho osezantsi kwiyunithi yomhlaba:

- (a) ongatshintshwanga, phambi kokuba kwakhiwe isakhiwo okanye kutshintshwe imigangatho eyenziwe apho; okanye
- (b) njengoko uchaziwe kwiplanini ebonisa iikhonto zomhlaba eyamkele yiarhente esemthethweni njengomasipala okanye iSebe likarhulumente, ebonisa umgangatho osezantsi ngexesha okanye phambi kokuqala komsebenzi; okanye
- (c) kwimeko yokugreyidwa ngemvume yeSixeko, kulungiselelwa uphuhliso; okanye
- (d) njengoko ugqitywe siSixeko, ukuba ngokokubona kwaso awubonakali umgangatho osezantsi ngenxa yokuphazamiseka komhlaba; kunye

iSixeko singafuna ukuba umnini okanye umfaki-sicelo akhomishine umcwangcisi-mihlaba obhalisiweyo ukuba amete imigangatho yomgangatho osezantsi okanye imigangatho efakelweyo, eza kuhlangukiswa neNational Control Network, okanye apho oku kungakwazi ukwenzeka, ukubonelela ubuncinane iimpawu ezimbini ezomeleleyo ezikwindawo ezifanelekileyo ukuze kubonelelwe iSixeko ngeenkukacha ezaneleyo ukuze ibone owona umgangatho osezantsi okhoyo onguwo ukuze ikwazi ukulandelela le nkqubo yolawulo lophuhliso;

**'iziko loboniso'** lithetha indawo yemiboniso emikhulu, ingakumbi eyoshishino, apho kuboniswa iimveliso ukuphakamisa urhwebo okanye indawo yeenkomfa ezinkulu; yaye ibandakanya indawo yokubambela inkomfa;

**'umzimveliso'** uthetha ipropati equlethe iplanti yokuvelisa iimveliso neempahla;

**'ifektri'** ithetha ipropati esetyenziselwa ukuthengisa izinto kuluntu eziveliswe ikakhulu kulo fekthri ekwipropati echaphazelekayo;

**'usapho'** luthetha:

- (a) umntu omnye ojongene nosapho oluzimeleyo; okanye
- (b) abantu ababini okanye ngaphezulu abadityanise ligazi, ngumtshato okanye ukwendiselana abahoye usapho olunye; okanye
- (c) abantu abangekho ngaphezulu kwesihlanu abangahlobenanga ngaphandle kwabantwana babo abahoye usapho; kodwa

oku akukhupheli ngaphandle abantwana ukuya kuma kwisithandathu abahoye lusapho ngokusemthethweni abayinxalenye yosapho;

**'ivenkile yasezifama'** ithetha isakhiwo, esisefama apho umfama athengisa imveliso eveliswe efama, nezinye izinto, ezithengisela uluntu;

**'iiflethi'** ithetha isakhiwo esineeyunithi ezizindlu zokuhlala ezintathu nangaphezulu nezakhiwo ezingaphandle eziyinxalenye yazo; ukuba ngaba kwezo ndawo eziZowuniweyo iiflethi zivumelekile, isakhiwo esineeyunithi ezizindlu zokuhlala ezintathu naso sivumelekile kwisakhiwo esamkelwe njengeeflethi okanye esamkelwe enye injongo engeyoflethi;

**'isikhukhula'** sithetha imo engesosigxina apho umhlaba ugutyungelwe ngamanzi amaninzi;

**'imimandla ethandwa zizikhukhula'** uthetha nawuphi umhlaba othandwa ukugutyungelwa ngamanzi avela naphi na;



**'umgangatho'** uthetha indawo engaphakathi nephantsi kwigumbi, igaraji okanye kwibhejisimenti, yaye ubandakanya ithala okanye iatriyam abakwazi ukufikelela kuwo abantu abahlala kwisakhiwo; **'umlinganiselo womgangatho'** uthetha inani (elibalwa ngomlinganiselo ka-1) elibekiweyo ukuba kubalwe ngalo obona bukhulu bobungakanani bomgangatho wesakhiwo kwiyunithi yomhlaba. Ukuba umlinganiselo womgangatho uyaziwa, obona bungakanani bomgangatho bukhulu bamkelekileyo bungabalwa ngokuphindaphinda umlinganiselo womgangatho ngommandla weyunithi yomhlaba;

**'ubungakanani bomgangatho'** kwisakhiwo, buthetha ummandla womgangatho okhavarishwe sisilebhu, uphahla okanye into ekrobileyo; ukuba ngaba:

- nawuphi ummandla, kubandakanywa ibhejisimenti ebekelwe ukupaka imoto okanye eyindawo yokulayisha yeemoto ayizi kubandakanywa;
- izitepsi zokungena ezingaphandle, nayiphi ikhenophi, nasiphi isitupu kunye nawuphi ummandla ofunekayo wokusaba xa kusitsha, zonke ezi aziz kubandakanywa;
- into ekrobileyo kubandakanywa ulundi nento ekrobileyo ekhusela elangeni okanye yokuhombisa, engekho ngaphezu kwe-1 m ngaphaya kodonga olungaphandle okanye isixhaso esibunjalo, ayizi kubandakanywa;
- intendezezo engabiyelwanga, indawo engenisa ukukhanya okanye ishafti engekharishwanga enommandla ongaphezu kwe-10 m<sup>2</sup> ayizi kubandakanywa;
- indawo epheyiviweyo engaphandle ejoyina isakhiwo ngezantsi komgangatho, apho loo mmandla upheyiviweyo uyinxalenye yamabala ahandle, indawo yokupaka imoto nendawo yokungena nokuphuma iimoto, evulekileyo ngaphambili okanye emacaleni, ayizi kubandakanywa;
- ibhalkhoni, iveranda nethala ezikhavarishiweyo ngaphandle kokusebenzisa intsimbi ezizizikhuseli, vulekileyo ngaphambili okanye emacaleni, engekho ngaphezu kwe-2,5 m ububanzi, ayizi kubandakanywa;
- ngokomhlathi (h) ongezantsi, naziphi izitepsi neetriyam ezigqunywe luphahla, ziza kubandakanywa;
- kwisakhiwo esinemgangatho emininzi, iindawo ezinezitepsi, neelifti, neendawo ezingenisa umbane neetriyam ziya kubalwa kanye;

yaye ukuba ubungakanani bomgangatho buza kubalwa ukusuka kumadonga angaphandle okanye ezinye izixhasi ezibunjalo zesakhiwo eso, yaye apho isakhiwo sinemgangatho emininzi ubungakanani bomgangatho bubonke iya kuba yindibanisela yobungakanani bomgangatho bawo onke amanqwanqwa, kubandakanywa nebhejisimenti;

**'isitishi sonxibelelwano esizimele ngokwaso'** sithetha isakhiwo esizimeleyo esigxunyekwe emhlabeni ukulungiselela izixhobo zonxibelelwano zokuhambisa nokufumana unxibelelwano ngombane, yaye singabandakanya indlela eya kweso sakhiwo;

**'indawo yomngcwabi'** ithetha ipropati apho kulungiswa abantu ababhubhileyo ukuba bangcwatywe okanye batshiswe yaye ibandakanya izibonelelo zemisebenzi yeofisi nemisebenzi yeenkonzo kodwa ayibandakanyi indawo yokutshisa izidumbu;

**'igaraji'** ithetha isakhiwo sokugcina izithuthi, yaye ibandakanya ikhapoti kodwa ayibandakanyi igaraji yokulungisa iimoto okanye igaraji yokutha amafutha eemoto;

**'indlu yokukhulisela izityalo'** ithetha isakhiwo esinamacala enziwe ngamathiriyeli ebonakalisa izinto ezingaphakathi efana neglass okanye iplastiki sokukhulisa izityalo okanye ukungxamisa ukukhula kwezityalo kwezityalo kwiimeko zokusingqongileyo ezilawulwayo;

**'ingxinano'** ithetha umlinganiselo wenani leeyunithi ezizindlu zokuhlala kummandla othile, yaye ibalwa ngolu hlobo:

Ingxinano yezindlu

(iiyunithi kwihektare nganye) =  $\frac{\text{Zizonke iiyunithi ezizindlu zokuhlala kummandla othile}}{\text{Ubungakanani bommandla othile ngokwehektare}}$

**'ummandla ekunokurentiswa ngawo okanye iGLA'** uthetha ummandla wesakhiwo oyilelwe okanye okwaziyo ukuhlalisa abantu kunye/okanye ulawulwe ngabantu abahlala kuwo, ometwa ukusuka kumgca osembindini wezahluli ukuya kwimiphakathi yamadonga angaphandle, yaye awusayi kubandakanya ezi zinto zilandelayo:

- zonke izinto ezingabandakanywa kwinkcazelo yobungakanani bomgangatho;
- izindlu zangasese;
- iishafti zeelifti, imijelo ehambisa iinkonzo, izinto ezingena kwimigangatho ephantsi;

- (d) amagumbi anemitshini yelifiti namagumbi anezinye izixhobo ezifunekayo ukuze isakhiso sisebenze kakuhle;
- (e) imimandla esetyenziselwa ukucoca, ukumenteyina nokukhathalela isakhiwo, ngaphandle kweeyunithi ezizindlu zokuhlala zoonogada, iiforimani, abacoci nabasebenzi abalungisa izinto ezonakeleyo; kunye
- (f) nepakingi engaphakathi neebheyi zokulayisha;

**'umgangatho'** uthetha umgangatho osezantsi wesakhiwo ongeyobheysisimenti yaye ukwinqwqwa elisezantsi lesakhiwo okanye lesahlulo esimcaba;

**'umgangatho osezantsi':** jonga 'umgangatho osezantsi wesiqhelo' kunye 'nomgangatho osezantsi okhoyo';

**'indlu yeqela'** ithetha iyunithi yendlu eyinxalenye yeqela lezindlu;

**'iqela lezindlu'** lithetha iqela leeyunithi ezizindlu zokuhlala ezahlukileyo kunye/okanye ezidibeneyo, ezinokwahlulahlulwa kodwa ziplanwe, zadizayinwa zaze zakhiwa zayinto ehlangeneyo enye edityaniswe nendawo elibala ngendlela enocwangco;

**'isiza seqela lezindlu'** sithetha iyunithi/iyunithi zemihlaba ekunokwakhiwa kuzo iqela lezindlu;

**'indlu yeendwendwe'** ithetha indlu yokuhlala okanye indawo yesibini yokuhlala esetyenziswa njengegumbi lokulala ze kubonelelwe nangokutya kwindwendwe ezithi zikuhlawulele, kwindawo engaphezulu kwezithintelo zendlu yeendwendwe yokulala neyokudla isidlo sakusasa, yaye ingabandakanya indawo yeentlanganiso zoosomashishini okanye yeeseshoni zoqeqesho zeendwendwe ezikwipropati;

**'indawo enokuhlaleka'** ithetha indawo esetyenziswa, edizayinwe okanye elungiselelwe ukusetyenziswa ngabantu ukuze balale kuyo, bahlale kyo batye kuyo basele kuyo, bashishine kuyo, enikeza naziphi iinkonzo, evelisa okanye ethengisa izinto, ekwenziwa kuyo umsebenzi, ekudibana kuyo abantu okanye eyindawo yolonwabo;

**'iziko lobuyiselo lwezimo zabantu'** lithetha iziko elibonelela ngendawo yokuhlala yethutyana kubantu abagqibe inkqubo yonyango lokusebenzisa iziyobisi, kodwa ayibandakanyi unyango olwenzelwa apho ngaphakathi okanye izibonelelo ezinjalo;

**'ukusetyenziswa kwezibonelelo zendalo'** kuthetha ukuhlanganiswa kwezityalo kunye/okanye izinambuzane kummandla wolondolozo ukuze zithengiswe okanye zisetyenziswe ngumntu okanye iiarhente ngaphandle kweiarhente yezendalo eyamkelweyo; ukuba ngaba olo vuno nokuthatha:

(a) kunozinzo;

(b) akucuthi ezo zidalwa zibe ngaphantsi kwenani elamkelekileyo; yaye

(c) akubbangozi kumjikelezo wendalo;

**'into enobungozi' okanye 'izinto ezinobungozi'** inentsingiselo efanayo nenkcazelo 'yezinto ezinobungozi ezihlanganisiweyo' kuMetho weZinto eziNobungozi, ka-1973 (UMthetho 15 ka-1973);

**'ubude'** kwisakhiwo buthetha umlinganiselo onyukayo ukusuka kwelinye inqwqwa ukuya kwelinye, njengoko buchaziwe kwimigaqo yophuhliso yokuzowuna, obumetwa ngeemitha; ukuba ngaba iitshimini, iipali, iieriyali, iidishi zesathelayithi ezingekho ngaphezu kwe-1,5 m ngokwedayamitha yaye neegiza ezingaphandle ezingakrobanga ukudlula kwi-1,5 m ngaphezu kophahla azizi kubalwa ukuze kulawulwe ubude;

**'indawo yokuchopha ihelikhoptha'** ithetha nayiphi na inxalenye yomhlaba, isakhiwo okanye inxalenye yayo ebekelwe ukulendisha okanye ukusuka kwehelikhoptha;

**'ummandla welifa lemveli'** unentsingiselo efanayo naleyo ichazwe kwicandelo 31 leNational Heritage Resources Act;

**'isicwangciso solawulo lwelifa lemveli'** sithetha isicwangciso esirekhoda umthombo welifa lemveli, iinqobo zawo neemfuno zolawulo. Eso sicwangciso solawulo lwelifa lemveli samkelwe siSixeko phambimkokuba simiselwe;

**'indawo yelifa lemveli'** ithetha ipropati, isiza, ummandla, isakhiwo, iqela lezakhiwo, indawo elibala, isikwere soluntu, isitrato, ipaki, ibala okanye uphawu lwendalo ebaluleke kangangokuba kufuneka ilondolozwe ngenxa yexabiso layo lelifa lemveli;

**'irejista yelifa lemveli'** inentsingiselo efanayo naleyo ichazwe kwiNational Heritage Resources Act;

**'umthombo welifa lemveli'** unentsingiselo efanayo naleyo ichazwe kwiNational Heritage Resources Act;

**'indlu eliziko lokukhathalela abantwana'** uthetha ukusetyenziswa kwenxalenye yendlu yokuhlala okanye yezakhiwo ezingaphandle zisetyenziswa ngabantu abahlala kuloo ndlu ukubonelela iziko lokukhathalela abantwana, okanye lokufundisa iintsana ezimbalwa;

**'Ukusebenzisa indlu'** kuthetha ukuhlala okanye ukuqhuba ishishinini kwiyunithi yomhlaba, indlu yokuhlala, indawo yesibini yokuhlala, iyunithi eyindlu okanye isakhiwo esingaphandle ngumntu omnye okanye abaninzi abahlala kuloo propati;

**'ukulinywa kwemiyezo':** jonga 'ukusebenza ngezityalo';

**'isibhedlele'** sithetha indawo yokuxilonga nnokunyanga izigulo zabantu nezibonelelo ezihlanganisiweyo ezifana nethiyetha zotyando neendawo zokulala izigulane; yaye sibandakanya iikliniki namagumbi okuxilongela izigulane;

**'ihotele'** ithetha ipropati esetyenziselwa ukuhlala okwexeshana zindwendwe ezisendleleni, apho kubonelelwa ngegumbi lokulala nokutya, yaye ingabandakanya:

(a) iresty okanye iiresty;

(b) izibonelelo zeenkomfa nezolonwabo ezincedisa kowona msebenzi ungundoqo wokusebenziswa kwepropati njengeihotele; kunye

(c) nezakhiwo ezinelayisenisi yokuthengisa utywala obuselelwa kwakuloo propati;

kodwa ayibandakanyi utywala obuselelwa ngaphande, indlu yokuhlala okanye iyunithi eyindlu;

**'ivenkile esendlwini'** ithetha iivenkile eyenziwa kwindlu yokuhlala, indawo yesibini yokuhlala okanye isakhiwo esingaphandle ngumntu omnye okanye abaninzi abahlala kuloo propati;

**'ifemu'** ithetha ipropati esetyenziswa njengomzimveliso okanye loo njongo apho kuveliswa, kwakhiwa, kudityaniswa, kuqulunqwa, kuprintwa, kuxonxwa, kuproseswa, kucocwa, kulungiswa, kutshintshwa, kwakhiwa ngokutsha, kupeyintwaed (kubandakanywa ukufaka imibala ngesipreyi), kupolishwa, kugqityezelwa, kucocwa, kundaywa, kuhlanjwa, kusotwa, kupakishwa, kugcinwa izinto; kubandakanywa iiofisi, iindawo zokuhlala oonogada okanye ezinye izinto ezixhasa ezo zingundoqo zokusebenziswa kwepropati njengomzimveliso; yaye ibandakanya iwehawusi, kodwa ayibandakanyi ushishino olunobungozi okanye umsebenzi onobungozi;

**'urhwebo olungekho sikweni'** luthetha ukuthengisa ngokusesikweni iimveliso kwimimandla esikwe siSixeko ukuba kuthengiswe kuyo, efana neemarike neminye imimandla ebekelwe oko;

**'iziko'** lithetha ipropati esetyenziswa njengeziko elifana nekhaya labadala, abatya umhlalaphantsi, abahluphekayo okanye abazizilima; okanye iziko lezentlalo elifana neziko leengcebiso, eleenkedama okanye elokutshintsha izimilo; yaye ibandakanya ezinkonzo ezifana nezolawulo, ezempilo nezenkxaso kula maziko; kodwa ayibandakanyi isibhedlele, iikliniki okanye itrongo;

**'ukufama izilwanyana okumandla'** kuthetha ukufuya, ukutyisa nokugcina izilwanyana okanye iinkukhu ezininzi kodwa akubandakanyi ukufuya izilwanyana zasendle;

**'ukusebenza ngezityalo'** uthetha ukukhulisa izityalo kubandakanywa ezo zigcinwa kwizindlu zokuzikhulisa kunye nokuzithengisa kuloo propati;

**'ikhithshi'** lithetha igumbi okanye inxalenye yegumbi exhotyiselwe ukupheka ukutya yaye ayibandakanyi igumbi lokoja okanye indao eyibhari enommandla wokonwabisa;

**'ukuqaqambisa imbonakalo-mhlaba'** uthetha ukubekwa kwezityalo, iimpawu zeekhonto, iimpawu zamanzi, ukupheyiva, ifenitshala esesitratweni nezinye izinto ngeenjongo zokuhombisa, ulawulo lokusingqongileyo nelokunyusa ixabiso lepropati okanye lommandla;

**'ibheyi yokulayisha'** ithetha ummandla owahlulwe ngokucacileyo njengommandla wokulayisha nokothula izinto eziphuma kwizithuthi zoshishino, enendawo yokungena nokuphumela kwisitrato sikawonkewonke ngohlobo iSixeko esaneliseke ngalo;

**'igumbi lokulala'** lithetha igumbi lokulala (okanye ibhedi kwindawo enamagunjana okulalisa abatyebile), indawo yokulala ehlawulisayo, neenkonzo ezihambelana noko, ukanti **'iloji'** inentsingiselo ebufana;

**'ubungakanani bomgangatho obubobona bukhulu'** buthetha itotali eyiyeyona ininzi yobungakanani bomgangatho evumelekileyo kwisakhiwo okanye izakhiwo ezikwiyunithi yomhlaba, yaye ibalwa ngokuphindaphinda umlinganiselo womgangatho ngommandla weyunithi yomhlaba okanye ngaloo nxalenye yeyunithi yomhlaba ekwizowuni ethile; ukuba ngaba umhlaba ukwizowuni ezimbini okanye ngaphezulu ezinemilinganiselo yemigangatho eyahlukileyo, obona bukhulu bomgangatho beyunithi yomhlaba yomhlaba buya kuba yitotali yobona bukhulu bomgangatho benxalenye nganye ezowuniweyo kwiyunithi yomhlaba;

**'amagumbi okuxilongela izigulane'** athetha iiofisi okanye iiofisi namanye amagumbi enkxaso asetyenziswa ngugqirha obhalisiweyo ukuba abonane nezigulane, apho loo ofisi ingeyonxalenye yesibhedlele okanye yekliniki;

**'indlela yezixeko ezikhulu'** ithetha nasiphi isitrato sikawonkewonke okanye indlela ebhengezwe siSixeko njengendlela ekumgangatho wenqila ngokweShedyuli yezo ndlela epapashwe yaboniswa kwiplani, nenokuthi yenziwe izilungiso siSixeko amaxesha ngamaxesha;

**'umgodi'** unentsingiselo efanayo naleyo ichazwe kwiMineral and Petroleum Resources Development Act, 2002 (UMthetho 28 ka-2002) yaye ubandakanya izinto ezenziwa apho;

**'indlu engumahambelala'** uthetha isakhiwo ezithuthekayo esineentambo ezidingekayo edizayinwe ngendlela yokuba ingenziwa indawo yokuhlala esisigxina;

**'igaraji yokulungisa iimoto'** ithetha ishishini apho izithuthi zithiwa amafutha kunye/okanye zenziwe isevisi ngokuthi kuvuselelwe iinjini, zispreywe, zilungiswe, zikhandwe, kufakwe umbhobho wokukhupha umoya nezinye izixhobo zemoto yaye ibandakanya a igaraji yokutha amafutha eemoto;

**'isithuthi'** sithetha isithuthi esinamavili esiqhutywayo nesisebenzisa injini, yaye sibandakanya ibhayisekile, itreyila okanye ikharaveni, kodwa asibandakanyi isithuth esihamba kuphela esiporweni;

**'igaraji yokupaka iimoto ezininzi'** ithetha indawo, esendleleni, esitratweni nekwisiza esikelwe ukwenza loo msebenzi okanye esetyenziswa ngemvume, ekupakisha kuyo izithuthi luluntu, ngokuthi luhlawule okanye lungahlawuli, yaye ingabandakanya ipakingi ekwisakhiwo;

**'National Environmental Management Act'** ibhekisa kwiNational Environmental Management Act, 1998 (UMthetho 107 ka-1998);

**'National Heritage Resources Act'** ibhekisa kumthetho iNational Heritage Resources Act, 1999 (UMthetho 25 ka-1999);

**'National Ports Authority'** uthetha ugunyaziwe osenokuba yiyunithi yoshishino okanye icandelo likaTransnet okanye inkampani karhulumente okanye ishishini elenziwe kulandelwa imiqathango yeNational Ports Act, 2005 (UMthetho 12 ka-2005);

**'umgangatho osezantsi':** jonga 'umgangatho osezantsi wesiqhelo' okanye 'umgangatho osezantsi okhoyo';

**'izinga lengxolo'** lithetha oko kufundwe kwimitha yezinga lengxolo ngokuhambelana neziseko zobunzululwazi ezamkelweyo, njengoko zichaziwe kwiNoise Control Regulations eyabhengezwa ngokwecandelo 25 leEnvironment Conservation Act, 1989 (UMthetho 73 ka-1989) yapapashwa kwiPN 200/2013 kwiGazethi yePhondo 7141 ka-20 Juni 2013, okanye imigaqo nemithetho elandela lo;

**'ushishino olunobungozi'** luthetha ushishino olunobungozi, oluyityhefu olukhupha umsi, ivumba, ukushukuma, ingxolo, inkunkuma enobungozi, olunemathiriyeli okanye indlela yoveliso ebonwa siSixeko njengenobungozi, neyingxaki kuluntu okanye abantu abahlala kuloo mmandla;

**'umhlali'** uthetha nawuphi na umntu ohleli kwipropati;

**'umthetho wempilo nokhuseleko emsebenzini'** uthetha iOccupational Health and Safety Act, 1993 (UMthetho 85 ka-1993) okanye imithetho kamasipala elawula impilo nokhuseleko emsebenzini, nokuba yeyiphi esebenzayo;

**'iofisi'** ithetha ipropati esetyenziselwa ushishino apho kwenziwa umsebenzi wolawulo, owobumabhalanem owezimali neenkonzo eziprofeshinali, yaye ibandakanya amagumbi okuxilongela izigulane;

**'indawo elibala'** ithetha umhlaba, ongasikelwanga ukuba ube ngumhlaba ongamabala kawonkewonke osetyenziselwa imidlalo yangaphandle, ukudlala, ukuphumla okanye ulonwabo, okanye njengepaki okanye ummandla wendalo; yaye ubandakanya izakhiwo zenkxaso, nezibonelelo kodwa awubandakanyi iivenkile, iiresty nneji;

**'isakhiwo esingaphandle'** sithetha isakhiwo, esincamathele kwesinye okanye esizimele geqe kwisakhiwo esikhulu, esixhasa eso sikhulu kwiyunithi yomhlaba, yaye sibandakanya isakhiwo esidizayinelwe ukusetyenziswa ukufaka izithuthi, nezinye izinto ezidingwa neziqhagamshelene nesakhiwo esingundoqo kunye namagumbi abasebenzi kwimeko yendlu yokuhlala, kodwa asibandakanyi indawo yesibini yokuhlala;

**'ukwenza izibhengezo phandle'** uthetha isenzo okanye inkqubo yokwazisa, yokulumkisa, yokuxelela okanye nasiphi isenzo sokudlulisa ulwazi ngendlela ebonakalayo eyenziwa phandle;

**'umqulu weepiani'** uthetha ulandelelwano lweepiani ezichazwe kwimiqathango ekumba 136 wale nkqubo yolawulo lophuhliso, yaye usebenza kwimimandla ekubhekiswe kuyo kwimimandla yocwangciso eyodwa;

**'ipharapethi'** ithetha udonga okusezantsi olugqibezela isiphelo esiphezulu sesakhiwo esinophahla oluflethi;



**'ibheyi yokupaka'** ithetha ummandla ongekho ngaphantsi kwe-5 m nge-2,5 m oyindawo yokupakisha eme nkqo okanye indawo yokupakisha ene-engile eyi-6 m nge-2,5 kwipakingi ebanzi, echongwe nesikwe njengendawo yokupaka isithuthi esinye yaye ingayiigaraji okanye ikhapoti, elungiselelwe ukungena nokuphuma iimoto lula nangokukhuselekileyo;

**'iipali ezibhijelweyo ngezityalo'** uthetha iipali ezingenaphahla ezimileyo ezingekho ngaphezu kwe-25% yommandla uwonke;

**'indawo yokuhlanganela'** uthetha indawo enomsebenzi wokunceda uluntu lommandla, enokutsala abantu abaninzi engeyondawo yokushishinela ikakhulu; kubandakanywa iholo loluntu, iholo lekonsathi, indawo yokudlala engaphakathi, ijimu, ibala lemidlalo nendlu yeklabhu, kodwa ayibandakanyi indawo yolonwabo okanye indawo yokubambela inkomfa;

**'indawo yolonwabo'** ithetha indawo esetyenziswa ikakhulu ushishino enokutsala abantu abaninzi, engasebenzi ngeeyure zokushishina okanye eyenza ingxolo ngomculo okanye ngemihlali evulwa amaxesha amaninzi; kubandakanywa isinema, ithiyetha, ipaki yokonwabisa, iholo lokudanisa, ijimu indawo yokubheja amahashe, izixhobo zokudlala zombane okanye ezingoomatshini, ihlolo lokungcakazi neklabhu yasebusuku;

**'indawo yokufundisela'** ithetha indawo yokufundisela okanye uqeqesho kwisikolo seentsana okanye sabantu abadala, kubandakanywa ikrishi, isikolo samabanga aphantsi, isikolo samabanga aphezulu, ikholeji, iyunivesithi okanye iziko lophando, nokusetyenziselwa ezinye iinkonzo ezinjengehostele yokubhoda okanye isibonelelo soluntu lwasekuhlaleni sokuhambisa ulwazi kuluntu esifana nethala loluntu, igalari yemisebenzi yezandla yoluntu okanye imyuziyam; okanye indawo yokufundisela kwimidlalo apho eyona nto yenziwayo ikukufundisa endaweni yokuthatha inxaxheba; kodwa ayibandakanyi indawo yokutshintsha izimilo, indawo eshishina ngokubambela inkomfa, ijimu neziko loqeqesho leziko;

**'indawo yokukhonza'** ithetha icawe, isinagogi, imoshi, itempile, itshapheli yokukhonza, yaye ibandakanya ukusetyenziselwa ezinye iinkonzo ezifana nendawo yokuhlala inkokeli yebandla, iofisi okanye indawo yokufundisela izinto zenkolo; kodwa ayibandakanyi indawo yomngcwabi, amangcwaba okanye indawo yokutshisa izidumbu, ukuba ngaba indlu ekukhonzelwa kuyo asiyondawo yokukhonza;

**'indawo yokukhulisa izityalo'** ithetha ipropati esetyenziselwa ukulima nokuthengisa izityalo, iimveliso zegadi nezixhobo zegadi njengeshishini;

**'iplaza'** ithetha indawo esezidolophini elibala okanye iesisikwere, esetyenziselwa izinto ezezniwa phandle ngabantu abahamba ngeenyawo;

**'isicwangciso somgaqonkqubo'** sithetha umgaqonkqubo owamkelwe siSixeko, okanye iplani yesakhiwo, isikhokelo sophuhliso lwemihlaba engamabala okanye enye iplani eyamkeliweyo ngokwalo Mthetho kaMasipala;

**'ipotshi'** ithetha uphahla (olungengomgangatho webhalkhoni) oluvele ngaphandle kwesakhiwo entla komnyango, olulisango elikhavarishiweyo elingena kweso sakhiwo, yaye ibandakanya nawuphi ummandla opheyiviweyo ophantsi kwayo okanye iintsimbi ezibiyele loo mmandla upheyiviweyo neepali ezixhase olo phahla;

**'ichweba'** linentsingiselo efanayo naleyo ikwiNational Ports Act, 2005 (UMthetho 12 ka-2005);

**'Isicwangciso sesikhokelo sophuhliso lwamachweba'** sithetha iplani elungiswe neyamkelwe yiNational Ports Authority, isebenzisana nomasipala ochaphazelekayo, ebonisas umgaqonkqubo wophuhliso lwechweba nosetyenziso-mhlaba nemigaqo yophuhliso kwelo chweba;

**'iplani yesakhiwo'** uthetha iplani, eyamkeliweyo siSixeko, echazwe kumba 136(4)(c) wale nkqubo yolawulo lophuhliso;

**'umda wesakhiwo'** uthetha nayiphi iivenkile okanye iresty ekwisakhiwo engadibenanga nangayiphi na indlela nenye iivenkile okanye iresty ekwisakhiwo esinye;

**'usetyenziso olungundoqo'** kwipropati luthetha naluphi usetyenziso-mhlaba oluchazwe kule nkqubo yolawulo lophuhliso njengosetyenziso olungundoqo, oluvumeleke ngaphandle kwesidingo sokufumana imvume yeSixeko yokuqala;

**'indlela yabucala'** ithetha umhlaba womntu ongena kwiproati enemida okanye iipropati echongwe njengendlela yabucala; ingabandakanya ezinye izibonelelo ezixhasa ukungena ezifana negunjana eliyigeyithi, indlu yoonogada, indlu yeenkunkuma neyezixhobo, kodwa indledlana engena emzinini lowo kunye namalungelo epropati akayonxalenye yendlela yabucala ngokwale nkqubo yolawulo lophuhliso;

**'indawo elibala yomntu'**: jonga 'indawo elibala';

**'ipropati'** inentsingiselo efanayo 'nomhlaba';

**'indawo ekhuselweyo'** inentsingiselo efanayo naleyo ikwiNational Environmental Management: Protected Areas Act, 2003 (UMthetho 57 ka-2003);

**'inkathazo kuluntu'** ithetha nasiphi isenzi okanye imeko, ngokokubona kweSixeko esicaphukisayo, esidala ukwenzakala okanye enobungozi kwimpilo yoluntu nesiphazamisa ulonwabo nenzolo yabo, okanye esichaphazela ukhuseleko loluntu, kuthathelwa ingqalelo:

(a) ukuba noko ezo ziganeko zifanele ukwenziwa kuloo mmandla ochaphazelekayo, nefuthe lazo; kunye

(b) nezinga lengxolo kummandla ochaphazelekayo;

**'Umhlaba ongamabala kawonke-wonke'** uthetha umhlaba ochongwe njengomhlaba ongamabala kawonke-wonke, ongoweSixeko okanye welinye iziko likarhulumente, onendawo okanye ongenandawo yakungena obekelwe uluntu njengendawo elibala yolonwabo nemidlalo yaphandle, kubandakanywa ipaki, ibala, isikwere soluntu sasezidolophini, indawo yepikniki, igadi yoluntu, indawo yendalo; yaye ibandakanya izakhiwo ezikulo mmandla ezisetyenziselwa loo mhlaba;

**'indlela kawonke-wonke'** ithetha nawuphi uholo wendlela, indledlana, irhange, ibhulorho okanye nayiphi indawo ebunjalo okanye nayiphi inxalenye yayo eyindlela kawonkewonke yezithuthi okanye yabahambi-ngenyawo emiselwe ngokoMmiselo wangaphambili, 1974 (UMmiselo 20 ka-1974) okanye nawuphi na umthetho kamasipala okhoyo ngoku ohambelana noku kunye / okanye umthetho wesizwe yaye ibandakanya isitrato sikawonkewonke;

**'isitrato sikawonkewonke'** sithetha nawuphi umhlaba oboniswe kwiplani, kumzobo okanye kwiplani eyamkelweyo njengendlela yoluntu, nokuba yeyoluntu okanye yeyezithuthi okanye iindledlana ezisezidolophini apho umnini ingumasipala ngokwalo Mthetho kaMasipala okanye nawuphi na omnye umthetho;

**'umcwangcisi-mhlaba obhalisiweyo'** uthetha umntu obhalisiweyo ngokweProfessional and Technical Surveyors' Act, 1984 (UMthetho 40 ka-1984) njengonocanda osesikweni okanye unocanda;

**'iresty'** ithetha iziko loshishino apho kwenziwa ze kuthengiswe ukutya neziselo kubathengi abahlawulayo abaye batyele ikakhulu kuloo propati, yaye ingabandakanya ubonelelo ngeziselo ezinxilisayo eziza kuselelwa kuloo propati kodwa alibandakanyi ilungelo lokuthenga ukutya uyokukutyela kwenye indawo;

**'udonga'** luthetha udonga olwakhelwe ukunqanda umhlaba okanye amatye aqengqelekayo;

**'izitali zamahashe'** zithetha ishishini lezitali zamahashe yaye libandakanya izifundo zokukhwela kunye nokhathalelo kunye noqeshiso ngaloo mahashe;

**'umsebenzi onobungozi'** uthetha ukusetyenziswa kwemathiriyeli nenkqubo enokudala ukutsha ngokukhawuleza, enokudala umsi onetyhefu, okanye udubulo, yaye ibandakanya imisebenzi enobungozi elawulwa yimithetho yesizwe;

**'isicwangciso solawulo nesokunqanda iingozi'** sithetha iplani, inkqubo okanye isicwangciso esiphuhlise ngokuhambelana nezikhokelo ezamkelweyo siSixeko, ukunqanda okanye iingozi kokusingqongileyo okanye izinto ezezniwayo ukujongana neziphumo ukuba kunokubakho ingozi;

**'isitishi sonxibelelwano esikuphahla lwesakhiwo'** sithetha isakhiwo senkxaso esigxunyekwe kuphahla lwendlu, ecaleni okanye nayiphi inxalenye yesakhiwo esisetyenziselwa izibonelelo zonxibelelwano zokuhambisa nokufumana unxibelelwano ngombane;

**'ukuthengiswa kotywala'** kuthetha ukuthengisa okanye ukubonelela ngotywala kuluntu obunokumxilisa umthengi;

**'ieriyali yedishi yesathelayithi'** uthetha isixhobo esigxunyekwe kwisakhiwo okanye emhlabeni esikwaziyo ukuhambisa nokufumana imitha yonxibelelwano euka kwisathelayithi;

**'indlela ebukeyayo'** ithetha isitrato sikawonkewonke esichongwe njengesitrato esibukekayo siSixeko ngenxa yezinto ezintle ezisecaleni kwaso ezifana neentaba, iphandle, unxweme, iilwandle okanye isixeko;

**'isikirephuyadi'** sithetha ipropati esetyenziselwa enye okanye uninzi lwezi zinto zilandelayo:

(a) ukugcina, ukulahla nokuqokelela inkunkuma okanye izikirephu okanye izinto ezixabiso lazo lixhomekeke kwimathiriyeli esetyenzisiweyo kuveliso lwazo;

(b) ukuqhaqha izithuthi ezingamasekeni noomatshini ukufumana imathiriyeli; kunye

(c) nokugcina okanye ukuthengisa iipati, iipali, iintsimbi, amavili, izitena okanye ezinye izinto ezinoyekwa zihlale elubala;

**'indawo yesibini yokuhlala'** ithetha enye iyunithi eyindlu enokwakhiwa, ngokwale nkqubo yolawulo lophuhliso, kwiyunithi yomhlaba apho indlu yokuhlala ivunyelweyo yaye loo ndawo



yesibini yokuhlala ingasisakhiwo esizimele sodwa okanye esincanyathiselwe kwisakhiwo esingaphandle okanye sibe nesakhiwo esifana nendlu yokuhlala; ukuba ngaba:

(a) indawo yesibini yokuhlala iza kuba kulecyunithi yomhlaba enendlu yokuhlala; yaye

(b) indawo yesibini yokuhlala iza kuthobela iimfuno ezikule nkqubo yolawulo lophuhliso;

**'igaraji yeemoto'** ithetha ipropati yokuthengisa ipetroli nedizili, yaye ibandakanya ukuthengisa izithuthi, ioyili, amavili, okanye izipezi zeemoto, ukulungiswa kwezithuthi, ukufakwa kwemibhobho yomoya neeshokhi, ukuhlanjwa kweemoto, nevenkile yenkxaso; kodwa ayibandakanyi ukupeyinta iimoto, ukuzilungisa xa zitshayisile okanye ulungiso lwebhodi yemoto;

**'urhwebo ngeenkonzo'** luthetha ishishini:

(a) elibonelela ikakhulu ngeenkonzo kuluntu lwengingqi, ezifana nokulungisa izindlu nombane okanye ukunikeza ngeenkonzo kwiintsapho;

(b) elingazi kuphazamisa iipropati ezikuloo ngingqi;

(c) eliqesha ubuninzi abantu abali-10;

(d) alisoze, ukuba lisebenzisa umlilo, litshise kakhulu, alizi kudala umsi onobungozi okanye ugqabhuko; yaye

lingabandakanya iyadi yomakhi neenkonzo ezihambelana nolwakhiwo, iindawo yamavili fitment nemibhobho yomoya, nezinto ezibunjalo; kodwa alibandakanyi indawo yokuxhela, isiza sokwenza izitena, imisebenzi yogutyulo, igaraji yokutha amafutha eemoto okanye igaraji yokulungisa iimoto;

**'indawo yokuhlala'** ithetha isakhiwo nendawo yokuhlala abantu, eyakhiwe ngayo nayiphi na imathiriyeli, nokuba loo mathiriyeli ayithobeli imigangatho yokomelela echazwe kwiNational Building Act;

**'ikhonteyina yokuhambisa izinto'** ithetha ikhonteyina enkulu emelana nazo zonke iimeko zemozulu esetyenziselwa ukuhambisa izinto ngenqanawe, ngololiwe nangezithuthi yaye idla ngokugcinwa phandle xa ingasetyenziswa;

**'ivenkile'** okanye 'iivenkile' ithetha ipropati esetyenziselwa ukuthengisa izinto nenkonzo kuluntu, yaye ibandakanya indawo apho kwenzikwa nalaph kulungiswa izinto; ukuba ngaba ubungakanani bomgangatho baloo ndawo yokuvelisa abuzi kuba ngaphezulu kwe-40% yobungakanani bomgangatho wevenkile; 'ivenkile' ayibandakanyi ifemu, isuphamakethi, urhwebo ngeenkonzo, igaraji yokulungisa iimoto, igaraji yokutha amafutha eemoto, iresty, ishishini lokonwabisa abantu abadala, iinkonzo zesondo, ivenkile yezinto zesondo okanye ukuthengiswa kotywala;

**'uphawu'** luthetha naluphi uphawu, ubhalo lophawu, idizayini, ibhodi yeempawu, isikrini, okanye nasiphi isixhobo ekuxhonywa kuso intengiso okanye isibhengezo, yaye ibandakanya intengiso okanye into, isakhwelo okanye isixhobo esiyintengiso okanye esisetyenziselwa ukuxhoma intengiso;

**'iplani yophuhliso lwesiza'** ithetha iplani ebonisa iinkcukacha zophuhliso (kodwa kungaphelelwanga) kubume besiza, iindawo ezime kuzo izakhiwo, indawo yokungena kwipropati, uyilo lwezakhiwo nokuqaqambisa imbonakalo-mhlaba kulo propati iphakanyiswayo;

**'isitupu'** sithetha ummandla opheyiviweyo ongagqunywanga okanye umgangatho ophandle othe nca kwisakhiwo, okanye ongezantsi komgangatho, yaye ubandakanya amadonga asezantsi okanye iintsimbi ezibiyele loo mmandla ipheyiyiviweyo;

**'inqwanqwa'** lithetha lo nxalenye yesakhiwo iphakathi komgangatho yawo nawuphi umgangatho nomgangatho ongasentla; okanye ukuba akukho mgangatho ungentla, isithuba ukuya kuma kwisilingi; ukuba ngaba:

(a) ibhejisimenti ayiyonxalenye yenqwanqwa;

(b) uphahla, okanye isigqubuthelo esiyinxalenye yophahla, asisayi kuba lelinye inqwanqwa ngaphandle kokuba isithuba esikuphahla okanye isigqubuthelo sidizayinelwe ukuba kuhlale abantu kuso, xa kunjalo ke lubalwa njengenqwanqwa;

(c) naliphi inqwanqwa elingaphezu kwe- 4,8 m kodwa elilingana okanye elingaphantsi kwe-7,2 m ubude liya kubalwa njengamanqwanqwa amabini ze i-4,8 m yobude eyongezelelekileyo okanye inxalenye yayo, ibalwe njengenqwanqwa elongezelelekileyo; kunye

(d) ekubaleni inani lamanqwanqwa esakhiwo, umgangatho linqwanqwa lokuqala ze umgangatho olandelayo ibe linqwanqwa lesibini;

**'amanzi esiphango'** athetha amanzi enziwe yindalo, imvula kunye/okanye ubuninzi bayo, yaye ibandakanya amanzi abaleka emhlabeni nawemithombo ahanjiswa yinkqubo yamanzi esiphango, namanzi aselwandle akumachweba, kodwa akabandakanyi akwindawo ezinamanzi aselwayo;

**'isistimu yamanzi esiphango'** uthetha izixhobo ezakhiweyo, kubandakanywa imibhobho nemijelo yamanzi efunekayo kulawulo, uqokelelo, uhanjiso ugcino okwexeshana, ualwulo, ubekoliso, ucoco, usetyenziso nokulahlwa kwamanzi esiphango;

**'isitrato'**: jonga inkcazelo 'yesitrato sikawonkewonke';

**'umda wesitrato'** uthetha umda ophakathi kweyunithi yomhlaba nesitrato sikawonkewonke esimelene nawo okanye indlela yabucala; indlela yabahambi ngeenyawo engenakuze isetyenziswe zizithuthi, ethathwa njengomda ofanayo xa kusenziwa izigqibo ngemida yezakhiwo, umbindi womda neemfuno zesango lesiza;

**'umbindi womda'** uthetha umgca ongumda kummandla ometwa ukusuka embindini wesitrato esithile sikawonkewonke, apho kungekho sakhiwo, kubandakanywa icingo elibiyeleyo;

**'isakhiwo'**, siso nasisphi isakhiwo, indawo yokuhlala, udonga, ucingo, ipali, ithawa, iphegola, izitrepsi, umgangatho wezitepsi, ithala, uphawu, umhombiso, impompo yequla lokudada okanye itanki elingaphantsi komhlaba nezibonelelo ezixhasayo kunye nayiphi inxalenye yesakhiwo;

**'isuphamakethi'** ithetha ivenkile enobungakanani bomgangatho obungaphezu kwe-400 m<sup>2</sup>, apho iimpahla, kubandakanywa izinto ezityiwayo nezendlu, zithengiswa;

**'izibonelelo zonxibelelwano'** zithetha nayiphi inxalenye yezibonelelo zonxibelelwano lwerediyo/ olungasebenzisi zintambo, kubandakanywa olwelizwi, idatha nolusebenzisa ividiyo, zingabandakanya iieriyali; naziphi ezinye izakhelo ezixhasayo, igumbi lezixhobo, iirediyo okanye ezinye izixhobo zonxibelelwano (ileyiza okanye imitha) ezibonelelwa ziiphareyitha zothungelwano ngeselula nabanye ababoneleli bonxibelelwano ngeminxebe nazo zonke izixhaso ezidingekayo ukusebenzisa izibonelelo zonxibelelwano. Ifayibha-optikhi nekopolo (iintambo) azibandakanywanga kule nkcazelo;

**'ithala'** lithetha ummandla abanini-ndlu okanye abasebenzisi bendlu abakwazi ukufikelela kuwo kwisakhiwo owenziwa kuphahla olumtyaba ngenxa yokubuyiswa umva kwenxalenye yesakhiwo esentla kwaloo ndawo;

**'umphezulu wophahla'**, ngenjongo yokulawula ubude, buthetha umphezulu wophahla kuphahla olude okanye umphezulu wepharaphethi apho ipharaphethi ingaphezulu kophahla;

**'ubungakanani bomgangatho bubonke'** besakhiwo buthetha ubungakanani bomgangatho bawo onke amanqwawu alapho, kubandakanywa ibheysisimenti;

**'indawo yokulala yabakhenkethi'** uthetha indawo eyakhiweyo esetyenziselwa abakhenkethi ngeeholide okanye yokonwabisa, nokuba yeyomntu okanye yekarhulumente:

(a) eneshishini elinye lendawo yokulala ebonelelwa ngendlela yokurenta ixesha elifutshane; kunye

(b) ingabandakanya ubonelelo lwendawo yokukhempisha okanye indlu engumahambehlala, ipaki; kodwa ayibandakanyi ihotele;

**'izibonelelo zabakhenkethi'** zithetha izinto ezisetyenziswa ngabakhenkethi njengamagumbi okufundela, iiresty, iivenkile zezipho, izindlu zokuphumla nezolonwabo, kodwa azibandakanyi ihotele okanye indawo yokulala yabakhenkethi;

**'inkcazelo yefuthe lezothutho'** ithetha uphando ngefuthe lezothutho olwenziwe xa kusenziwa ulwakhiwo oluthile kwindlela esele ikhona, nezindululo zamanyathelo okulungisa izinto ezimoshwe lolo phuhliso;

**'isicwangciso solawulo lwezothutho'** sithetha uxwebhu okanye iplani echaza ukuba iimfuno zezothutho ziza kuhoyeka njani na zazo zonke iintlobo zothutho, ezifana (kodwa kungaphelelwanga) kwizithuthi zikawonkewonke, iimoto zabantu, iibhayisekile, abantu abahamba ngeenyawo, kwanokuba iimfuno zendawo yokupaka ziza kuhoyeka njani ngaphakathi nangaphandle kwesiza eso, kubandakanywa nokuba zeziphi iinkonzo ezifunekayo ezihambekana nepacking;

**'usetyenziso lwezithuthi'** luthetha usetyenziso lomhlaba, lwesakhiwo ukwenza inkonzo yoluntu yokuthutha izinto (kubandakanywa ezingamanzi nezizigesi) okanye abantu ngoololiwe, ngeemoto, ngeenqanawe kubandakanywa usetyenziso lwalo mhlaba, lwesakhiwo ukwenza izibuko, isitishi soololiwe, idepho yeebhasi okanye irenki yeeteki nemisebenzi ehambelana nazo, kodwa ayibandakanyi iziko leenqwelomoya okanye indawo yokuchopha ihelikhopta;

**'ulimo lwasezidolophini'** uthetha ukulinywa kwezityalo, kummandla omncinci osezidolophini, umntu ezilimela okanye eza kuthengisa emarikenini ulimo lwegadi yendlu alusayi kuthathwa njengolimo lwasezidolophini ngokwale nkqubo yolawulo lophuhliso;

**'esetyenziswe'**, ngaphezu kwentsingiselo yayo yesiqhelo, ubandakanya 'ebekelwe okanye eza kusetyenziswa';

**'inkonzo elulutho'** ithetha usetyenziso okanye isibonelelo esifunekayo ukubonelela iinkonzo zobunjineli nezo zihambelana nazo ukuze uphuhliso lwasezidolophini luhambe kakuhle yaye ibandakanya ipitsi lamazni nendawo yococo, isitishi sombane neentambo zohanjiso lothungelwano, izibonelelo zamanzi esiphango nesitishi sokumpompa amanzi amdaka nokucoca amanzi, kodwa ayibandakanyi ndlela, izibonelelo zenjini ejikeleziswa ngumoya okanye usetyenziso lwezithuthi;

**'iveranda'** ithetha ummandla okhavarishiweyo (ongeyonxalenye yeyadi okanye indawo yokupaka imoto) okanye umgangatho okrobileyo othe nca kwisakhiwo ezantsi komgangatho wesakhiwo; yaye ibandakanya loo mmandla okanye umgangatho nophahla okanye enye into ekhavarishileyo, yaye ikwabandakanya nawuphi ummandla opheyiviweyo okanye iintsimbi ezibiyele loo mmandla upheyiviweyo okanye loo mgangatho;

**'Isahlulo sesakhiwo'** sithetha inxalenye yesakhiwo enamadonga angaphakathi nangaphandle, apho loo nxalenye ibonakala ngokucacileyo njengento emileyo eyahlula isakhiwo, izahlulo azinakuba ngaphezulu kwe-3 m okanye isithuba sobubanzi obumtyaba, nokuba yeyiphi enkulu; iSixeko singagqiba ukuba isakhiwo sahlulwe ngokwezahlulo ezime nkqo apho isahlulo ngasinye siya kuba nomgangatho osisiseko owahlukileyo ngenjongo yokubeka iliso kule nkqubo yolawulo lophuhliso;

**'isixhaso'** sithetha indawo esezantsi kwizinto ezixhase uphahla, isixhaso, ibrakethi, intsika, ipali, isakhelo okanye isixhobo esibunjalo njengoko sichazwe siSixeko, esixhasa uphahla;

**'iwehawusi'** ithetha isakhiwo esisetyenziselwa ikakhulu ukugcina iimpahla ngaphandle kwezo zinobungozi, yaye ibandakanya ipropati esetyenziselwa ushishino lweholiseyili, kodwa ayibandakanyi ushishino olunjongo yalo ikukuthengisa ikakhulu;

**'umjelo wamanzi'** uthetha:

(a) umlambo, umthombo umjelo ekuhamba kuwo amanzi qho okanye ngamanye amaxesha;

(b) idamanyana, umgxobhozo, idama okanye ichweba apho kuhamba khona amanzi; yaye ibandakanya udini nentsele yomjelo wamanzi;

**'umzi wemveliso yewayini'** uthetha indawo ekwenziwa kuyo iwayini, yaye ungabandakanya indawo yokuthengisela uluntu neyokungcamla iwayini; yaye

**'injini ejikeleziswa ngumoya'** zithetha isixhobo esiguqula ieneji ukusuka ekubeni ngumoya ibe ngumbane esenokuqhagamshelaniswa negridi ebonelela ngombane okanye isenokungaqhagamshelwanisa negridi yombane okanye kubuxhakaxhaka bothungelwano yaye inesiqhubi, ijenereyitha, ithawa nezinye zixhobo zokuyixhasa.

## 2 Ingcaciso

Le miqathango ilandelayo ilawula ingcaciso yenkqubo yolawulo lophuhliso:

(a) Xa ngaba kubhekiswa kusetyenziso lwesakhiwo, iyunithi yomhlaba okanye ipropati, ibandakanya ukwakhiwa kwesakhiwo, ukuse kwenxalenye yesakhiwo nokusetyenziswa kweyunithi yomhlaba nokuba isakhiwo sakhiwe kwiyunithi yomhlaba okanye hayi.

(b) Isivakalisi esibhaliwe sakekela sesokukhokela kuphela yaye masingathathwa njengenxalenye yenkqubo yolawulo lophuhliso.

## 3 Iindlela zokumeta imigama, ubude namazinga

Le miqathango ilandelayo iyasebenza ekumetweni kwemigama, imigangatho okanye ubude:

(a) Ukuba iSixeko sifuna njalo, umnini okanye umfaki-sicelo kufuneka aqesha umcwangcisi-mihlaba obhalisiweyo ukubonelela okanye ukuqinisekisa iinkcukacha ezifunwa siSixeko ukwenza isigqibo ngothotyelo lwemigama okanye imigangatho efunekayo ngokwale nkqubo yolawulo lophuhliso.

(b) Apho kubhekiswe kumgama ophakathi kwemida okanye phakathi kwesakhiwo nomda, lo mgama uya kumetwa ngolu hlobo lulandelayo:

(i) Umda okanye imida nazo zonke iipoyinri zesakhiwo ziya kubekwa kwindawo emtyaba ze kumetwe kweso sityaba; yaye

(ii) Umgama phakathi kwepoyinti yesakhiwo nomda uya kumetwa kumgangatho omfutshane phakathi kwepoyinti nomda.

- (c) Apho kubhekiswe kwinxalenye yomda 'omelene nesakhiwo', lo nxalenye iya kuchazwa yimigca ezotyiweyo ngohlobo oluchazwe kumhlathi (b) ukusuka kwiipoyinti ezikweso sakhiwo, kwiiengile ezingasekunene kwaloo mda.
- (d) Naluphi unxaxho emva kolwakhiwo ukusuka kwimiqathango yobude engadlulanga kwi-300 mm alusayi kuthathwa njengolwaphulo-mthetho lwemiqathango yale nkqubo yolawulo lophuhliso, ukuba ngaba olu nxaxho alwenziwa ngenjongo yokufaka isicelo.
- (e) Ukuba akukho mathandabuzo malunga nobude besakhiwo, iSixeko singafuna ukuba umnini aqeshe umcwangcisi-mihlaba obhalisiweyo ukuba:
  - (i) aqinisekise obona bude besakhiwo ngokuhambelana nemiqathango yale nkqubo yolawulo lophuhliso;
  - (ii) aqinisekise ukuba isakhiwo asaphuli umthetho wemiqathango yale inkqubo yolawulo lophuhliso; yaye
  - (iii) aqinisekise ukuba zonke izakhiwo ezikwipropati zithobele imiqathango yobude esebenza kwipropati.
- (f) Apho kubhekiswe kumgama, umgangatho osezantsi, ubude bepoyinti ekwisakhiwo okanye eminye imilinganiselo, loo mgama, umgangatho okanye ubude buya kubakwa ngokuhambelana nemiqathango yejiyometri ngeenjongo zokugqiba iikhonto kuwo nawuphi uvimba okwiSixeko phambi komhla wokuqala ogqitywe siSixeko. Kwimeko apho umgama, umgangatho okanye ubude bungahambelani nezibalo zale migaqo okanye bunesiphumo esingahambelani nenjongo yenkqubo yolawulo lophuhliso, apho umgama, umgangatho okanye ubude obuchaphazelekayo ngenjongo yokubeka iliso kule nkqubo yolawulo lophuhliso.

#### 4 Ingcaciso yemida

Xa kukho ukungaqiniseki ngemida yeezowuni, kuya kusebenza le migaqo ilandelayo ngokulandelelana kwayo:

- (a) Imida eboniswe okanye esemva ngqo kwaso nasiphi isitrato okanye indlela kawonkewonke iya kuthathwa njengelandela imida ebekiweyo yesitrato okanye yendlela.
- (b) Imida eboniswe okanye esemva ngqo kwawo nawuphi umda weyuniti iya kuthathwa njengelandela loo mida.
- (c) Imida eboniswe okanye esemva ngqo kweempawu zendalo natural features iya kuthathwa njengelandela ezo mpawu.
- (d) Xa kukho okanye ukungaqiniseki ngemida yeezowuni, iSixeko siya kwenza isigqibo.

#### 5 Ingcaciso yoluhlu lokusebenzisa nelokuzowuna

Ukuba kukho:

- (a) ukungaqiniseki okanye ungquzulwano lwezintlu zokuzowuna;
  - (b) ungquzulwano phakathi kwemiqathango yemephu yokuzowuna, inkqubo yolawulo lophuhliso nerejista; okanye
  - (c) nokungaqiniseki okanye ungquzulwano ngokuzowunwa kwepropati,
- iSixeko, emva kokumamela iinkcazelo, siya kugqiba ngoluhlu losetyenziso okanye lwezowuni yaye isigqibo saso asisayi kutshintshwa.

#### 6 Ukuphepha injongo yenkqubo yolawulo lophuhliso

ISixeko singathi sikhabe nasiphi isicelo ngokwalo Mthetho kaMasipala ukuba isibona eso sicelo njengesiphepha injongo yale nkqubo yolawulo lophuhliso okanye nayiphi imiqathango yayo.

### ISAHLUKO 2.: IINKQUBO ZOKUFAKA ISICELO NEZOLWAMKELO LWESICELO

(umba 7)

#### 7 Imiqathango esebenza kusetyenziso ngemvume olwamkelweyo

- (1) Xa usetyenziso ngemvume lwamkelwe, kuya kusebenza le miqathango-gabalala:

- (a) Ukuba olo setyenziso ngemvume njengoko luxeliwe kuzowuno oluthile lusetyenziswa kwenye indawo ezowuniweyo, luya kuba lulo kuxhomekeke kwimigaqo yophuhliso esebenza kulo zowuni;
  - (b) Ukuba olo setyenziso ngemvume njengoko luxeliwe kuzowuno asilo setyenziso olunngundoqo kwenye indawo ezowuniweyo, luya kuba lulo kuxhomekeke kwimigaqo yophuhliso esebenza kulo zowun;
  - (c) Noxa kukho u-(a) no- (b) apha ngentla, usetyenziso ngemvume lwendawo yesibini yokuhlala kwiZowuni 1 yeZindlu zoSapho olunye luxhomekeke kwimiqathango yemigaqo yophuhliso yalo zowuni.
- (2) Noxa kukho umcinjana (1), iSixeko singathi sibeke eminye imiqathango kubandakanywa:
- (a) ukucutha usetyenziso ngemvume ixesha elithile elibekiweyo;
  - (b) enyanzelisa ukuba usetyenziso ngemvume lungachaphazeli kakubi usetyenziso olungundoqo lwaloo propati ngokwale nkqubo yolawulo lophuhliso;

## ISAHLULO II: IZINTLU ZOKUZOWUNA, IINDAWO EZIZOWUNIWEYO EZISISISEKO NEMIGAQO YOPHUHLISO (imiba 8 -120)

*Esi Sahlulo sichaza izintlu zokuzowuna ezahlukeyo, iindawo eziZowuniweyo ezisisiseko nemiqathango yazo. Sibeka imigaqo yophuhliso esebenza kwizowuni nganye, kubandakanywa usetyenziso olungundoqo kunye nosetyenziso ngemvume. Izintlu zokuzowuna zibekwe ngokwezahkuko ngokokufana kwamalungelo okusebenzisa nobungakanani bophuhliso. Izahkuko zona zahlulwe zaziziqendu, apho uzowuno ngalunye luba sisiziqendu. Kuchazwe imigaqo yophuhliso emininzi kangangoko kwicandelo elichaphazelekayo, kodwa imigaqo gabalala neenkcazelo ezisebenza kuzo zonke iindawo eziZowuniweyo nakwiinkqubo yolawulo lophuhliso gabalala ziqulethwe kwiSahlulo III.*

## ISAHLUKO 3.: UKUZOWUNA NOKUSETYENZISWA KWEPROPATI

### *Isiqendu 1: iindawo eziZowuniweyo (imiba 8 - 9)*

#### **8 Iindawo eziZowuniweyo**

- (1) Zonke iipropati ezazizowunwe ngokwenkqubo yokuzowuna yangaphambili zithathwa ngokuba zizowunwe ngokwale nkqubo yolawulo lophuhliso.
- (2) UManejala weSixeko uya kuqinisekisa ukuba ukuzowuna kwazo zonke iipropati ezikummandla kamasipala kuyenziwa ze kuboniswe kwimephu yokuzowuna, ze apho kuyimfuneko, zibhalwe kwirejista.
- (3) Ipropati situated ezikuloo mmadnla uzowuniweyo ziya kuxhomekeka kwimiqathango yaloo zowuni phantsi kweSAHLULO II sale inkqubo yolawulo lophuhliso.
- (4) Ngaphezu kwemiqathango yeSAHLULO II imiqathango-gabalala yeSAHLULO III iya kusebenza kwiindawo eziZowuniweyo, nemiqathango yeZowuni eneMiqathango eYodwa echaphazelekayo ngokweSAHLULO IV iya kusebenza kwiyunithi zemihlaba echaphazelekayo.

#### **9 Iindawana eziZowuniweyo**

- (1) Iindawo eziZowuniweyo ezithile ezahlulwe zazindawana eziZowuniweyo ezahlula phakathi kweentlobo zezakhiwo kusetyenziswa imigaqo yophuhliso eyahlukeyo. Ukuze kutshintshwe okanye kunyenyiswe imigaqo yophuhliso esebenza kwipropati elawulwa yimigaqo yokuzowuna :
  - (a) yesicelo sotyeshelo-mthetho kumgaqo wophuhliso, okanye
  - (b) yesicelo sokuzowuna kwakhona ukwenza enye izowuni okanye izowunana kufuneka isicelo singeniswe yaye samkelwe.
- (2) Isicelo sokuzowuna kwakhona kufuneka singeniswe ukuba utshintsho oluxelwe kumbana(1) lubufana okanye lungaphezulu kobungakanani bomgangatho obuvunyelweyo okanye kobude bezowunana.



**Isiqendu 2: Usetyenziso oluvumelekileyo ngokwelungelo**  
(imiba 10 - 12)

**10 Usetyenziso olungundoqo**

Usetyenziso lwepropati isetyenziselwa nayiphi injongo engundoqo kuzowuno lwaloo propati luvumelekile kungafunyenwanga mvume yeSixeko.

**11 Amalungelo osetyenziso ongezelekileyo**

Usetyenziso oluchazwe njengelungelo lokusebenzisa olongezelelweyo kwizowunini ethile, luvumelekile kungafunyenwanga mvume yeSixeko, ukuba ngaba nawuphi umqathango okanye eminye imiqathango ebekiweyo ithotyelwe.

**12 Ukusetyenziselwa ezinye iinkonzo**

Usetyenziso olungolunye luvumeleke apho usetyenziso olungundoqo, usetyenziso ngemvume olwamkelweyo okanye olunye isetyenziso lusetyenziswa.

**Isiqendu 3: Usetyenziso oluvumelekileyo ngokwemvume yeSixeko**  
(imiba 13 - 15)

**13 Usetyenziso ngemvume**

Usetyenziso ngemvume njengoko luxeliwe phantsi kozowuno olungundoqo lwale nkqubo yolawulo lophuhliso luvumeleke kuphela ukuba iSixeko sinikeza imvume yolo setyenziso ngemvume.

**14 Usetyenziso ngamaxesha athile**

(1) Ukusetyenziswa kwepropati kwiziganeko zexeshana (kubandakanywa iimarike zemisebenzi yezandla, iisekhasi, iintlanganiselo zoluntu, iifilimu okanye ezinye iziganeko) kungavunyelwa ngemvume yeSixeko, noxa ezi ziganeko zingahambelani namalungelo okusebenzisa yepropati ochaphazelekayo, ukuba ngaba:

- (a) oko kumana isetyenziswa akuzi kuba nefuthe elibi kwimimandla engqongileyo, okanye kwinkcubeko nendalo;
- (b) oko kumana isetyenziswa kokwexesha elifutshane, yayi akuzi kuba ngaphezu kweentsuku ezi-5 ngenyanga okanye iintsuku ezongeziweyo zingavunyelwa siSixeko; yaye
- (c) oko kumana isetyenziswa kuyahambelana nemigaqonkqubo yeSixeko.

(2) Imvume ngokomcinjana (1) ongentla inganikezelwa kuxhomekeke, kodwa kungaphelelwanga, kule miqathango ilandelayo:

- (a) inani leendawo zokupaka neendawo zokuhlambela ezifunekayo;
- (b) ixesha elithathwa seso siganeko okanye senzeka kangaphi.

(3) ISixeko singakhupha isaziso sicela ukuba kuthotyelwe imiqathango yokuba kuyekwe olo setyenziso lwamaxesha athile ngomhla othile, apho:

- (a) imiqathango yolwamkelo ingathotyelwanga; okanye
- (b) apho eso siganeko sihlukumeza abantu.

**15 Usetyenziso olulodwa**

(1) Usetyenziso olulodwa lusetyenziso olungachazwanga okanye olungabonelelwanga kule nkqubo yolawulo lophuhliso, ngoko ke lungafakwa nakweyiphi inkqubo yokuzowuna ngemvume yeSixeko.

(2) Lonke usetyenziso olulodwa olwamkelweyo luya kufakwa kwiSIHLOMELO A.



**Isiqendu 4: Umhlaba othathwa njengozowuniweyo**  
(imiba 16 - 19)

**16 Umhlaba ongamabala kawonke-wonke nezitalato zikawonke-wonke**

(1) Nayiphi na inxalenye yomhlaba ekwimephu yokuzowuna okanye echazwe kwiplani-gabalala nekwilokishi ebhalisiweyo njengomhlaba ongamabala kawonke-wonke iya kuthathwa njengezowunwe njengeendawo ezizowunwe njengamabala 2: Umhlaba ongamabala kawonke-wonke.

(2) Zonke iindlela zikawonke-wonke nezitalato zikawonke-wonke ekubhekiswe kuzo kule nkqubo yolawulo lophuhliso zindlela ezibhengezwe phantsi koMmiselo weeNdlela, ka-1976 (UMmiselo 19 ka-1976) okanye zindlela okanye zizitalato ezimiselwe ngokwemiqathango yoMmiselo kaMasipala wangaphambili, ka-1974 (UMmiselo 20 ka-1974) okanye nawuphi na umthetho kamasipala okhoyo ngoku ohambelana noku kunye / okanye umthetho wesizwe, ngaphandle kokuba ezo ndlela zikhutshelwe ngaphandle kwaloo mthetho.

(3) Nayiphi indlela kawonke-wonke nesitrato sikawonkewonke kunye nayiphi na inxalenye yomhlaba ebhengezwe phantsi kwawo nawuphi na umthetho njengendlela kawonke-wonke okanye isitrato sikawonkewonke okanye ukuvulwa okanye uphuculo lwaloo ndlela okanye isitrato sikawonke-wonke okanye echazwe kwiplani-gabalala ekwilokishi ebhalisiweyo njengendlela kawonke-wonke okanye isitrato sikawonkewonke, iya kuthathwa njezowunwe njengendawo ezizowunwe njengezisetyenziselwa ezothutho 2: iSitrato sikawonkewonke neNdawo yokuPaka yoLuntu.

(4) Apho isibhengezo esiphantsi komcinjana(3) okanye inxalenye yaso siye sarhoxiswa okanye sacinywa, iSixeko sakugqiba ngokuzowunwa kwaloo yunithi yomhlaba which kuxhomekeke kwisibhengezo eso, ze emva koko loo yunithi yomhlaba ochaphazelekayo ithathwe njengezowunwe ngokuhambelana neso sigqibo, ukuba ngaba:

(a) uManejala weSixeko uyw wazisa umnini-mhlaba ochaphazelekayo; yaye

(b) iSixeko siya kuqwalasela naziphi izimvo ezifunyenweyo ngokomhlathi (a) apha ngentla phambi kokwenza eso sigqibo.

(5) Noxa kukho imiqathango ekumbana(4), apho kuphela inxalenye yeyunithi yomhlaba ichazwe njengeendawo ezizowunwe njengezisetyenziselwa ezothutho 2: Isitrato sikawonkewonke nendawo yokuPaka yoLuntu, loo nxalenye kuxhomekeke kwisibhengezo eso iya kuthathwa njengengena kolo zowuno lufanayo nezinye iyunithi zomhlaba.

(6) Apho isibhengezo siye sarhoxiswa okanye sicinyiwe njengoko kuchaziwe kwimibana(4) no-(5), olo rhoxiso okanye oko kucinywa, kuya kusebenza kuphela kumhlaba ekubhekiswe kuwo kwisindululo esichaphazelekayo okanye kwisaziso sorhoxiso okanye sokucima.

(7) Nayiphi na inxalenye yomhlaba eyayinxalenye yesitrato sikawonkewonke ethe yayipropati yomnini omelene nayo ebithathwa njengezowunwe yazindawo ezizowunwe njengezisetyenziselwa ezothutho 2: Isitrato sikawonkewonke nendawo yokuPaka yoLuntu; ukuba ngaba iSixeko senze isindululo sokuba loo nxalenye yomhlaba ayisadingeki njengesitrato sikawonkewonke, loo mhlaba uya kuzowunwa ngokufanayo nomhlaba omelene nawo ongowaloo mnini.

(8) Apho nayiphi na inxalenye yomhlaba (ngaphandle komhlaba ekubhekiswe kuwo kumbana(4)) owawusitrato sikawonkewonke okanye umhlaba ongamabala kawonke-wonke obungoweSixeko, uvaliwe waze wanikezwa kumnini omelene nawo, loo nxalenye yomhlaba iya kuthathwa njengezowunwe ngokufanayo nomhlaba omelene nawo ongowaloo mnini, kubandakanywa nayiphi imiqathango yolwamkelo, ukuba ngaba:

(a) umnini wesitrato sikawonkewonke okanye womhlaba ongamabala kawonke-wonke akangomnini wepropati eemelene nalo mhlaba, okanye

(b) apho umntu oza kuba ngumnini engumnini weepropati ezimelene nalo mhlaba ezikwizintlu zokuzowuna ezahlukeyo, okanye

(c) yenye imeko engabonelelwanga apha,

iSixeko siya kugqiba ngezowuni eya kusebenza kuloo propati ochaphazelekayo.

(9) Apho ukuzowuna kweyunithi yomhlaba okanye inxalenye yayo kuphantsi kwesiqendu 4: Umhlaba othathwa njengozowuniweyo wale nkqubo yolawulo lophuhliso, iSixeko siya kurekhoda umhlaba othathwa njengozowuniweyo kwimephu yokuzowuna.

### 17 Imihlaba exhomekeke kwimiqathango yecandelo 13 lomthetho iLegal Succession of the South African Transport Services Act, 1989 (UMthetho 9 ka-1989)

(1) Wonke umhlaba wezothutho, kuxhomekeke kwicandelo 13 leLegal Succession of the South African Transport Services Act, 1989 (UMthetho 9 ka-1989) uthathwa njengeendawo ezizowunwe njengezisetyenziselwa ezothutho 1: Usetyenziso lwezithuthi (TR1).

(2) Apho kungenwe kwisivumelwano phakathi kweSixeko neSouth African Transport Services okanye inxalenye yayo okanye abaye bangabanini bayo ngokweLegal Succession of the South African Transport Services Act, 1989 (UMthetho 9 ka-1989) okanye umthetho ophambi kwayo, imiqathango ekwesio sivumelwano yiyo eya kusetyenziswa endaweni yemiqathango yozowuno lweTR1.

(3) Imiqathango equlethwe kwisivumelwano ekubhekiswe kuso kumbana (2) ithathwa njengemigaqo yophuhliso.

(4) Ukuba le migaqo yophuhliso kufuneka itshintshiwe, kufuneka oko kwenziwe ngokotyeshelelwe lomthetho olulandela lo Mthetho kaMasipala.

(5) Apho amalungelo osetyenziso-mhlaba olongozelelweyo esebenza, kufuneka kuzowunwe kwakhona ngokwalo Mthetho kaMasipala.

(6) Apho umhlaba owawungoweSouth African Transport Services okanye amacandelo ayo okanye abo baye bangabanini emva kwayo uye wazowunwa ngokusemthethweni ngolunye uhlobo ngaphandle kokuba ube zindawo ezizowunwe njengezisetyenziselwa ezothutho 1: Usetyenziso lwezithuthi (TR1), loo mhlaba uya kulugcina olo zowuno ze unikwe uzowuno oluhambelana nolo kulandelwa le nkqubo yolawulo lophuhliso kwimephu yeSixeko yokuzowuna.

### 18 Umhlaba othathwa njengommandla welifa lemveli ngokomthetho iNational Heritage Resources Act

Zonke iiZowuni ezineMiqathango eYodwa yeLifa leMveli njengoko zipapashiwe kwiGazethi yePhondo zithathwa njengemimandla yelifa lemveli ngokuhambelana neNational Heritage Resources Act.

### 19 Imiqathango eyodwa

Imiqathango kule theyibhile ithathwa njengemigaqo yophuhliso ngokwale nkqubo yolawulo lophuhliso.

Inkqubo yokuzowuna yangaphambili enezowuni eyahlukileyo, engummandla owodwa okanye onomqathango owodwa omiselweyo	Igama lezowuni eyahlukileyo yangaphambili, ummandla owodwa okanye onomqathango owodwa	Inombolo yeSalathiso (ukuba ikhona)
Inkqubo yokuzowuna yomasipala weSixeko saseKapa	Rondebosch Shopping precinct IShedyuli 8: Imiqathango eyodwa esebenza kwiipropati ezithile	
Inkqubo yokuzowuna yasePinelands	Izowuni eyahlukileyo A: Howard Place	
	Izowuni eyahlukileyo B: Mutual Park	

### ISAHLUKO 4.: ISISHWANKATHELO SEENDAWO EZIZOWUNIWEYO (umba 20)

### 20 Itheyibhile yoshwankathelo yokuzowuna

(1) Itheyibhile A inesishwankathelo seendawo eziZowuniweyo ezisisiseko nemigaqo yophuhliso njengoko ichaziwe kule nkqubo yolawulo lophuhliso.

(2) Itheyibhile A ayinabunganga kwimiqathango equlethwe kwiSahlulo II.

**Ittheyibhile A: Isishwankathelo seendawo eziZowuniweyo nemigaqo yophuhliso**

IINDAWO ZOKUHLALA EZIZINDLU ZOSAPHO OLUNYE	UMMANDL AWEYUNIT HIYOMHLA BA (m <sup>2</sup> )	UMLINGAN ISELO WOMGAN GATHO	MAXIMUM UBUNGAKAN ANI BOMGANGA THO	OBONA BUDE BUPHAKAMILEYO NGAPHEZU KOMGANGATHO OSISISEKO		IMIDA YEZAKHIWO		UMBIN DI WOMD A	EZINYE IZIBONELELO
				Kwisixhasi sophahla	Ukuya eluphahleni	Umda wesitrato	Imida efanayo		
<b>UKUZOWUNWA KWEZINDLU ZOSAPHO OLUNYE 1: IZINDLU ZESIQHELO (SR1)</b>  <b>USETYENZISO OLUNGUNDOQO</b> Indlu yokuhlala, nendlela yomntu yabucala namalungelo osetyenziso ongezelelekileyo  <b>AMALUNGELO OSETYENZISO ONGEZELELEKILE YO</b> Ukusebenzisa indlu okanye Indlu yeendwendwe yokulala neyokudla isidlo sakusasa okanye Indlu eliziko lokukhathalela abantwana  <b>USETYENZISO NGENGVUME</b> Indawo yesibini yokuhlala, iinkonzo ezilulutho, indawo yokufundisela, indawo yokukhonza, ivenkile esendlwini, iziko, indlu yeendwendwe, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya, indawo elibala, ulimo lwasezidolophini kunye neziko lobuyiselo lwezimo zabantu	>2 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	6,0 m	6,0 m	N/a	Ifestile neeGaraji, indawo yokumisa imoto nezakhiwo ezingaphandle Ukupaka nokungena Amalungelo osetyenziso ongezelelekile yo – Ukusebenzisa indlu, Indlu yeendwendwe yokulala neyokudla isidlo sakusasa kunye nendlu eliziko lokukhathalela abantwana
	>1 000 ukuya kuma ku-2 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	4,5 m	3,0 m		
	>650 ukuya kuma ku-1 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	3,5 m	3,0 m		
	>350 ukuya kuma ku-650	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 ukusuka esitratweni kunye ne-60%) yesiphelo		
	>200 ukuya kuma ku-350	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 ukusuka esitratweni kunye ne-60%) yesiphelo		
	≤200	1,0	N/a	8,0 m	10,0 m	1,0 m	0,0 m (12,0 ukusuka esitratweni kunye ne-60%) yesiphelo		
		Jonga kumba 22(a)	Jonga kumba 22(b)	Jonga kumba 22(c)	Jonga kumba 22(c)	Jonga kumba 22(d) & 22(e)	Jonga kumba 22(d)&22(e)		
<b>UKUZOWUNWA KWEZINDLU ZOSAPHO OLUNYE 2: IZINDLU EZIMANA ZIXOKOZELELWA (SR2)</b>  <b>USETYENZISO OLUNGUNDOQO</b> Indlu yokuhlala, indawo yesibini yokuhlala, iinkonzo elulutho, indlela yabucala yomntu, ulimo lwasezidolophini namalungelo osetyenziso ongezelelekileyo  <b>AMALUNGELO OSETYENZISO ONGEZELELEKILEYO</b> Indawo yokuhlala, ivenkile esendlwini, Ukusebenzisa indlu, Indlu yeendwendwe yokulala neyokudla isidlo sakusasa, indlu eliziko lokukhathalela abantwana, urhwebo olungekho sikweni kunye nayiphi injongo yokufundisa, yenkolo, yomsebenzi okanye yeshishini kuxhomekeke	1,0	N/a		6,0 m iiyunithi ezizindlu zokuhlala;	8,0 m iiyunithi ezizindlu zokuhlala;	Ilokishi: 1,0 m	Ilokishi: 0,0 m kwi60% ne-1,0 m kwintsalela eyi-2,5 m phakathi kweendawo zokuhlala nezinye izakhiwo	N/a	Ukupaka nokungena lvenkile esendlwini Indawo yokuhlala Urhwebo olungekho sikweni Umhlaba ekwenziwe kuwo iindlela okanye obekelwe iindlela Umhlaba osetyenzisiwe yo okanye ochongelwe ukunqanda ukuqhambuka kwemililo
				8,0 m kwezinye izakhiwo	10,0 m kwezinye izakhiwo	Apho kungekho lokishi: 1,0 m	Apho kungekho lokishi: 3,0 m kwiperimitha eyi-2,5 m phakathi kweendawo zokuhlala nezinye izakhiwo		

kwimiqathango <b>USETYENZISO NGEMVUME</b> Iqela lezindlu, ihostele, indawo yokukhonza, iziko, ikloniki, indawo yokuhlanganela, indawo yokufundisela, iofisi, iresty, indlu yeendwendwe, indawo yolonwabo, urhwebo ngeenkonzo, usetyenziso ngegunya, isitishi sonxibelelwano esikupahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya, iziko lobuyiselo lwezimo zabantu	Jonga kumba 27(a)		Jonga kumba 27(b)	Jonga kumba 27(b)	Jonga kumba 27(c) & 27(d)	Jonga kumba 27(c) & 27(d)		Ukwamkelwa kweepiani zokwakha
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UZOWUNO LWEZINDLU	UZOWU NO LWEMI MANDL ANA	INGXINA NO	UBUNGAKA NANI	OBONA BUDE BUPHAKAMILEY O NGAPHEZU KOMGANGATHO OSISISEKO		IMIDA YEZAKHIWO		UMBINDI WOMDA	EZINYE IZIBONELELO
				Ukuya edong eni	Ukuye phahle ni	Umda wesitrato	Imida efanayo		
<b>IINDAWANA EZOWUNELWE UKUHLALA ULUNTU 1: IQELA LEZINDLU (GR1)</b>  <b>USETYENZISO OLUNGUNDOQO</b> Indlu yokuhlala, iqela lezindlu, indlela yomntu, ibala namalungelo osetyenziso ongezelelekileyo  <b>AMALUNGELO OSETYENZISO ONGEZELELEKI LEYO</b> liflethi nokusebenzisa indlu, kuxhomekeke kwisithintelo  <b>USETYENZISO NGEMVUME</b> linkonzo ezilulutho, indlu eliziko lokukhathalela abantwana nesitishi sonxibelelwano esikuphahla lwesakhiwo	GR1	35 du/ha	N/a	8,0 m	10,0 m	5,0 m isitrato esingaphan dle sikawonkew onke  0,0 m indlela ngaphakathi  ligaraji 5,0 m ukusuka kwikhebhu	3,0 m imida engaphandle  0,0 m imida engaphakathi	N/a	Iziseko zokudizayina  Indawo elibala  Ukupaka nokungena  Iplani yophuhliso lwesiza  liflethi nokusebenzisa indlu njengelungelo lokusebenzisa elongezelelekileyo  Indlu yokuhlala ngaphandle kwenkqubo yeqela
				Jonga kumba 35(c)	Jonga kumba 35(c)	Jonga kumba 35(e) & 35(f)	Jonga kumba 35(e) & 35(f)		
<b>IINDAWANA EZIZOWUNWE NJENGEZINDLU ZOKUHLALA ULUNTU (GR2-GR6)</b>  <b>USETYENZISO OLUNGUNDOQO</b> Indlu yokuhlala, indawo yesibini yokuhlala, iqela lezindlu, ihostele, indlu yeendwendwe, iiflethi, indlela yomntu kunye nebala  <b>USETYENZISO NGEMVUME</b> Inkonzo elulutho, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, Ukusebenzisa indlu, ivenkile, ihotele indawo yokubambela inkomfa nesitishi sonxibelelwano esikuphahla lwesakhiwo	GR2	UMLINGA NISELO WOMGA NGATHO 1,0	60%	Ukuya eluphahleni 15,0 m		4,5 m	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni)	8,0 m	Ukupaka nokungena  Uhlolo lokunqanda umoya  Indlu yokuhlala kunye nendawo yesibini yokuhlala  Iqela lezindlu  Iziko, isikolo nendawo yokuhlanganela  Ivenkile
	GR3	1,0	60%	20,0 m		4,5 m	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni)	8,0 m	
	GR4	1,5	60%	24,0 m		4,5 m	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni)	8,0 m	
	GR5	2,5	60%	35,0 m		4,5 m; 9 m ngaphezu kwe-25 m ubude	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni); 15,0 m ngaphezu kwe- 25,0 m ubude	8,0 m	
	GR6	5,0	60%	50,0 m		4,5 m; 9 m ngaphezu kwe-25 m ubude	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni); 15,0 m ngaphezu kwe- 25,0 m ubude	8,0 m	
		Jonga kumba 41(b)	Jonga kumba 41(a)	Jonga kumba 41(c)		Jonga kumba 41(e)	Jonga kumba 41(e)	Jonga kumba 41(d)	

IINDAWO EZIZOWUNWE UKUBA ZIBE NGAMAZIKO OLUNTU	UMLINGANI SELO WOMGANG ATHO	UBUNGAKA NANI	OBONA BUDE BUPHAKAM ILEYO NGAPHEZU KOMGANG ATHO OSISISEKO	IMIDA YEZAKHIWO		UMBINDI WOMDA	EZINYE IZIBONELELO
			Ukuya elupahlen	Umda wesitrato	Imida efanayo		
<b>UKUZOWUNA AMAZIKO OLUNTU 1: KWIINGINGQI (CO1)</b>  <b>USETYENZISO OLUNGUNDOQO</b> Indawo yokufundisela, indawo yokukhonza, iklini, isitishi sonxibelelwano esikuphahla lwesakhiwo kunye nendawo elibala  <b>USETYENZISO NGEMVUME</b> Iziko, isibhedlele, indawo yokuhlanganela, amangcwaba, isitishi sonxibelelwano esizimele ngokwaso kunye nolimo lwasezidolophini	0,8  Jonga kumba 47(a)	60%  Jonga kumba 47(b)	12,0 m  Jonga kumba 47(c)	5,0 m  Jonga kumba 47(d)	5,0 m  Jonga kumba 47(e)	N/a	Ukupaka nokungena  Ukulayisha  Uhlolo  Ukunqanda ingxolo
<b>UKUZOWUNA AMAZIKO OLUNTU 2: KWIMIMANDLA (CO2)</b>  <b>USETYENZISO OLUNGUNDOQO</b> Iziko, isibhedlele, indawo yokufundisela, indawo yokukhonza, indawo yokuhlanganela, isitishi sonxibelelwano esikuphahla lwesakhiwo kunye nendawo elibala  <b>USETYENZISO NGEMVUME</b> Ihostele, indawo yokubambela inkomfa, amangcwaba, indawo yokutshisa izidumbu, indawo yomngcwabi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya kunye nolimo lwasezidolophini	2,0  Jonga kumba 49(a)	60%  Jonga kumba 49(b)	18,0 m  Jonga kumba 49(c)	5,0 m  Jonga kumba 49(d)	5,0 m  Jonga kumba 49(e)	N/a	Ukupaka nokungena  Ukulayisha  Uhlolo  Ukunqanda ingxolo



Isixeko Sasekapa Umthetho Kamasipala Wocwangciso Lukamasipala, 2015

IINDAWO EZIZOWUNELWE UKUSETYENZISELWA USHISHINO KUNYE NEZINYE IZINTO	SUB- UKUZOWUNA	UMLINGANISE LO WOMGANGAT HO	UBUNGAKANA NI	OBONA BUDE BUPHAKAMILE YO NGAPHEZU KOMGANGATH O OSISISEKO	IMIDA YEZAKHIWO		UMBINDI WOMDA	EZINYE IZIBONELELO
					Umda wesitrato	Imida efanayo		
<b>IINDAWO EZIZOWUNELWE USHISHINO GABALALA (GB1-GB7)</b>  <b>USETYENZISO OLUNGUNDOQO</b> Izakhiwo zoshishino, indlu yokuhlala, indawo yesibini yokuhlala, ihostele, iiflethi, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, indawo yolonwabo, ihostele indawo yokubambela inkomfa, urhwebo ngeenkonzo, usetyenziso ngegunya, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, igaraji yokupaka iimoto ezininzi, indlela yomntu kunye nebala  <b>USETYENZISO NGEMVUME</b> Ivenkile yezinto zesondo,	GB1	1,5	100%	15,0 m	0,0 m ukuya kuma ku- 10,0 m ubude; 4,5 m ngaphezu kwe-10,0 m	0,0 m	8,0 m	Imbuyekezo yezindlu kwiGB7  Ihostele ubungakanani bomgangatho
	GB2	2,0	100%	15,0 m	0,0 m ukuya kuma ku- 10,0 m ubude; 4,5 m ngaphezu kwe-10,0 m	0,0 m	8,0 m	Imboniselo yesigqubuthelo okanye yebhalkhoni  Indlela ehamba abantu ekumda wesitrato
	GB3	2,0	100%	25,0 m	0,0 m ukuya kuma ku- 10,0 m ubude; 4,5 m	0,0 m	8,0 m	likona zezitalato  Ukupaka nokungena

<p>usetyenziso ngegunya, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, usetyenziso lwezithuthi, igaraji yokupaka iimoto ezininzi, indlela yomntu kunye nebala</p> <p><b>USETYENZISO NGEMVUME</b></p> <p>Ivenkile yezinto zesondo, ishishini lokonwabisa abantu abadala, iinkonzo zesondo, urhwebo olungekho sikweni, iziko loboniso, isikirephuyadi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, indawo yokuchopha ihelikhoptha, igaraji yokutha amafutha emoto neyokulungisa iimoto</p>		Jonga kumba 64(a)	Jonga kumba 64(a)	Jonga kumba 64(a)	Jonga kumba 64(c)	Jonga kumba 64(b)	Urhwebo olungekho sikweni
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IINDAWO EZIZOWUNELWE IIFEMU	UZOWUN O LWEMIM ANDLAN YANA	UMLINGAN ISELO WOMGAN GATHO	UBUNGAK ANANI	OBONA BUDE BUPHAKAM ILEYO NGAPHEZU KOMGANGA THO OSISISEKO	IMIDA YEZAKHIWO		UMBINDI WOMDA	EZINYE IZIBONELELO
					Umda wesitrato	Imida efanayo		
<b>IINDAWANA EZIZOWUNELWE USHISHINO GABALALA (GI1-GI2)</b>  <b>USETYENZISO OLUNGUNDOQO</b> Ifemu, iresty, igaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, indawo yomngcwabi, isikirephuyadi, usetyenziso ngegunya, inkonzo elulutho, indawo yokutshisa izidumbu, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, usetyenziso lwezithuthi, igaraji yokupaka iimoto ezininzi, ushishino lwezolimo, indlela yomntu, ibala namalungelo osetyenziso ongezelelekileyo  <b>AMALUNGELO OSETYENZISO ONGEZELELEKILEYO</b> Ifektri nevenkile yezinto zesondo  <b>USETYENZISO NGEMVUME</b> Indawo yokuxhela, indawo yokukhonza, iziko, iikliniki, indawo yokuhlanganela, ishishini lokonwabisa abantu abadala, inkonzo zesondo, ukufama izilwanyana zasemanzini, urhwebo olungekho sikweni, iivenkile, iofisi, ukuthengiswa kotywala, indawo yolonwabo, indawo yokuchopha ihelikoptha, izibonelelo zenjini ejikeleziswa ngumoya neisiza seekhonteyina	GI 1	1,5	75%	18,0 m	5,0 m	3,0 m	N/a	Amadonga ayimida
	GI 2	4,0	75%	18,0 m, kodwa akukho miqathango kwizakhiwo zeemveliso	5,0 m	3,0 m		Ukupaka nokungena  Ukulayisha  Uhlolo  Izinto ezinobungozi  Igaraji yokutha amafutha emoto neyokulungisa iimoto  Ifektri  Ivenkile yezinto zesondo  Urhwebo olungekho sikweni
<b>IINDAWO EZIZOWUNELWE AMASHISHINI ANOBUNGOZI (RI)</b>  <b>USETYENZISO OLUNGUNDOQO</b> Ushishino olunobungozi, umsebenzi onobungozi, indawo yokutshisa izidumbu, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, indlela yomntu, ibala namalungelo osetyenziso ongezelelekileyo  <b>AMALUNGELO OSETYENZISO ONGEZELELEKILEYO</b> Ifektri		2,0	75%	18,0 m, kodwa akukho miqathango kushishino olunobungozi , umsebenzi onobungozi okanye izakhiwo zoveliso	5,0 m	5,0 m	N/a	Ukupaka nokungena  Ukulayisha  Uhlolo  Amadonga ayimida  Izinto ezinobungozi
		Jonga kumba 75(a)	Jonga kumba 75(b)	Jonga kumba 75(c)	Jonga kumba 75(d)	Jonga kumba 75(d)		Igaraji yokutha amafutha

<b>USETYENZISO NGEMVUME</b> Ivenkile, iresty, urhwebo olungekho sikweni, igaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, ifemu, isikirephuyadi, indawo yokuxhela, usetyenziso ngegunya, inkonzo elulutho, indawo yokuchopha ihelikhoptha, izibonelelo zenjini ejikeleziswa ngumoya, isiza seekhonteyina, usetyenziso lwezithuthi kunye negaraji yokupaka iimoto ezininzi							emoto neyokulungisa iimoto  Ifektri  Urhwebo olungekho sikweni
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## ISAPHO 5: IINDAWO ZOKUHLALA EZIZINDLU ZOSAPHO OLUNYE (imiba 21 - 33)

Iindawo zokuhlala ezizindlu zosapho olunye zidizayinwe ukubonelela ngeendawo zezindlu zokuhlala zosapho olunye kwiindawo ezingenangxinano inkulu, kwimeko ekhuselekileyo nevumela ukuhlala kamnandi. Kukho amathuba alawulwayo engqesho yasezindlwini, eyezindlu ezongezelekileyo nophuhliso oluxubileyo kwipropati enye eyindlu. Kuba kuthathelwa ingqalelo iimeko ezahlukeneyo zentlalo noqoqosho zeSixeko, zimbini iintlobo zeendawo zokuhlala ezizindlu zosapho olunye, enye yeZindlu zeSiqhelo ze enye ibe yeyeZindlu ezimana zixokozelelwa (apho kukhuthazwa uphuculo lwamatyotyombe).

### Isiqendu 1: Ukuzowunwa kweZindlu zoSapho oLunye 1: Izindlu zeSiqhelo (SR1) (imiba 21 - 25)

Iindawo ezowunwa njengeSR1 ibonelela ngezindlu zokuhlala zosapho olunye namalungelo osetyenziso ongezolelekileyo kwiindawo ezingenangxinano inkulu, nokuba oku kukwiziza ezincinci okanye ezikhulu. Kukho amathuba engqesho angaphi nawokongeza izindlu njengosetyenziso olungundoqo okanye usetyenziso ngemvume, ukuba ngaba ifuthe lolo setyenziso alizi kuchaphazela kakubi izindlu ezingqongile loo mmandla.

## 21 Ukusetyenziswa kwepropati

Le miqathango ilandelayo yosetyenziso isebenza kwiipropati ezikolu zowuno:

- (a) Usetyenziso olungundoqo yindlu yokuhlala, nendlela yomntu yabucala namalungelo usetyenziso ongezolelekileyo njengoko luchazwe kumhlathi (b).
- (b) Amalungelo osetyenziso ongezolelekileyo anokusetyenziswa ngumntu ohleli kwipropati kukusebenzisa indlu, indlu yeendwendwe yokulala neyokudla isidlo sakusasa kunye nendlu eliziko lokukhathalela abantwana, kuxhomekeke kule miqathango ilandelayo:
  - (i) Kuya kusetyenziswa ibe nye kuphela kwizinto ezidweliswe njengamalungelo osetyenziso ongezolelekileyo kuyo nayiphi iyunithi yomhlaba njengosetyenziso olungundoqo. Apho kufunwa ngaphezu komsebenzi omnye, kuya kufunwa imvume yeSixeko;
  - (ii) Usetyenziso olungundoqo lwepropati iya kuba yindlu yokuhlala yosapho olunye;
  - (iii) Umnini womsebenzi ochaphazelekayo kufuneka abe uhlala kwipropati;
  - (iv) Imiqathango echazwe kwimiba 23, 24, okanye 25 (leyo ichaphazelekayo) iya kuthotyelwa;
  - (v) Nasiphi isakhiwo esitsha okanye utshintsho kwipropati ukulungiselela ilungelo elongezelekileyo losetyenziso luya kuhambelana nenkangeleko neempawu zommandla, ngakumbi iimpawu zesitrato, yaye kufuneka lukwazi ukubuyiselwa kusetyenziso njengenxalenye yendlu yokuhlala, indawo yesibini yokuhlala okanye isakhiwo esingaphandle esichaphazelekayo; yaye
  - (vi) Akusayi kusetyenziswa ngaphezu kwabasebenzi abathathu ngumninindlu kumsebenzi ochaphazelekayo.
- (c) Usetyenziso ngemvume zinkonzo ezilulutho, indawo yokufundisela, indawo yokukhonza, iivenkile esendlwini, iziko, indlu yeendwendwe, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya, indawo elibala, ulimo lwasezidolophini, indawo yesibini yokuhlala kunye neziko lobuyiselo lwezimo zabantu.

## 22 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho  
Owona mlinganiselo mkhulu womgangatho ugqitywa ngokuhambelana nommandla weyunithi yomhlaba njengoko kubonisiwe kule 'theyibhile yomlinganiselo womgangatho, ubungakanani bomgangatho, ubude nemida yezakhiwo 'kuZowuno lweZindlu zoSapho oLunye 1'.



- (b) Ubungakanani bomgangatho  
Obona bukhulu bomgangatho, ukuba buyachaphazeleka, bazo zonke izakhiwo ezikwiyunithi yomhlaba, ugqitywa ngokuhambelana nale 'theyibhile yomlinganiselo womgangatho, ubungakanani bomgangatho, ubude nemida yezakhiwo kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1'.
- (c) Ubude
- Obona bude buphakamileyo besakhiwo, obumetwa ukusuka kwisiseko somgangatho ukuya kumphezulu wophahla, uya kugqitywa ngokuhambelana nommandla weyunithi yomhlaba njengoko kubonisiwe kule 'theyibhile yomlinganiselo womgangatho, ubungakanani bomgangatho, ubude nemida yezakhiwo kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1';
  - Apho isakhiwo siphantsi kolu zowuno sikwi-3 m yomda ofanayo, ubude abusayi kuba ngaphezu kwe-4 m obumetwe ukusukela kwizinga lesiseko ukuya eluphahleni.
  - Noxa kukho imiqathango kumhlathana(ii), kwi-12,0m yokuqala yomda ofanayo ometwe ngqo ukusuka kumda womda wesitrato nalapho isakhiwo sisondeziwe kuloo mda ofanayo, ubude bugqitywa ngokuhambelana 'netheyibhile yomlinganiselo womgangatho, ubungakanani bomgangatho, ubude nemida yezakhiwo kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1';
  - Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.
- (d) Imida yezakhiwo  
Isitrato nomda ofanayo kwimida wezakhiwo zigqitywa ngokuhambelana nommandla weyunithi yomhlaba njengoko kubonisiwe 'kwitheyibhile yomlinganiselo womgangatho, ubungakanani bomgangatho, ubude nemida yezakhiwo kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1, kuxhomekeke:
- ekudluleni kumda esifanele ukuphela kuwo isakhiwo kumba 121;
  - apho iiyunithi ezizindlu zokuhlala ezingaphezu kwesine zincamathelene, iSixeko singafuna ukuba umda wesakhiwo ofanayo ube yi-1 m kwingqokelela yeeyunithi ezincamatheleneyo ezine ezizindlu zokuhlala kunye nayiphi na enye iyunithi yendlu emelene nezo; kunye
  - nezinye izithintelo njengoko zichaziwe kwimihlathi(e) no-(f) echaphazelekayo.

**Ittheyibhile yomlinganiselo womgangatho, ubungakanani bomgangatho, ubude nemida yezakhiwo kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1**

Ummandla weyunithi yomhlaba (m <sup>2</sup> )	Umlinganiselo womgangatho	Maximum ubungakanani bomgangatho	Obona bude buphakamileyo ngaphezu komgangatho osisiseko		Umda wesakhiwo ukusuka esitratweni	Umda wesakhiwo ofanayo
			To wall-plate	Ukuya eluphahleni		
>2 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	6,0 m	6,0 m
>1 000 ukuya kuma ku-2 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	4,5 m	3,0 m
>650 ukuya kuma ku-1 000	N/a	1 500 m <sup>2</sup>	9,0 m	11,0 m	3,5 m	3,0 m

>350 ukuya kuma ku-650	1,0	N/a	8,0 m	10,0 m	3,5 m	kwi-12,0m yokuqala yomda ometwe ngqo ukusuka kumda wesitrato no-0,0 m ne-60% yomgama oshiyekileyo okwimida efanayo kwiyunithi yomhlaba ne-3,0 m kwintsalela, ngokomhlathi d(iii).
>200 ukuya kuma ku-350	1,0	N/a	8,0 m	10,0 m	3,5 m	kwi-12,0m yokuqala yomda ometwe ngqo ukusuka kumda wesitrato no-0,0 m ne-60% yomgama oshiyekileyo okwimida efanayo kwiyunithi yomhlaba ne-3,0 m kwintsalela; kuxhomekeke kwimihlathi(ii) no-(iii).
≤200	1,0	N/a	8,0 m	10,0 m	1,0 m	

- (e) Ukubekwa kwefestile necango  
Nayiphi inxalenye yesakhiwo enefestile okanye ucango olungaphandle olujonge kumda ofanayo:
- (i) Iya kubuyiswa umgama ubuncinane oyi-1,5 m away ukusuka kuloo mda; yaye
  - (ii) inxalenye yesakhiwo eya kubuyiswa kumda iya kubandakanya ucango okanye ifestile, kunye nobude obongezelelekileyo obufunekayo ukwenza obona bude buncinci obuyi-3 m.
- (f) Igaraji, ikhapoti nezakhiwo ezingaphandle
- (i) Igaraji, ikhapoti nezakhiwo ezingaphandle zivumelekile kumda wesakhiwo ofanayo ukuba ngaba igaraji, nekhapoti nesakhiwo esingaphandle:
    - (aa) azidluleli ngaphaya kwe-3,5 m ukusuka kumgangatho osezantsi ukuya kuma eluphahleni;
    - (bb) siqulathe ngaphezulu komphambili weegaraji ezimbini; yaye
    - (cc) sinobubanzi obungaphezu kwe-6,5 m.
  - (ii) Ukulungiselela iiyunithi zemihlaba eziyi-650 m<sup>2</sup> nangaphantsi, igaraji okanye ikhapoti ivumeleke ukuya kuma ku-1,5 m ukusuka kumda wesitrato ukubonelela igaraji okanye ikhapoti:
    - (aa) engendanga ngaphezu kwe- 3,5 m ukusuka kumgangatho osezantsi ukuya kuma eluphahleni;
    - (bb) asiqulethanga ngaphezulu komphambili weegaraji ezimbini; kunye
    - (cc) ububanzi abukho ngaphezu kwe-6,5 m.
  - (iii) Ukulungiselela iiyunithi zemihlaba ezingaphezu kwe-650 m<sup>2</sup>, igaraji okanye ikhapoti ayizi kuba kufuphi ngaphezu kwe-5 m ukusuka kumda wesitrato, noxa kukho umgca wesakhiwo wesitrato.

- (iv) Noxa kukho imihlathi(ii) no-(iii), igaraji okanye ikhapoti ingakhiwa kumda wesakhiwo ukusuka esitratweni ukuba, ngokokubona kweSixeko, akuzi kukwazeka ukuthobela umda wesakhiwo ukusuka esitratweni ngenxa yokuthambeka komhlaba phakathi kwendlela nepropati echaphazelekayo. ISixeko siya kugqiba ngomda wesakhiwo ukusuka esitratweni kuloo meko.
- (g) Ukupaka nokungena
  - (i) Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yeSahluko 15.

## 23 Ukusebenzisa indlu

Ngaphezu komba 21(b), le miqathango ilandelayo iya kusebenza apho inxalenye yepropati isetyenziswa ngenjongo yokusebenzisa indlu:

- (a) Akukho lusebenziso lwendlu luya kubandakanya ushishino olunobungozi, umsebenzi onobungozi, ishishini lokonwabisa abantu abadala, iinkonzo zesondo, ivenkile yezinto zesondo, ukuthengiswa kotywala, igaraji yokulungisa iimoto, indawo yomngcwabi okanye imisebenzi eza kukhathaza ucwangco loluntu, kubandakanywa kodwa kungaphelelwanga kulungiso lweemoto nokuspreya iimoto, umntu osebenza ngombane, iyadi yomakhi nomsebenzi wokuwelda;
- (b) Zimpahla eziveliswe okanye ezidityaniswe kuloo ndlu kuphela eziya kuthengiswa kwipropati;
- (c) Akukho zinto zithengiswayo ziya kuvezwa ngaphandle ukuba zibonwe luluntu kwindlu esetyenziswayo yaye akukho bungqina bosesetyenziso lwendlu buya kuvezwa kwisitrato sikawonkewonke, ngaphandle kophawu lwentengiso oluhambelana nomhlathi (d);
- (d) Akukho sayini yantengiso ngaphandle kwesayini enye engakhanyiswanga okanye isaziso esingakrobi ngaphaya kwesitrato sikawonkewonke ngokuhambelana noMthetho kaMasipala weNtengiso neeMpawu weSixeko yaye loo sayini ayisayi kuba ngaphezulu kwe-0,2 m<sup>2</sup> kummandla;
- (e) Akukho zinto ziya kwenziwa ezenza okanye ezibonwa njengezingumthombo wokuphazamisana nenzolo yoluntu okanye ezidala inkunkuma enokuba nobungozi kummandla okanye ezifuna inkqubo eyodwa yokususwa kwenkunkuma;
- (f) indawo yokupaka esesitratweni iya kubonelelwa ngomyinge webheyi yokupaka e-1 kummandla oyi-25 m<sup>2</sup> kusetyenziso lwendlu ngaphandle kokuba imvume yeSixeko ifunyenwe yokuba lo mqathango ungalandelwa. ISixeko singathi nanini na sifune ipakingi eyongezelelekileyo apho inganelanga;
- (g) Ummandla uwonke wokusebenzisa indlu kwiyunithi yomhlaba, kubandakanywa ugcino, awusayi kuba ngaphezu kwe-25% yobungakanani bomgangatho bubonke beeyunithi ezizindlu zokuhlala kwiyunithi yomhlaba okanye kwe-50 m<sup>2</sup>, nokuba yeyiphi engaphantsi;
- (h) Ukugcinwa kwazo zonke iimpahla nezixhobo ezihlangene nokusetyenziswa kwendlu kuya kuba ngaphakathi kwisakhiwo okanye kusikirinwe ukusuka kubamelwane nesitrato sikawonkewonke;
- (i) Akunakusetyenziswa ngaphandle kwezithuthi ezibini kwimvume yosetyenziso lwendlu, yaye akukho sithuthi esinokuba ngaphezu kwe-3 500 kg ubunzima;
- (j) Iiyure zokusebenza azisayi kudlula ku-08:00 ukuya ku-17:30 ngoMvulo ukuya kutsho ngoLwesihlanu, ze ibe ngu-08:00 ukuya ku-13:00 ngeMigqibelo yaye azibandakanyi iiholide zikawonke-wonke neeCawe; yaye
- (k) ISixeko singathi, nanini na, singafuna ukuba kuyekwe into eyenziwayo ngokwelungelo lokusebenzisa indlu okanye sibeke imiqathango ukucutha uphazamiseko lwabamelwane okanye loluntu ngokubanzi.

## 24 Indlu yeendwendwe yokulala neyokudla isidlo sakusasa

Ukongeza kumba 21(b), le miqathango ilandelayo iya kusebenza apho inxalenye yepropati isetyenziswa njengendlu yeendwendwe yokulala neyokudla isidlo sakusasa, okanye apho kukho amagumbi arentisayo:

- (a) Akusayi kusetyenziswa ngaphezu kwamagumbi ama-3 kwiyunithi nganye yomhlaba njengamagumni okulalisa iindwendwe ezihlawulayo yaye akusayi kunikwa ngaphezu kweendwendwe ezihlawulayo ezi-6 amagumbi okulala okanye ukutya nanini na;
- (b) Akukho tywala buya kuthengiswa ngaphandle kokuthengisela iindwendwe nobuya kuthi buselelwe kweso sakhiwo kunye nokutya;
- (c) Amagumbi eendwendwe akasayi kuguqulwa okanye asetyenziswe njengeeyunithi ezizindlu zokuhlala zokuziphekelwa ezizimele geqe;
- (d) Ukutya kuya kunikwa kuphela iindwendwe ezinamagumbi okulala kwipropati, abasebenzi nosapho oluhlala kuloo ndlu;
- (e) Akukho sayini yantengiso ngaphandle kwesayini enye engakhanyiswanga okanye isaziso esingakrobi ngaphaya kwesitrato sikawonkewonke ngokuhambelana noMthetho kaMasipala weeNtengiso neeMpawu weSixeko yaye loo sayini ayisayi kuba ngaphezulu kwe-0,5 m<sup>2</sup> kummandla;
- (f) Imitshato imisitho yolwamkelo, iinkomfa, uqeqesho okanye iziganeko ezibufana nezi azivumelekanga kwindlu yeendwendwe yokulala neyokudla isidlo sakusasa;
- (g) Akukho zinto ziya kwenziwa eziya kuphazamisana nenzolo yoluntu, yaye
- (h) Indawo yokupaka yesiza iya kubonelelwa ngokuhambelana nemiqathango yeSahluko 15, yaye iSixeko singathi nanini na sifune ipakingi eyongezelelekileyo apho inganelanga.

## 25 Indlu eliziko lokukhathalela abantwana

Ukongeza kumba 21(b), le miqathango ilandelayo iya kusebenza apho inxalenye yepropati isetyenziswa njengendlu eliziko lokukhathalela abantwana:

- (a) Akusayi kubhaliswa ngaphezu kwabantwana aba-6 kwindlu eliziko lokukhathalela abantwana nanini na;
- (b) Iinkonzo zalapho iya kuba lukhathalelo lwabantwana okanye ukufundisa, yaye azisayi kukuba zezempilo;
- (c) Akusayi kubonelelwa ziinkonzo ngaphandle kweeyure ezingu-07:00 ukuya ku-18:00 ngoMvulo ukuya kutsho ngoLwesihlanu, ze ibe ngu-08:00 ukuya ku-13:00 ngeMigqibelo yaye azibandakanyi iiholide zikawonke-wonke neeCawe;
- (d) Indawo yokudlala phandle iya kubonelelwa ngokuhambelana neemfuno zezempilo okanye ngokwesicwangciso somgaqonkqubo esamkelweyo siSixeko amaxesha ngamaxesha yaye indawo yokudlala phandle iya kubiyelwa kuso nasiphi isitrato sikawonkewonke;
- (e) Akukho sayini yantengiso, ngaphandle kwesayini enye engakhanyiswanga okanye isaziso esingakrobi ngaphaya kwesitrato sikawonkewonke ngokuhambelana noMthetho kaMasipala weeNtengiso neeMpawu weSixeko yaye loo sayini ayisayi kuba ngaphezulu kwe-0,5 m<sup>2</sup> kummandla; yaye
- (f) Ubuncinane kuya kubonelelwa ngebheyi yokupaka enye kunye nebheyi enye eyongezelelekielyo yokupaka eya kusetyenziswa ngabazali xa bezise naxa beze kulanda abantwana ngaphandle kokuba kufunyenwe imvume yeSixeko yokuba le mfundo ingalandelwa. ISixeko singathi nanini na sifune ipakingi eyongezelelekileyo apho inganelanga.

### **Isiqendu 2: Ukuzowunwa kweZindlu zoSapho oLunye 2: Izindlu ezimana zixokozelelwa (SR2)** (imiba 26 - 33)

Indawo ezowune njengeSR2 yeyophuculo lwezindlu ezimana zixokozelelwa ukusuka ekubeni ngamatyotyombe zezibe zizindlu zezitena. Ii-SR2 zingafaka isicelo kwiyunithi zemihlaba zomntu ngamnye okanye kwiibhloko ezinamatyotyombe. Kuba kuthathelwa ingqalelo iimeko zabantu abahluphekayo, imigaqo yophuhliso ayikho qatha kakhulu yaye kukhuthazwa nokuba kufalwa imisebenzi kwezo ngingqi zinolu zowuno. Xa uphuculo lommandla lufike kwisigaba esithile, njengoko kugqitywe siSixeko, ngummandla oxeliweyo onokuthi uzowunwe kwakhona ube yi-SR1 okanye ube lolunye uzowuno olufanelekileyo. Zonke iipropati ezizowunwe njengeeZowuni

ezingaMatyotyombe ngokweenkqubo zokuzowuna zangaphambili ziguqulqwe zaba yi-SR2 kule nkqubo yolawulo lophuhliso.

## 26 Ukusetyenziswa kwepropati

- (1) Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:
  - (a) Usetyenziso olungundoqo yindlu yokuhlala, indawo yesibini yokuhlala, inkonzo elulutho, indlela yabucala yomntu, ulimo lwasezidolophini namalungelo osetyenziso ongezelekileyo njengoko echazwe kumhlathi (b).
  - (b) Amalungelo osetyenziso ongezelekileyo anokusetyenziswa ngumntu ohlala kuloo ndlu yindawo yokuhlala, ivenkile esendlwini, ukusebenzisa indlu, indlu yeendwendwe yokulala neyokudla isidlo sakusasa, indlu eliziko lokukhathalela abantwana, urhwebo olungekho sikweni kunye nayiphi injongo yokufundisa, yenkolo, yomsebenzi okanye yeshishini, ukuba ngaba:
    - (i) Usetyenziso olungundoqo lwalo yunithi iya kuba yindlu yokuhlala;
    - (ii) Akukho ushishino olunobungozi, umsebenzi onobungozi, ishishini lokonwabisa abantu abadala, inkonzo zesondo okanye ivenkile yezinto zesondo luvumelekileyo apho;
    - (iii) Akukho zinto ziya kwenziwa ezenza okanye ezibonwa njengeziphazamisaa inzolo yoluntu, kubandakanywa nosetyenziso lwezixhobo ezenza ingxolo egqithisileyo, okanye nayiphi into edala uthuli, umsi okanye inkunkuma enokuba nobungozi kwimpilo okanye efuna iinkqubo ezizodwa zokususwa kwenkunkuma;
    - (iv) ISixeko singathi, nanini na, sifune kuyekwe into eyenziwayo ngokwelungelo lokusebenzisa indlu okanye sibeke imiqathango ukucutha uphazamiseko lwabamelwane okanye loluntu ngokubanzi; yaye
    - (v) Imigaqo yophuhliso echazwe kwimiba 23, 24, 25, 28, 29 no-30, leyo ichaphazelekayo, iya kuthotyelwa.
  - (c) Usetyenziso ngemvume leleqela lezindlu, ihostele, indawo yokukhonza, iziko, iikliniki, indawo yokuhlanganela, indawo yokufundisela, iofisi, iresty, indlu yeendwendwe, indawo yolonwabo, urhwebo ngeenkono, usetyenziso ngegunya, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya kunye neziko lobuyiselo lwezimo zabantu.
  - (d) Usetyenziso olwahlukileyo nezakhiwo apho kungekho lokishi isesikweni.
- (2) Noxa kukho usetyenziso olungundoqo, amalungelo osetyenziso ongezelekileyo nosetyenziso ngemvume kolu zowuno lungavunyelwa apho:
  - (a) kungamiselwanga ilokishi esesikweni ngokwasemthethweni; okanye
  - (b) apho kungakwazeki ukuchonga iiyunithi zemihlaba zomntu ngamnye.

## 27 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho  
Owona mlinganiselo mkhulu womgangatho wazo zonke izakhiwo kwipropati ngu-1,0.
- (b) Ubude
  - (i) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kwizixhaso zophahla, iya kuba yi-6 m kwiiyunithi ezizindlu zokuhlala ze ibe yi-8 m kuzo zonke ezinye izakhiwo;
  - (ii) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kumphezulu wophahla, iya kuba yi-8 m kwiiyunithi ezizindlu zokuhlala ne-10 m kuzo zonke ezinye izakhiwo.
  - (iii) Imiqathango yamadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa ikumba 126.
- (c) Imida yezakhiwo apho kukho ilokishi esesikweni  
Le mida yezakhiwo ilandelayo isebenza kwizakhiwo, kubandakanywa iindawo zokuhlala, ezikwiiyunithi zemihlaba ezizowunwe njengeSR2 ezahlulahluwe zaziilokishi ezisesikweni nalapho ulwahlula-hlulo luqinisekisiwe ngokwalo Mthetho kaMasipala okanye omnye umthetho ochaphazelekayo:
  - (i) Umda wesakhiwo ukusuka esitratweni: 1 m;

- (ii) Umda wesakhiwo ofanayo: 0 m kwi-60% yomgama uwonke okwimida efanayo kwiyunithi yomhlaba ne-1 m kwintsalela:
  - (aa) apho iiyunithi ezizindlu zokuhlala ezingaphezu kwesi-4 zincamathelene, iSixeko singafuna ukuba umda wesakhiwo ofanayo ube yi-1 m kwingqokelela yeeyunithi ezincamatheleneyo ezi-4 ezizizindlu zokuhlala kunye nayiphi na enye iyunithi yendlu emelene nezo, yaye
  - (bb) akukho macango okanye zifestile ziya kufakwa kudonga olunomda ongaphantsi kwe-1 m ukusuka kumda ofanayo.
- (iii) Akusayi kuncanyatheliswa ngaphezu kweendawo zokuhlala ezi-2, enye kwenye ngaphandle kwesithuba esibubuncinane obuyi-2,5 m phakathi kwezo ndawo zokuhlala kunye nasiphi esinye isakhiwo okanye indawo yokuhlala kwiyunithi yomhlaba, okanye kuyo nayiphi na enye iyunithi yendlu emelene nezo; kunye
- (iv) Ukudlula kumda esifanele ukuphela kuwo isakhiwo kumba 121 kuyangena nalapha.
- (d) Imida yezakhiwo apho kungekho lokishi isesikweni  
Le mida yezakhiwo ilandelayo isebenza kwizakhiwo, kubandakanywa iindawo zokuhlala, kwipropati engekahlulahlulwa njengenxalenye yelokishi esesikweni:
  - (i) umda wesakhiwo ukusuka esitratweni: Isakhiwo ngasinye okanye indawo yokuhlala iya kubuyiswa ubuncinane nge-1 m ukusuka esitratweni, endleleni okanye ekupheleni kwendlela yethutyana okanye indledlana yokudlula, njengoko ugqitywe siSixeko;
  - (ii) umda wesakhiwo ofanayo: uya kuba yi-3 m ukusuka kumda wepropati njengoko ugqitywe siSixeko;
  - (iii) apho iiyunithi ezizindlu zokuhlala ezingaphezu kwesi-4 okanye iindawo zokuhlala zincamathelene iSixeko singafuna ukuba kubekho isithuba esi-2,5 m phakathi kwezo zindlu okanye iindawo zokuhlala kunye nasiphi esinye isakhiwo okanye indawo yokuhlala kwipropati echaphazelekayo okanye nayiphi na enye ipropati yendlu emelene nezo; kunye
  - (iv) nokudlula kumda esifanele ukuphela kuwo isakhiwo kumba 121 kuyangena nalapha.
- (e) Ukupaka nokungena
  - (i) Indawo yokupaka iya kubonelelwa kwipropati ngokuhambelana nale 'theyibhile yeemfuno yendawo yokupaka kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 2':

**Ittheyibhile yeemfuno yendawo yokupaka kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 2**

Usetyenziso lwepropati	Imfuno yendawo yokupaka
Indawo yokuhlala	Ayikho
Indlu yokuhlala	Ibheyi enye, ukuba ifunwa njalo siSixeko (Ayikho kwiziza <100 m <sup>2</sup> )
Indawo yesibini yokuhlala, ukusebenzisa indlu	Ayikho
Olunye usetyenziso okanye usetyenziso ngemvume	Ngokwemfuno zeSixeko

- (ii) Imiqathango yeSahluko 15 emalunga nokupaka nokungena, ayisebenzi kolu zowuno.

## 28 Ivenkile esendlwini

Le miqathango ilandelayo isebenza kwivenkile esendlwini:

- (a) Ubungakanani nendawo eza kuba kuyo ivenkile kufuneka ichazwe kakuhle kwiplani, yaye ngaphandle indlu yangasese okanye yokutshintsha, ayisayi kuba ngaphezulu kwe-40 m<sup>2</sup> okanye 40% yobungakanani bubonke bomgangatho wendlu, nokuba ngowuphi na owona mmandla mncinci;
- (b) Ngaphezu kwevenkile esendlwini, ipropati kufuneka ibe nendlu ekuza kuhlala kuyo umnini wevenkile esendlwini;



- (c) Nasiphi isakhiwo esitsha, okanye utshintsho kwindlu yokuhlala, indawo yesibini yokuhlala okanye isakhiwo esingaphandle, siya kuthobela inkangeleko neempawu zommandla;
- (d) Akusayi kubandakanywa ngaphezu kwesithathu sabantu kwimisebenzi yoshishino yepropati, kubandakanywa umntu ohlala kwindlu okanye abahlali okanye abancedisi;
- (e) Kuvumeleke isayini enye kuphela engakhanyiswanga ngokuhambelana noMthetho kaMasipala weeNtengiso neeMpawu weSixeko, eya kuncanyatheliswa kudonga lwevenkile esendlwini okanye udonga olungumda, yaye ayisayi kuba ngaphezulu kwe-0,5 m<sup>2</sup>;
- (f) Ezi zinto zilandelayo azivumelekanga kwivenkile esendlwini: ukuthengiswa kotywala, ukugcina okanye ukuthengisa iziqhumbisi zokudlala, ukugcina igesi ukuba uyithengise, ukuthengiswa kweekhonteyina zegesi, oomatshini apho abantu bazithengela iziselo neeswiti, umatshini weegeyimu, iigemu zeevidiyookanye itheyibhile yepuli;
- (g) Ummandla osetyenziselwa ivenkile esendlwini awunakuvulekela kwikamire yokulala okanye kwindlu yangasese yaye akunakugcinwa izinto ezithengiswayo ekamireni okanye kwindlu yangasese;
- (h) Akuvumelekanga zilwanyana kummandla osetyenziselwa ivenkile esendlwini;
- (i) Ivenkile esendlwini iya kuba nomoya owaneleyo ongenayo nophumayo, yaye ukuba kuthengiswa ukutya okubolayo, iSixeko singafuna ukuba kubekho ifriji;
- (j) Ivenkile esendlwini iya kuvula ngo-07:00 ukuya ku-21:00 ngoMvulo ukuya kutsho ngoLwesihlanu ze ibe ngu-08:00 ukuya ku-13:00 ngeMigqibelo, ezi yure azibandakanyi iiholide zikawonke-wonke neeCawe; yaye
- (k) Akunakusetyenziswa ngaphezu kwesithuthi esinye kwivenkile esendlwini yaye asisayi kuba ngaphezulu kwe-3 500 kg ubunzima, kubandakanywa iimoto zokuthutha.

## 29 Indawo yokuhlala

Le miqathango ilandelayo isebenza kwindawo yokuhlala:

- (a) Iya kuba luxanduva lomntu ohlala kwindlu okanye umnini wendlu ukuqinisekisa ukuba indlu iyahlaleka, ayisayi kutsha nangeminye imigangatho yendawo yokuhlala; yaye
- (b) Nawuphi umhlali okanye umnini wendawo yokuhlala oyalelwe siSixeko ukuba athathe amanyathelo ukulungisa into ebubungozi kukhuseleko loluntu, kwimpilo okanye kwimililo, ze angakwenzi oko, unetyala ngokwalo Mthetho kaMasipala.

## 30 Urhwebo olungekho sikweni

Urhwebo olungekho sikweni luvumeleke emhlabeni ongakumda wendlela okanye ochongwe siSixeko njengomda wendlela ukuba ngaba:

- (a) akukho zakhiwo zisisigxina zakhiwe kuloo mhlaba;
- (b) akukho luphazamiso lwabahambi ngeenyawo okanye lwezithuthi okanye lweenkonzo zikamasipala ezilulutho; yaye
- (c) akukho bungozi kwimpilo nokhuseleko loluntu.

## 31 Umhlaba ekwenziwe kuwo iindlela okanye obekelwe iindlela

Akukho sakhiwo okanye ndlu iya kwakhiwa emhlabeni ekwenziwe kuwo indlela okanye ochongwe siSixeko njengendawo ekuza kwenziwa kuyo indlela.

## 32 Umhlaba osetyenzisiweyo okanye ochongelwe ukunqanda ukuqhambuka kwemililo

Akukho sakhiwo okanye indawo yokuhlala iya kwakhiwa emhlabeni osetyenziswe, ochongwe okanye obekwe siSixeko njengendawo yokunqanda umlilo kwiplani yophuhliso lwesiza eyamkelweyo siSixeko.

## 33 Ukwamkelwa kweplani zokwakha

Noxa iiyunithi zemihlaba zomntu ngamnye zisenokuba khange zidluliselwa ebantwini, iSixeko singamkela iiplani zesakhiwo ngokweNational Building Act zesakhiwo sosetyenziso olungundoqo okanye usetyenziso ngemvume, ngaphandle kwendlu, ukuba ngaba iSixeko sanelisekile ukuba:

- (a) eso sakhiwo singasisakhiwo esisigxina ngokwendawo esikuyo, usetyenziso, kuthathelwa ingqalelo naziphi izicwangciso zokuphucula ummandla; kunye
- (b) umfaki-sicelo uyifumene imvume kumnini womhlaba ukuba akhe isakhiwo.

## **ISAPHLUKO 6 : IINDAWO EZIZOWUNELWE UKUHLALA ULUNTU**

(imiba 34 - 45)

*Iindawo ezizowunelwe ukuhlala uluntu zidizayinwe ukubonelela indawo ephilileyo, ekhuselekileyo nehlalisa kamnandi kwiindawo ezisezidolophini ezixineneyos, ukukhuthaza uphuhliso ngempumelelo lwasezidolophini, ukulawula uxinzelelo lokukhula kweedolophu nokucutha ukunaba kweedolophu. Iindawo neendawana eziZowuniweyo ezahlukileyo zivumela amazing ahlukileyo ophuhliso, ingakumbi olumalunga nobude nobungakanani bomgangatho. Kwezi ndawo ziZowuniweyo kukho amathutyana okuqeshwa ezindlwini nophuhliso oluxubileyo olungephi.*

### **Isiqendu 1: Iindawana ezowunelwe ukuhlala uluntu 1: Iqela lezindlu (GR1)**

(imiba 34 - 39)

*Uzowuno lweGR1 lukhuthaza iqela lezindlu, oluluphuhliso olungenangxinano ininzi, apho kuye kugxininiswe kwinkangeleko, uhonjiso lwezo zindlu nobudlelane phakathi kweziqukathi zophuhliso ezahlukileyo. Kuye kubandakanywe amathuba eeflethi kwiprojekthi yeqela lezindlu. I-GR1 iye yamkele nezindlu zokuhlala ezingeyonxalenye yeqela lezindlu.*

### **34 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo yindlu yokuhlala, iqela lezindlu, indlela yomntu, ibala namalungelo osetyenziso ongezelekileyo njengoko echazwe kumhlathi (b).
- (b) Amalungelo osetyenziso ongezelekileyo ziiflethi kuxhomekeke kwimigaqo yophuhliso kumba 37 nemiqathango yokusebenzisa indlu ekumba 38.
- (c) Usetyenziso ngemvume iinkonzo ezilulutho, indlu eliziko lokukhathalela abantwana nesitishi sonxibelelwano esikuphahla lwendlu

### **35 Imigaqo yokuphuhlisa iqela lezindlu**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo kwiqela lezindlu:

- (a) Iziseko zokudizayina  
Zonke izakhiwo ziya kuplanwa, zidizayinwe zakhiwe ngendlela ehamba nezicwangciso zolwakhiwo yaye kuya kuhoywa inkangeleko, izihombisi, uyilo lweendawo ezisezidolophini nokuqaqambisa imbonakalo-mhlaba.
- (b) Ingxinano  
Ingxinano enkulu kwisiza seqela lezindlu iya kuba ziinyunithi ezizindlu zokuhlala ezingama-35 ngehektare.
- (c) Ubude
  - (i) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kwizixhasi zophahla, iya kuba yi-8 m, ze umphezulu wophahla ube yi-10 m.
  - (ii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.
- (d) Indawo elibala  
Kwisiza seqela lezindlu, ubuncinane beithuba esingaphandle iya kuba yi-50 m<sup>2</sup> kwiyunithi nganye eyindlu, yaye ingabandakanya indawo elibala yabucala okanye yabantu abaninzi okanye nasiphi isithuba esiphandle ekungangeni zithuthi kuso, kodwa ayibandakanyi iindlela, iiyadi zokusevisa nemimandla yokupaka.
- (e) Imida yezakhiwo kwipherimitha yeqela lezindlu  
Le mida yezakhiwo ilandelayo isebenza kwipherimitha yeqela lezindlu:
  - (i) Umda wesakhiwo ukusuka esitratweni we-5 m usebenza apho isiza seqela lezindlu simelene nesitrato sikawonkewonke esingaphandle.

- (ii) Umda ofanayo wemida yezakhiwo we-3 m usebenza kwipherimitha yesiza seqela lezindlu.
- (iii) Ukudlula kumda esifanele ukuphela kuwo isakhiwo kumba 121 kuyachaphazeleka.
- (f) Imida yezakhiwo ekwisiza seqela lezindlu  
Le mida yezakhiwo ilandelayo isebenza kwisiza seqela lezindlu:
  - (i) Umda wesitrato okwimida yezakhiwo kwiindlela zangaphakathi yi-0 m; ukuba ngaba naliphi icango legaraji elijonge endleleni liya kubuyiswa ubuncinane nge-5 m ukusuka epavumenteni.
  - (ii) Umda ofanayo kwimida yezakhiwo kwisiza seqela lezindlu yi-0 m ngaphandle kokuba iSixeko sifuna umgca wesakhiwo ukulungiselela ukucima umlilo, kuloo meko ke, umda ofanayo kwimida yezakhiwo iya kuba yi-3 m.
  - (iii) Ukudlula kumda esifanele ukuphela kuwo isakhiwo kumba 121 kuyachaphazeleka.
- (g) Ukupaka nokungena
  - (i) Ukupaka nokungena kuya kubonelelwa ngokwemiqathango yeSahluko 15.
  - (ii) Indawo yokupaka ingabonelelwa kwizindlu ezingamaqela ezichaphazelekayo, okanye njengexalenye yendawo yokupaka efunekayo kwezinye zezindlu ezingamaqela ze intsalela ibe yindawo yokupaka yabantu abaninzi, okanye kungavele kwenziwe indawo yokupaka yabantu abaninzi.

### 36 Iplani yophuhliso lwesiza

Iplani yophuhliso lwesiza yeqela lezindlu eliphakanyisiweyo iya kungeniswa kwiSixeko ukufumana imvume njengoko kuchazwe njalo kumba 123, apho kuya kuthi uphuhliso lwesiza seqela lezindlu luhambelane ngqo neplani eyamkelweyo yophuhliso lwesiza.

### 37 Iiflethi njengelungelo elongeziweyo lokuzisebenzisa njengeqela lezindlu

Le miqathango ilandelayo isebenza kwiiflethi njengelungelo elongezelelekileyo lokusebenzisa kolu zowuno:

- (a) Iiflethi ziya kuba yinxalenye engundoqo yesiza seqela lezindlu yaye ziya kuthobela imigaqo yokuphuhlisa iiflethi eziliqela lezindlu;
- (b) Ubungakanani bubonke bomgangatho beeflethi abusayi kuba ngaphezulu kwe-40% yobungakanani bubonke bomgangatho bazo zonke izakhiwo ezikwisiza seqela lezindlu; yaye
- (c) kuya kusebenza iimfuno zendawo elibala zeeyunithi ezizindlu kwisiza seqela lezindlu.

### 38 Ukusebenzisa indlu njengelungelo elongeziweyo lokuyisebenzisa njengeqela lezindlu

Le miqathango ilandelayo isebenza kusetyenziso lwendlu njengelungelo elongezelelekileyo lokusebenzisa kolu zowuno:

- (a) Umnini uya kufuna imvume ebhaliweyo yombutho wabanini-mhlaba ochaphazelekayo okanye bonke abanini abakwelo qela lezindlu ukuba umbutho wabanini-mhlaba awusebenzi; yaye
- (b) Imiqathango yomba 23 iya kusebenza.

### 39 Imigaqo yophuhliso lwendlu engekho kwiqela lezindlu

(1) Indlu yokuhlala engeyonxalenye yeqela lezindlu yaphulelwe kwimigaqo yokuphuhlisa iqela lezindlu.

(2) Le miqathango ilandelayo isebenza kwindlu yokuhlala engeyonxalenye yeqela lezindlu:

- (a) Indawo yesibini yokuhlala ivumeleke kuxhomekeke kwimiqathango yendawo yesibini yokuhlala kwindawo ezowunwe njengeshishini lengingqi 1;
- (b) Amalungelo osetyenziso ongezelelekileyo nosetyenziso ngemvume asebenza kwindlu yokuhlala kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1 ayangena nalapha kwindlu yokuhlala ekolu zowuno;
- (c) Imigaqo yophuhliso kwiziza ezingaphezu kwe-350 m<sup>2</sup> nezingekho ngaphezulu kwe-500 m<sup>2</sup> njengoko kuchaziwe 'kwitheyibhile yobungakanani, ubude, ubungakanani

- bomgangatho nemida yezakhiwo kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1' kumba 22 iya kusebenza;
- (d) Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yeSahluko 15; yaye
  - (e) limfuno yeegaraji neekhapoti kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1 iya kusebenza.

**Isiqendu 2: lindawana eziZowunwe njengeZindlu zokuHlala uLuntu (GR2, GR3, GR4, GR5 & GR6)**  
(imiba 40 - 45)

*lindawo eziZowunwe njengeGR zikhuthaza ingxinano kuphuhliso lwezindlu, kubandakanywa iibhloko zeeflethi. Kusebenza imigaqo yophuhliso eyahlukileyo kwiindawana eziZowuniweyo, ingakumbi malunga nobude nobungakanani bomgangatho, ukuze kuvumeleke izinto ezahlukileyo. I-GR2 ivumela iiflethi ezinobude nobungakanani bomgangatho obuphantsi, iGR3 neGR4 zilungiselela iiflethi ezinobude nobungakanani bomgangatho obuphakathi, ngeli lixa iGR5 neGR6 zivumela iiflethi ezinde. Usetyenziso olungundoqo zizindlu kodwa kungakho uphuhliso oluxubileyo olungeluninzanga.*

**40 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati kwezi ndawana ziZowuniweyo:

- (a) Usetyenziso olungundoqo ngokomhlathi (c) yindlu yokuhlala, indawo yesibini yokuhlala, iqela lezindlu, ihostele, indlu yeendwendwe, iiflethi, indlela yomntu kunye nebala.
- (b) Usetyenziso ngemvume ngokomhlathi (c) iinkonzo ezilulutho, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, ukusebenzisa indlu, iivenkile, ihoteli indawo yokubambela inkomfa nesitishi sonxibelelwano esikuphahla lwendlu
- (c) Noxa kukho usetyenziso ngemvume olungundoqo oluchazwe kwimihlathi (a) no-(b), ukuba indawo yokungena nokuphuma izithuthi kwipropati kumda omelene nayo ungaphantsi kwe-9 m ububanzi, akukho sakhiwo sivumeleke ngaphandle kwendlu yokuhlala okanye indawo yesibini yokuhlala.

**41 Imigaqo yophuhliso yeeflethi, ihostele neehotele**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo kwiiflethi, iihotele neehotele:

- (a) Ubungakanani  
Obona bukhulu bazo zonke izakhiwo kwiyunithi yomhlaba kwindawana nganye ezowuniweyo ugqitywa ngokuhambelana nale 'theyibhile yobungakanani, ubude nomlinganiselo womgangatho kwiiNdawana eziZowunwe njengeZindlu zokuHlala uLuntu GR2-GR6'.
- (b) Umlinganiselo womgangatho  
Owona mlinganiselo mkhulu womgangatho wazo zonke izakhiwo kwiyunithi yomhlaba kwindawana nganye ezowuniweyo uya kugqitywa ngokuhambelana nale 'theyibhile yobungakanani, ubude nomlinganiselo womgangatho kwiiNdawana eziZowunwe njengeZindlu zokuHlala uLuntu GR2-GR6'.
- (c) Ubude
  - (i) Obona bude buphakamileyo besakhiwo, obumetwe ukusuka kumgangatho ophantsi ukuya elupahleni, buya kugqitywa ngokuhambelana nale 'theyibhile yobungakanani, ubude nomlinganiselo womgangatho kwiiNdawana eziZowunwe njengeZindlu zokuHlala uLuntu GR2-GR6'.
  - (ii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.

**Ittheyibhile yobungakanani, ubude nomlinganiselo womgangatho kwiiNdawana eziZowunwe njengeZindlu zokuHlala uLuntu GR2-GR6**

<b>Uzowuno lwendawana</b>	<b>Ubungakanani</b>	<b>Umlinganiselo womgangatho</b>	<b>Obona bude buphakamileyo ngaphezu komgangatho osisiseko ukuya eluphahleni</b>
GR2	60%	1,0	15,0 m
GR3	60%	1,0	20,0 m
GR4	60%	1,5	24,0 m
GR5	60%	2,5	35,0 m
GR6	60%	5,0	50,0 m

(d) Umbindi womda

ISixeko singafuna ukuba kubekho umbindi womda, xa kunjalo:

(i) naziphi iiflethi, iihostele okanye iihotele ziya kubuyiswa nge-8 m ukusuka kumgca osembindini wesitrato sikawonkewonke okanye izitalato ezayame apho; yaye

(ii) kuya kusebenza imiqathango yomba 122.

(e) Imida yezakhiwo

(i) Akukho sakhiwo siya kwakhiwa ngendlela yokuba nayiphi na ipoyinti kweso sakhiwo ibe kufuphi nomda wesitrato okanye umda ofanayo kunomgama ochaziweyo kule 'theyibhile yemida yezakhiwo kwiiNdawana eziZowunwe njengeZindlu zokuHlala uLuntu GR2-GR6', ukuba ngaba:

(aa) uphawu olungu-'H' luthetha ubude beemitha bepoyinti echaphazelekayo engaphezu komgangatho osisiseko, yaye

(bb) apho kubekwe ukuba kwenziwe imida yezakhiwo engeminye, kuya kusebenza owona mkhulu kuloo mida mibini yezakhiwo.

(ii) Isakhiwo esingaphandle sivumeleke kumda wesakhiwo ofanayo ukuba ngaba isakhiwo esingaphandle asisidanga ngaphezu kwe- 3,5 m ukusuka kwisiseko sesakhiwo esingaphandle kumphezulu wophahla.

(iii) Ukudlula kumda esifanele ukuphela kuwo isakhiwo kumba 121 kuyasebenza.

**Ittheyibhile yemida yezakhiwo kwiiNdawana eziZowunwe njengeZindlu zokuHlala uLuntu  
GR2-GR6**

Uzowuno lwendawana	Umda wesakhiwo ukusuka esitratweni		Umda wesakhiwo ofanayo	
	lipoyinti kuma ku-25,0 m ngaphezu komgangatho osisiseko	lipoyinti ezingaphezu kwe-25,0 m ngaphezu komgangatho osisiseko	lipoyinti kuma ku-25,0 m ngaphezu komgangatho osisiseko	lipoyinti ezingaphezu kwe-25,0 m ngaphezu komgangatho osisiseko
GR2	4,5 m	N/a	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude umda wesitrato onqumlayo umgama oyi-18,0 m ometwe nqo ukusuka kumda weso sitrato)	N/a
GR3				
GR4				
GR5	4,5 m	9,0 m	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude umda wesitrato onqumlayo umgama oyi-18,0 m ometwe nqo ukusuka kumda weso sitrato)	15,0 m (0,0 m ukuya kuma ku-15,0 m ubude umda wesitrato onqumlayo umgama oyi-18,0 m ometwe nqo ukusuka kumda weso sitrato)
GR6				

- (f) Ukupaka nokungena  
Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yeSahluko 15.
- (g) Uhlolo  
ISixeko singafuna ukuba kwenziwe uhlolo ngokwemiqathango yomba 125.
- (h) Unqando lomoya  
ISixeko singathi:
- (i) sifune uvavanyo lokuba umoya usichaphazela njani isakhiwo esicetywayo kunye nemimandla engqongileyo; kunye
  - (ii) sibeke imiqathango yokucutha ifuthe elibi lomoya.

#### **42 Indlu yokuhlala kunye nendawo yesibini yokuhlala**

Amalungelo osetyenziso ongezelelekileyo, usetyenziso ngemvume nemigaqo yophuhliso yendlu yokuhlala kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1 nendawo yesibini yokuhlala kwindawo ezowunwe njengeshishini lengingqi 1 ngokulandelana aya kusebenza kwindlu yokuhlala kunye nendawo yesibini yokuhlala kolu zowuno.

#### **43 Iqela lezindlu**

Amalungelo osetyenziso ongezelelekileyo nemigaqo yokuphuhlisa iqela lezindlu kuzowuno lwezindlu 1 aya kusebenza kwiqela lezindlu ezikolu zowuno.

#### **44 Iziko, isikolo nendawo yokuhlanganela**

Imigaqo yophuhliso esebenza kwiziko, isikolo nendawo yokuhlanganela kumba 47 iya kusebenza kusetyenziso olukolu zowuno; ukuba ngaba iziko, indawo yokufundisela okanye indawo yokuhlanganela ikwisakhiwo esikwasetyenziselwa iiflethi okanye ihostele, ngoko ke, ubungakanani, ubude nemiqathango yomgca wesakhiwo yeeflethi okanye ihostele iya kusebenza.



#### 45 Iivenkile

ISixeko singanikeza imvume yaso yevenkile okanye iivenkile ukuba zibekho kumgangatho yebhloko yeeflethi; ukuba ngaba:

- (a) isicwangciso somgaqonkqubo wommandla ekuwo loo propati siyavuma ukuba kubekho noshishino; yaye
- (b) ummandla onokurentisa xa uwonke weevenkile awukho ngaphezulu kwe-1 000 m<sup>2</sup>, okanye i-25% yobungakanani bomgangatho, nokuba yeyiphi na engaphantsi.

#### ISIAHLUKO 7: IINDAWO EZIZOWUNWE UKUBA ZIBE NGAMAZIKO OLUNTU

(imiba 46 - 49)

*Iindawo ezizowunwe ukuba zibe ngamaziko oluntu zenzelwe ukuba zisetyenziswe luluntu yaye zijongene nezidingo zoluntu ezifana nezemfundo, ezenkolo, ezentalontle okanye iinkonzo zempilo. Izakhiwo zoluntu lwasekuhlaleni zipoyinti ezibalulekileyo zentlalo nezendlela ekudizayinwa ngayo izakhiwo ezisezidolophini nenkangeleko yesakhiwo. Zimbini iindawo ezizowunwe ukuba zibe ngamaziko oluntu, iCO1 ijongana nezidingo zoluntu olukwizingqi ethile ze i CO2, ijongane noluntu gabalala nophuhliso olunabileyo nolunzulu.*

##### **Isiqendu 1: Ukuzowuna amaziko oluntu 1: KwiiNgingqi (CO1)**

(imiba 46 - 47)

*Uzowuno lweCO1 ukuzowuna luhoya izidingo zoluntu olukwizingqi ethile zemfundo, zokukhonza nezempilo njengosetyenziso olungundoqo, kodwa kuye kuvumeleke ukuba iSixeko sivumele ukuba kuhoywe nezinye izidingo zoluntu ezinokuba nefuthe elikhulu.*

#### 46 Ukusetyenziswa kwepropati

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo yindawo yokufundisela, indawo yokukhonza, iikliniki, isitishi sonxibelelwano esikuphahla lwesakhiwo kunye nendawo elibala.
- (b) Usetyenziso ngemvume liziko, isibhedlele, indawo yokuhlanganela, amangcwaba, isitishi sonxibelelwano esizimele ngokwaso kunye nolimo lwasezidolophini.

#### 47 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho  
Umlinganiselo womgangatho kwiyunithi yomhlaba awusayi kuba ngaphezulu kwe-0,8.
- (b) Ubungakanani  
Ubungakanani bazo zonke izakhiwo kwiyunithi yomhlaba abusayi kuba ngaphezulu kwe-60%.
- (c) Ubude
  - (i) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kumphezulu wophahla, yi-12 m, ukuba ngaba akubekwanga miqathango yobude bethawa yentsimbi, uphondo lwendlu okanye uphawu olubunjalo oludizayinelwe ukuqaqambisa ukubaluleka kwesakhiwo.
  - (ii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.
- (d) Umda wesakhiwo ukusuka esitratweni  
Umda wesakhiwo ukusuka esitratweni yi-5 m, kuxhomekeke ekudluleni kumda esifanele ukuphela kuwo isakhiwo kumba 121.
- (e) Umda wesakhiwo ofanayo  
Umda ofanayo kwimida yezakhiwo yi-5 m, kuxhomekeke ekudluleni kumda esifanele ukuphela kuwo isakhiwo kumba 121.
- (f) Ukupaka nokungena  
Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokuhambelana neSahluko 15.
- (g) Ukulayisha

- libheyi zokulayisha ziya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yomba 144.
- (h) Uhlolo  
ISixeko singafuna ukuba kwenziwe uhlolo ngokwemiqathango yomba 125.
  - (i) Ukunqanda ingxolo  
ISixeko singafuna ukuba umnini amisele amanyathelo okunqanda ingxolo ukuba kukho ingxolo egqithisileyo okanye isenokuba khona.

**Isiqendu 2: Ukuzowuna amaziko oluntu 2: KwiMimandla (CO2)**  
(imiba 48 - 49)

*Uzowuno leCO2 lubonelela ngezidingo ezininzi zamaziko nezidingo zoluntu, ezisenokuba zezengingqi okanye zezommandla yaye zibandakanya ezempilo, ezentlalontle, kunye nezenkolo nezemfundo.*

**48 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo liziko, isibhedlele, indawo yokufundisela, indawo yokukhonza, indawo yokuhlanganela, isitishi sonxibelelwano esikuphahla lwesakhiwo kunye nendawo elibala.
- (b) Usetyenziso ngemvume yihostele, indawo yokubambela inkomfa, amangcwaba, indawo yokutshisa izidumbu, indawo yomngcwabi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya kunye nolimo lwasezidolophini.

**49 Imigaqo yophuhliso**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho  
Umlinganiselo womgangatho kwiyunithi yomhlaba awusayi kuba ngaphezulu kwe-2,0.
- (b) Ubungakanani  
Ubungakanani bazo zonke izakhiwo kwiyunithi yomhlaba abusayi kuba ngaphezulu kwe-60%.
- (c) Ubude
  - (i) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kumphezulu wophahla, yi-12 m, ukuba ngaba akubekwanga miqathango yobude bethawa yentsimbi, uphondo lwendlu okanye uphawu olubunjalo oludizayinelwe ukuqaqambisa ukubaluleka kwesakhiwo..
  - (ii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.
- (d) Umda wesakhiwo ukusuka esitratweni  
Umda wesakhiwo ukusuka esitratweni yi-5 m, kuxhomekeke ekudluleni kumda esifanele ukuphela kuwo isakhiwo kumba 121.
- (e) Umda wesakhiwo ofanayo  
Umda ofanayo kwimida yezakhiwo yi-5 m, kuxhomekeke ekudluleni kumda esifanele ukuphela kuwo isakhiwo kumba 121.
- (f) Ukupaka nokungena  
Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokuhambelana nemiqathango yeSahluko 15.
- (g) Ukulayisha  
libheyi zokulayishaz iya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yomba 144.
- (h) Uhlolo  
ISixeko singafuna ukuba kwenziwe uhlolo ngokwemiqathango yomba 125.
- (i) Ukunqanda ingxolo  
ISixeko singafuna ukuba umnini amisele amanyathelo okunqanda ingxolo ukuba kukho ingxolo egqithisileyo okanye isenokuba khona.

## ISAPHLUKO 8: IINDAWO EZIZOWUNELWE UKUBA NGAMASHISHINI EENDINGQI

(imiba 50 - 58)

*Uzowuno lweshishini eliphakathi ludala intsebenziswano phakathi kwamashishini nemimandla yezindlu emelene nalo zowuni, apho kuvumeleke iiofisi eziefuthe eliphantsi kodwa apho usetyenziso loshishino olunefuthe eliphezulu lulawulwa. Indawo ezowunwe njengeshishini lengingqi 2 ifanelekile kwiivenkile zengingqi, yaye ivumela iintlobo-ntlobo zosetyenziso-mhlaba ezihambelana nayo.*

### **Isiqendu 1: Indawo ezowunwe njengeshishini lengingqi 1: Ishishini eliphakathi (LB1)**

(imiba 50 - 54)

*Uzowuno lweLB1 lubonelela ngozowuno oluphakathi olungumqhagamshelanisi phakathi kweendawo eziZowunelwe ushishino nemimandla yoluntu. Usetyenziso olungundoqo kufanele ukuba ibe zizindlu, iiofisi neenjongo ezihambelana nazo, kodwa kubekho namashishinana amiselwa ngemvume yeSixeko.*

### **50 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo ziiofisi, indlu yokuhlala, ihostele, inkonzo elulutho, iiflethi namalungelo osetyenziso ongezelekileyo njengoko echazwe kumhlathi (b).
- (b) Amalungelo osetyenziso ongezelekileyo anokusetyenziswa ngumntu ohlala kwindlu yokuhlala yindawo yesibini yokuhlala, Ukusebenzisa indlu okanye ivenkile esendlwini okanye indlu yeendwendwe yokulala neyokudla isidlo sakusasa okanye indlu eliziko lokukhathalela abantwana kuxhomekeke kwimigaqo yophuhliso kwimiba 52,53 no-54 leyo ichaphazelekayo.
- (c) Usetyenziso ngemvume yindawo yokufundisela, indawo yokukhonza, iziko, iikliniki, indawo yokuhlanganela, indlu yeendwendwe, ivenkile, urhwebo olungekho sikweni, urhwebo ngeenkono, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya kunye neziko lobuyiselo lwezimo zabantu.

### **51 Imigaqo yophuhliso**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho  
Owona mlinganiselo mkhulu womgangatho ugqitywa ngokuhambelana nommandla weyunithi yomhlaba njengoko kubonisiwe kule 'theyibhile yomlinganiselo womgangatho, ubude nemida yezakhiwo kwindawo ezowunwe njengeshishini lengingqi 1'.
- (b) Ubude
  - (i) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kumphezulu wezixhasi zophahla nokuya kumphezulu wophahla, uya kugqitywa ngokuhambelana nommandla weyunithi yomhlaba njengoko kubonisiwe kule 'theyibhile yomlinganiselo womgangatho, ubude nemida yezakhiwo kwindawo ezowunwe njengeshishini lengingqi 1'.
  - (ii) Apho isakhiwo esivumeleke kolu zowuno sikwi-3 m yomda ofanayo, ubude abusayi kuba ngaphezu kwe-4 m obumetwe ukusukela kwizinga lesiseko ukuya kumphezulu wophahla.
  - (iii) Noxa kukho imiqathango kumhlathana (ii), kwi-12,0m yokuqala yomda ofanayo ometwe ngqo ukusuka kumda womda wesitrato nalapho isakhiwo sisondeziwe kuloo mda ofanayo, ubude bugqitywa ngokuhambelana 'netheyibhile yomlinganiselo womgangatho, ubungakanani bomgangatho, ubude, nemida yezakhiwo kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1'.
  - (iv) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.
- (c) Imida yezakhiwo

Isitrato nomda ofanayo kwimida wezakhiwo zigqitywa ngokuhambelana nommandla weyunithi yomhlaba njengoko kubonisiwe kule 'theyibhile yomlinganiselo womgangatho, ubude nemida yezakhiwo kwindawo ezowunwe njengeshishini lengingqi 1', kuxhomekeke:

- (i) Ekudluleni kumda esifanele ukuphela kuwo isakhiwo kumba 121; kunye
- (ii) Nemiqathango emalunga iigaraji neekhapoti njengoko kuchaziwe kumhlathi (d).

**Ittheyibhile yomlinganiselo womgangatho, ubude nemida yezakhiwo kwindawo ezowunwe njengeshishini lengingqi 1**

Ummandla weyunithi yomhlaba (m <sup>2</sup> )	Umlinganiselo womgangatho	Obona bude buphakamileyo ngaphezu komgangatho osisiseko		Umda wesakhiwo ukusuka esitratweni	Umda wesakhiwo ofanayo
		Kwisixhas sophahla	Ukuya eluphahle ni		
>1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>650 ukuya kuma ku-1 000	1,0	9,0 m	11,0 m	3,5 m	3,0 m
>350 ukuya kuma ku-650	1,0	8,0 m	10,0 m	3,5 m	kwi-12,0m yokuqala yomda ometwe ngqo ukusuka kumda wesitrato no-0,0 m ne-60% yomgama oshiyekileyo okwimida efanayo kwiyunithi yomhlaba ne-3,0 m kwintsalela, ngokomhlathi (d)(iii).
>200 ukuya kuma ku-350	1,0	8,0 m	10,0 m	3,5 m	kwi-12,0m yokuqala yomda ometwe ngqo ukusuka kumda wesitrato no-0,0 m ne-60% yomgama oshiyekileyo okwimida efanayo kwiyunithi yomhlaba ne-3,0 m kwintsalela; kuxhomekeke imihlathi(d)(ii) no-(d)(iii).
≤200	1,0	8,0 m	10,0 m	1,0 m	

(d) Iigaraji neekhapoti

- (i) Iigaraji okanye ikhapoti ivumeleke kumda wesakhiwo ofanayo ukuba ngaba igaraji okanye ikhapoti:

(aa) ayindanga ngaphezu kwe-3,5 m ukusuka kwisiseko ukuya kumphezulu wophahla; yaye

(bb) ayiqulethanga ngaphezulu komphambili weegaraji ezimbini ezibubanzi buyi-6,5 m.

- (ii) Ukulungiselela iiyunithi zemihlaba eziyi-650 m<sup>2</sup> nangaphantsi, igaraji okanye ikhapoti ivumeleke ukuya kuma ku-1,5 m ukusuka kumda wesitrato ukuba ngaba igaraji okanye ikhapoti:

(aa) ayindanga ngaphezu kwe- 3,5 m ukusuka kwisiseko ukuya kumphezulu wophahla; yaye

(bb) ayiqulethanga ngaphezulu komphambili weegaraji ezimbini ezibubanzi buyi-6,5 m.

- (iii) Ukulungiselela iiyunithi zemihlaba ezingaphezu kwe-650 m<sup>2</sup>, igaraji okanye ikhapoti ayisayi kusondela ngaphezu kwe- 5 m ukusuka kumda wesitrato, Noxa kukho umgca wesakhiwo wesitrato.

(e) Ukupaka nokungena

Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yeSahluko 15.

(f) Ukulayisha

libheyi zokulayisha ziya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yomba 144.

(g) Uhlolo

ISixeko singafuna ukuba kwenziwe uhlolo ngokwemiqathango yomba 125.

## **52 Ukusebenzisa indlu, indlu yeendwendwe yokulala neyokudla isidlo sakusasa kunye nendlu eliziko lokukhathalela abantwana**

Imiqathango yokusebenzisa indlu, indlu yeendwendwe yokulala neyokudla isidlo sakusasa okanye indlu eliziko lokukhathalela abantwana kolu zowuno iya kufana naleyo yokuzowunwa kweZindlu zoSapho oLunye 1.

## **53 Indawo yesibini yokuhlala**

Le miqathango ilandelayo iya kusebenza kwindawo yesibini yokuhlala:

- (a) Ubungakanani bomgangatho bubonke bendawo yesibini yokuhlala abunakudlula kubungakanani bubonke bomgangatho beyunithi engundoqo eyindlu kungafunyenwanga mvume yeSixeko. Ubungakanani bomgangatho bezakhiwo ezixhasayo ababuandakanywanga kulo mqathango;
- (b) Indawo yesibini yokuhlala iya kwakhiwa ngesitayili esibufana kwindlela eyakhiwe ngayo indlu engundoqo yokuhlala;
- (c) Indawo yesibini yokuhlala esisakhiwo esahlukileyo kwindlu engundoqo yokuhlala ayisayi kuba ngaphezulu kobude be-6 m obumetwe ukusukela kwizinga lesiseko kwisixhasi sophahla ne-8 m ukuya kumphezulu wophahla;
- (d) Indawo yesibini yokuhlala ekwisakhiwo esinye nendlu engundoqo yokuhlala iya kudizayinwa ngendlela yokuba isakhiwo sibonakale njengendlu yokuhlala enye; zombini ezi iyunithi zinganomgangatho, okanye iyunithi enye ingakumgangatho enye ibe ngentla;
- (e) Ubukho bendawo yesibini yokuhlala abusayi kukuba sisizathu esaneleyo sokuba iSixeko sokunikeza imvume yesicelo ngokwalo Mthetho kaMasipala yokwahlula-hlula iyunithi yomhlaba eneeyunithi ezizindlu zokuhlala;
- (f) Ukwakhiwa kwendawo yesibini yokuhlala kuya kuxhomekeka ekubeni amasebe kamasiapla weSixeko ukuba aqinisekise ukuba iinkonzo ziya kukwazi ukuthwala loo msebenzi kuloo mmandla; yaye
- (g) Phambi kongeniso lwesicelo nokufumana imvume yeplani yesakhiwo sendawo yesibini yokuhlala, bonke abanini kufutshane abamelene nalo propati kufuneka baziswe ngenjongo yokokha indawo yesibini yokuhlala ze banike imvume yabo ebhaliweyo. Ukuba ayifunyenwanga loo mvume ibhaliweyo, umnini kuza kufuneka afake isicelo sokufumana imvume yeSixeko ukwakha indawo yesibini yokuhlala.

## **54 Ivenkile esendlwini**

Le miqathango ilandelayo isebenza kwivenkile esendlwini:

- (a) Ubungakanani nendawo eza kuba kuyo ivenkile kufuneka ichazwe kakuhle kwiplani yesakhiwo, yaye ngaphandle kwendlu yangasese okanye yokutshintsha, ayisayi kuba ngaphezulu kwe-40 m<sup>2</sup> okanye 40% yobungakanani bubonke bomgangatho wendlu, nokuba ngowuphi na owona mmandla mncinci;
- (b) Ngaphezu kwevenkile esendlwini, ipropati kufuneka ibe nendlu ekuza kuhlala kuyo umnini wevenkile esendlwini;
- (c) Nasiphi isakhiwo esitsha, okanye utshintsho kwindlu yokuhlala, indawo yesibini yokuhlala okanye isakhiwo esingaphandle, siya kuthobela inkangeleko neempawu zommandla;
- (d) Abasayi kuba ngaphezulu kwesithathu abantu abathatha inxaxheba kwimisebenzi yevenkile kwipropati, kubandakanywa umntu ohlala kwindlu okanye abahlali okanye abancedisi;
- (e) Kuvumeleke isayini enye kuphela engakhanyiswanga ngokuhambelana noMthetho kaMasipala weeNtengiso neeMpawu weSixeko, eya kuncanyatheliswa kudonga lwevenkile esendlwini okanye udonga olungumda, yaye ayisayi kuba ngaphezulu kwe-0,5 m<sup>2</sup>;
- (f) Ezi zinto zilandelayo azivumelekanga kwivenkile esendlwini: ukuthengiswa kotywala, ukugcina okanye ukuthengisa iziqhumbisi zokudlala, ukugcina igesi ukuba uyithengise, ukuthengiswa kweekhonteyina zegesi, oomtashini apho abantu

- bazithengela iziselo neeswiti, umatshini weegeyimu, iigemu zeevidiyookanye itheyibhile yepuli;
- (g) Ummandla osetyenziselwa ivenkile esendlwini awunakuvulekela kwikamire yokulala okanye kwindlu yangasese yaye akunakugcinwa izinto ezithengiswayo ekamireni okanye kwindlu yangasese;
  - (h) Akuvumelekanga zilwanyana kummandla osetyenziselwa ivenkile esendlwini;
  - (i) Ivenkile esendlwini iya kuba nomoya owaneleyo ongenayo nophumayo, yaye ukuba kuthengiswa ukutya okubolayo, iSixeko singafuna ukuba kubekho ifriji;
  - (j) Ivenkile esendlwini iya kuvula ngo-07:00 ukuya ku-21:00 ngoMvulo ukuya kutsho ngoLwesihlanu ze ibe ngu-08:00 ukuya ku-13:00 ngeMigqibelo, ezi yure azibandakanyi iiholide zikawonke-wonke neeCawe; yaye
  - (k) Akunakusetyenziswa ngaphezu kwesithuthi esinye kwivenkile esendlwini yaye asisayi kuba ngaphezulu kwe-3 500 kg ubunzima, kubandakanywa iimoto zokuthutha.

**Isiqendu 2: Indawo ezowunwe njengeshishini lengingqi 2: Ishishini leNgingqi (LB2)**  
(imiba 55 - 58)

*Uzowuno lweLB2 lubonelela ngophuhliso olungenangxinano ininzi yoshishino kunye noluxubileyo olunikeza iinkonzo kubantu bengingqi ngezinto abazidingayo nenkonzo zoluntu. Kukho imiqathango ebekwayo yokuba olo phuhliso maluhambe lume phi ukuze lukwazi ukuhambelana nolwezindlu ezikufuphi ngaphandle kokuzichaphazela kakubi.*

**55 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo yivenkile, iofisi, indlu yokuhlala, indawo yesibini yokuhlala, ihostele, Indlu yeendwendwe yokulala neyokudla isidlo sakusasa, iiflethi, indawo yokufundisela, indawo yokukhonza, iziko, iikliniki, indlu yeendwendwe, urhwebo ngeenkonzo, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, indlela yomntu kunye nebala.
- (b) Usetyenziso ngemvume yindawo yokuhlanganela, urhwebo olungekho sikweni, iresty, ukuthengiswa kotywala, indawo yolonwabo, ivenkile yezinto zesondo, izakhiwo zoshishino, isuphamakethi, indawo yokukhulisa izityalo, ihoteli indawo yokubambela inkomfa, igaraji yokulungisa iimoto, igaraji yokutha amafutha eemoto, usetyenziso ngegunya, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya usetyenziso lwezithuthi kunye negaraji yokupaka iimoto ezininzi.

**56 Imigaqo yophuhliso**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho  
Umlinganiselo womgangatho kwiyunithi yomhlaba awusayi kuba ngaphezulu kwe-1,0.
- (b) Ubungakanani  
Ubungakanani bazo zonke izakhiwo kwiyunithi yomhlaba ayisayi kuba ngaphezulu kwe-75%.
- (c) Ubude
  - (i) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kumphezulu wophahla, iya kuba yi-12 m.
  - (ii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.
- (d) Umbindi womda  
ISixeko singafuna kubekho umbindi womda, xa kunjalo:
  - (i) zonke izakhiwo kwiyunithi yomhlaba ziya kubuyiswa nge-8,0 m ukusuka kumgca osembindini wesitrato sikawonkewonke okanye izitalato ezayame apho; yaye
  - (ii) kuya kusebenza imiqathango yomba 122.
  - (iii) Umda wesakhiwo ukusuka esitratweni



- Umda wesakhiwo ukusuka esitratweni yi-0 m, kuxhomekeke:
- (iv) Kwimiqathango yombindi womda;
  - (v) Iimpawu ezincinci zokuhombisa isakhiwo ezinokukroba ngaphaya komda wesakhiwo ukusuka esitratweni ukuba ngaba ezo mpawu azikrobi ngapha kwe-250 mm ngaphaya komda wesitrato; yaye
  - (vi) kwigaraji yokutha amafutha ekumda wesakhiwo ukusuka esitratweni yi-5 m kuxhomekeke ekudluleni kumda esifanele ukuphela kuwo isakhiwo kumba 121.
- (e) Umda wesakhiwo ofanayo  
Umda ofanayo kwimida yezakhiwo yi-0 m.
- (f) Ukuprojektha kwekhenophi  
ISixeko singamkela ukuprojektha kwekhenophi kumda wesitrato ngokuhambelana nale miqathango ilandelayo:
- (i) Ikhenophi ayizi kukroba ngaphaya kwe-500 mm kwindawo emtyaba engumda obekiweyo;
  - (ii) Akukho nxalenye yekhenophi eye kuba ngaphezu kwe-2,8 m ngaphezu kwepavumente;
  - (iii) ISixeko singabeka imiqathango emalunga nemilinganiselo, idizayini nemathiriyeli yekhenophi; yaye
  - (iv) Umnini angangena kwisivumelwano neSixeko ngokuba ikhenophi iza kuphumela komnye umda.
- (g) Iikona zezitalato  
ISixeko singafuna ukuba umnini wesakhiwo esiza kwakhiwa kwikona yesitrato sikawonkewonke, iSixeko esisibona sibalulekile, afake zonke iimpawu nezihombiso zesakhiwo eziza kutsala amehlo kuloo kona, nezigxininisa ukubaluleka kwentshukumo zabahambi-ngenyawo kuloo kona; kunye ezo mpawu zingabandakanya iindawo ekuphela kuzo isakhiwo, izitrato ezinophahla, iiplaza nezinye iimpawu.
- (h) Ukupaka nokungena  
Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yeSahluko 15.
- (i) Ukulayisha  
Iibheyi zokulayisha kuya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yomba 144.
- (j) Uhlolo  
ISixeko singafuna ukuba kwenziwe uhlolo ngokwemiqathango yomba 125.

## 57 Igaraji yokutha amafutha emoto neyokulungisa iimoto

Le migaqo yophuhliso ilandelayo isebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto:

- (a) Nayiphi inxalenye yepropati yegaraji yokutha amafutha eemoto okanye igaraji yokulungisa iimoto esetyenziselwa ukulungisa izithuthi, ukugcina izithuthi ezingasebenziyo okanye inxalenye yezithuthi, iikhonteyina ezingenanto ezifana namadramu eoyili mamakheyisi okupakisha, okanye nasiphi na isikirephu, iya kuvalwa ngodonga olomeleleyo oluyi-2m ubude ubuncinane 2 m okanye olo donga lube khona ngaphakathi kwisakhiwo;
- (b) Nayiphi igaraji yokutha amafutha eemoto okanye igaraji yokulungisa iimoto kufuneka kufuneka ithobele le miqathango yokungena nokuphuma ilandelayo:
  - (i) Ububanzi bendawo yokunqumla izithuthi kumda wesitrato, abusayi kuba ngaphezulu kwe-8 m;
  - (ii) Udonga, olubuncinane buyi 100 mm ukutyeba ne-350 mm ubude, luya kwakhiwa kumda wesitrato phakathi kweendawo zokuhamba izithuthi ngaphandle kokuba loo propati ibiyelwe;
  - (iii) Iindawo zokunqumla izithuthi ziya kuba mbini kuphela kwisiza ngasinye ngaphandle kokuba ubude bomda wesitrato bungaphezu kwe-30 m, apho kuya kuvunyelwa indawo yokunqumla izithuthi eyongezelelekileyo enye;

- (iv) Kwindawo apho inqumla khona umda, indawo yokunqumla izithuthi ayisayi kusondela ngaphezu kwe-:
  - (aa) 30 m kwindlela enqamlezayo yezixeko ezikhulu kunye nakuyo nayiphi na enye indlela ebunjalo;
  - (bb) 30 ukuya kwindawo ekulawulwa kuyo izithuthi ngeempawu zendlela okanye kwiayilendi yezithuthi;
  - (cc) 10 m ukusuka kwikona yendlela enqamlezayo ekungabhekiswa kuyo apha ngentla, ukuba loo ndlela ayivulwanga okanye i-5 m ukusuka kwindawo apho loo ndawo ivuliweyo ihlangana nomda wesitrato ukuba lo ndlela ivuliwe;
  - (dd) 1,5 m ukusuka kumda osecaleni;
- (v) Akukho mpompo yamafutha iya kwakhiwa ngendlela yokuba isiseko ehleli phezu singaphantsi kwe-3,5 m kumda wesitrato okufuphi.

## 58 Urhwebo olungekho sikweni

Urhwebo olungekho sikweni luya kuvunyelwa kuphela kwiziza ezisikelwe urhwebo olungekho sikweni ngokomthetho kamasipala worhwebo olungekho sikweni.

## ISAPHLUKO 9: IINDAWO EZIZOWUNELWE UKUSETYENZISELWA USHISHINO KUNYE NEZINYE IZINTO

(imiba 59 - 66)

*lindawo eziZowunwele ushishino gabalala zidizayinelwe ukukhuthaza uphuhliso loqoqosho kwizithili zoshishino neekhorida zoshishino, yaye zibandakanya iintlobo zosetyenziso-mhlaba ezifana noshishino, izindlu neendawo ezisetyenziswa luluntu, noxa uphuhliso lweefemu lungavunyelwanga. Kwelinye icala, iindawo ezizowunelwe usetyenziso oluxubileyo zifanele imimandla exubileyo ngokwemiqathango yosetyenziso-mhlaba, kubandakanywa uphuhliso lweefemu, ushishino neendawo zokuhlala. Ezo indawo zizowunelwe usetyenziso oluxubileyo kufuneka zisetyenziswe ngobunono ukuphepha ungquzulwano phakathi kophuhliso lweendawo zokuhlala neendawo ezizifemu.*

### Isiqendu 1: lindawo ezizowunelwe uShishino Gabalala (GB1, GB2, GB3, GB4, GB5, GB6 & GB7)

(imiba 59 - 62)

*lindawo eziZowunelwe iGB zezoshishino gabalala nophuhliso oluxubileyo oluphakathi noluphezulu. Kusebenza imigaqo eyahlukileyo kwiindawana ezizowuniweyo ezahlukileyo zeGB1-GB7, ingakumbi malunga nobude nobungakanani bomgangatho obuvunyelweyo, ukuze kuvunyelwe izinto ezahlukileyo ezakhiweyo kwiSixeko. Imblwa imiqathango yosetyenziso ngoba injongo kukukhuthaza usetyenziso olwahlukileyo kodwa iifemu azivumelekanga.*

## 59 Ukusetyenziswa kwepropati

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo zizakhiwo zoshishino, indlu yokuhlala, indawo yesibini yokuhlala, ihostele, iiflethi, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, indawo yolonwabo, ihotele indawo yokubambela inkomfa, urhwebo ngeenkonzo, usetyenziso ngegunya, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, igaraji yokupaka iimoto ezininzi, indlela yomntu kunye nebala.
- (b) Usetyenziso ngemvume zivenkile yezinto zesondo, ishishini lokonwabisa abantu abadala, iinkonzo zesondo, urhwebo olungekho sikweni, iziko loboniso, igaraji yokulungisa iimoto, iwehawusi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, usetyenziso lwezithuthi, indawo yokuchopha ihelikhophtha negaraji yokutha amafutha eemoto.

## 60 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Ubungakanani  
Obona bukhulu bazo zonke izakhiwo kwiyunithi yomhlaba yi-100%.
- (b) Umbindi womda  
ISixeko singafuna kubekho umbindi womda, xa kunjalo:
  - (i) zonke izakhiwo kwiyunithi yomhlaba ziya kubuyiswa nge-8 m ukusuka kumgca osembindini wesitrato sikawonkewonke okanye izitalato ezayame apho; kunye
  - (ii) imiqathango yomba 122 iya kusebenza.
- (c) Umlinganiselo womgangatho  
Owona mlinganiselo mkhulu womgangatho kwiyunithi yomhlaba uya kugqitywa ngokuhambelana nale 'theyibhile yobude nomlinganiselo womgangatho kwiiNdawo eziZowunelwe uShishino-Gabalala kuxhomekeke imihlathi (f),(g) no-(h) onezaphulelo ezihambelana nalalinge ophuhliso athile akhuthazwa siSixeko.
- (d) Ubude
  - (i) Obona bude buphakamileyo besakhiwo, obumetwe ukusuka kumgangatho ophantsi ukuya eluphahleni, uya kugqitywa ngokuhambelana nale 'theyibhile yobude nomlinganiselo womgangatho kwiiNdawo eziZowunelwe uShishino-Gabalala'.
  - (ii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.

### Ittheyibhile yobude nomlinganiselo womgangatho kwiiNdawo eziZowunelwe uShishino-Gabalala

Uzowuno lwendawana	Obona bude buphakamileyo ngaphezu komgangatho osisiseko ukuya eluphahleni	Umlinganiselo womgangatho
GB1	15,0 m	1,5
GB2	15,0 m	2,0
GB3	25,0 m	2,0
GB4	25,0 m	3,0
GB5	25,0 m	4,0
GB6	38,0 m	6,0
GB7	60,0 m	12,0

- (e) Imida yezakhiwo
  - (i) Akukho sakhiwo siya kwakhiwa ngendlela yokuba indawo esuka apho ibe kufuphi nesitrato okanye umda ofanayo kunomgama ochaziweyo kule 'theyibhile yemida yezakhiwo kwiiNdawo eziZowunelwe uShishino-Gabalala', apho uphawu olungu-'H' luthetha ubude beemitha bepoyinti echaphazelekayo ngaphezu komgangatho osisiseko.
  - (ii) limpawu ezithile zolwakhiwo zingakroba ngaphaya komda wesakhiwo ukusuka esitratweni, ukuba ngaba ezo mpawu azikrobi ngaphaezu kwe-250 mm ngaphaya komda wesitrato.
  - (iii) Ukudlula kumda esifanele ukuphela kuwo isakhiwo kumba 121 iya kusebenza.

**Ittheyibhile yemida yezakhiwo kwiiNdawo eziZowunelwe uShishino-Gabalala**

Uzowuno lwemimandl anyana	Umgca wesakhiwo wesitrato nomgca wesakhiwo ofana nomnye			
	lipoyinti kwisakhiwo ngaphezu komgangatho osisiseko			
	ukuya kuma ku- 10,0 m	ngaphezu kwe- 10,0 m nokuya kuma ku-25,0 m	ngaphezu kwe- 25,0 m nokuya kuma ku-38,0 m	ngaphezu kwe-38,0 m
GB1	0,0 m	4,5 m (0,0 m kumda ofanayo)	N/a	N/a
GB2				
GB3				
GB4				
GB5	0,0 m	0,0 m	N/a	N/a
GB6	0,0 m	0,0 m	(H thabatha 25,0 m) wahlulwa ngo-2 (0,0 m kumda ofanayo)	N/a
GB7	0,0 m	0,0 m	0,0 m	(H thabatha 38,0 m) wahlulwa ngo- 2 (0,0 m kumda ofanayo)

## (f) Imbuyekezo yezindlu kwiGB7

Ubungakanani bomgangatho wezakhiwo emhlabeni ozowunwe wayiGB7 bunganyuswa nge-30% ukuba ngaba ubuncinane be-30% bobungakanani bomgangatho buphuhlisiwe yaye buqhubeka busebenza njengeeflethi.

## (g) Isaphulelo sobungakanani bomgangatho kwiihotele

Apho kucetywa ukwakhiwa ihotele eneekamire ezingama-30 ubuncinane kwezi ndawana zizowuniweyo, ezi nxalenye zilandelayo azisayi kuthathelwa ngqalelo xa kubalwa ubungakanani bubonke bomgangatho wesakhiwo:

- Amagumbi asetyenziswa zindwendwe njengeendawo zokutyela, zokwenza imisitho, iibhari, iiresty, amagumbi okudanisa, amagumbi okudlala, iilawunji, amagumbi okufundela, amagumbi okubhalela namagumbi eenkomfa
- lipaseji zoluntu nemimandla enezitupu ezihlala uluntu, iiveranda, iibhalkhoni, amathala okanye iindawo zokugcakamela ilanga ezisetyenziswa ziindwendwe zehotele;
- livenkile zokucheba, iisaluni zokwenza intloko, abathengisi-zintyatyambo namashishini abufana kwiihotele asetyenziswa ziindwendwe zehotele kuphela;
- liofisi eziyinxalenye yehotele ezisetyenziselwa ukulawula ihotele;
- Amakhitshi, amagumbi okuhlambela izitya nezibonelelo ezibufana nezo eziyinxalenye yehotele;
- Izitara zehotele; kunye
- Amagumbi asetyenziswa ngabasebenzi behotele, kubandakanywa iikhorida iizitepsi nezinye iindlela zokungena kwendazo zisetyenziswa ngabasebenzi behotele, kubandakanywa onke amakhitshini, amagumbi okutyela, amagumbi olonwabo, iilondri namagumbi asetyenziswa ngabasebenzi kuphela.

Ukuba, ngokokubona kweSixeko, igumbi lisetyenziswa ikakhulu ngabantu abasuka ngaphandle kwehotele, abasebenzi okanye iindwendwe, elo gumbi liya kubandakanywa kwizibalo zobungakanani bomgangatho wesakhiwo noxa kukho imiqathango ekubhekiswe kuyo kwimihlathana(i) ukuya ku-(vii) apha ngentla, kunye nawaphi amanye amahumbi ekungabhekiswanga kuwo ukuya ku-(vii) apha ngentla aya kubandakanywa kwizibalo zobungakanani bomgangatho wesakhiwo.

## (h) Imboniselo yesigqubuthelo okanye yebhalkhoni

ISixeko singafuna ukuba, yaye singamkela imboniselo yesigqubuthelo okanye yebhalkhoni kumda wesitrato ngokuhambelana nale miqathango ilandelayo:

- Ikhenophi ayizi kukroba ngaphaya kwe-500 mm kwindawo emtyaba engumda obekiweyo;
- Akukho nxalenye yekhenophi eye kuba ngaphezu kwe-2,8 m ngaphezu kwepavumente;

- (iii) ISixeko singabeka imiqathango emalunga nemilinganiselo, idizayini nemathiriyeli yekhenophi; yaye
- (iv) Umnini angangena kwisivumelwano neSixeko ngokuba ikhenophi iza kuphumela komnye umda ze abhalise indawo anelungelo lomhlaba kuyo apho kukho ukukroba kwebhalkhoni.
- (i) Indlela ehamba abantu ekumda wesitrato  
Ukuba umnini ubonelela ngendlela yabahambi-ngenyawo eyi-3 m ububanzi ubuncinane kwiyunithi yomhlaba, ecaleni kwesakhiwo ezisecaleni komda wesitrato, enekhenophi nepavumente ehlangene nepavumente yesitrato, esetyeniswa ngabantu ngalo lonke ixesha, ekuhlonipheni igalelo ledizayini kudizayino lweedolophu, obona bukhulu bomgangatho besakhiwo bunganyuswa kabini kummandla onendledlana ehamba uluntu.
- (j) Iikona zezitalato  
ISixeko singafuna ukuba umnini wesakhiwo esiza kwakhiwa kwikona yesitrato sikawonkewonke, iSixeko esisibona sibalulekile, afake zonke iimpawu nezihombiso zesakhiwo eziza kutsala amehlo kuloo kona, nezigxininisa ukubaluleka kwentshukumo zabahambi-ngenyawo kuloo kona. Ezo mpawu zingabandakanya iindawo ekuphela kuzo isakhiwo, izitrato ezinophahla, iiplaza nezinye iimpawu.
- (k) Ukupaka nokungena
  - (i) Ukupaka nokungena kwiyunithi yokumhlaba kuya kubonelelwa ngokwemiqathango yeSahluko15.
  - (ii) Ngaphandle kokufumana imvume yeSixeko, akukho zibheyi zokupaka imoto kumgangatho okwiyunithi yomhlaba, ngaphandle okanye ngaphakathi kwisakhiwo, ziya kuba kwi-10m ukusuka kumda wesitrato, ukuze kuphuculwe ukusebenziseka kwezitrato.
- (l) Ukulayisha  
libheyi zokulayisha ziya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yomba 144.
- (m) Uhlolo  
ISixeko singafuna ukuba kwenziwe uhlolo ngokwemiqathango yomba 125.
- (n) Unqando lomoya  
ISixeko singathi:
  - (i) sifune uvavanyo lokuba umoya usichaphazela njani isakhiwo esicetywayo kunye nemimandla engqongileyo; yaye
  - (ii) sibeke imiqathango yokucutha ifuthe elibi lomoya.

## 61 Igaraji yokutha amafutha emoto neyokulungisa iimoto

Imigaqo yophuhliso esebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kwindawo ezowunwe njengeshishini lengingqi 2 iya kusebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kolu zowuno.

## 62 Urhwebo olungekho sikweni

Urhwebo olungekho sikweni luya kuvunyelwa kuphela kwiziza ezisikelwe urhwebo olungekho sikweni ngokomthetho kamasipala worhwebo olungekho sikweni.

### **Isiqendu 2: lindawo ezizowunelwe ukuSetyenziselwa iZinto eZahlukileyo (MU1, MU2 & MU3)** (imiba 63 - 66)

*lindawo eziZowuniweyo njengeMU zivumela usetyenziso oluxubileyo, olweefemu nolwezindlu zabantu. Ezi ndawo ziZowuniweyo zilungele iindawo apho kudibana amashishini neendawo ezizowunelwe iifemu. Olunye usetyenziso olunganefuthe elibi kwimimandla engqongileyo ludinga imvume yeSixeko. Kusebenza imigaqo eyahlukileyo kwiindawana ezizowuniweyo ezahlukileyo zeMU1, MU2 neMU3, ingakumbi malunga nobude nobungakanani bomgangatho obuvunyelweyo.*

## 63 Ukusetyenziswa kwepropati

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo zizakhiwo zoshishino, ifemu, indlu yokuhlala, indawo yesibini yokuhlala, ihostele, iiflethi, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, indawo yolonwabo, ihotele indawo yokubambela inkomfa, usetyenziso ngegunya, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, usetyenziso lwezithuthi, igaraji yokupaka iimoto ezininzi, indlela yomntu kunye nebala.
- (b) Usetyenziso ngemvume yivenkile yezinto zesondo, ishishini lokonwabisa abantu abadala, iinkonzo zesondo, urhwebo olungekho sikweni, iziko loboniso, isikirephuyadi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, indawo yokuchopha ihelikhophtha, igaraji yokutha amafutha emoto neyokulungisa iimoto.

#### 64 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho, ubungakanani nobude
  - (i) Owona mlinganiselo mkhulu womgangatho nobungakanani wazo zonke izakhiwo kwiyunithi yomhlaba uya kugqitywa ngokuhambelana nale 'theyibhile yomlinganiselo womgangatho, ubungakanani nobude kwiindawo eziZowunelwe uSetyenziso oluXubileyo.
  - (ii) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kumphezulu wophahla, uya kugqitywa ngokuhambelana nale 'theyibhile yomlinganiselo womgangatho, ubungakanani nobude kwiindawo eziZowunelwe uSetyenziso oluXubileyo.
  - (iii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.

#### Ittheyibhile yomlinganiselo womgangatho, ubungakanani nobudekwiindawo eziZowunelwe uSetyenziso oluXubileyo

Uzowuno lwendawana	Umlinganiselo womgangatho	Ubungakanani	Obona bude buphakamileyo ngaphezu komgangatho osisiseko ukuya eluphahleni
MU1	1,5	75%	15,0 m
MU2	4,0	100%	25,0 m
MU3	6,0	100%	38,0 m

- (b) Umbindi womda
 

ISixeko singafuna kubekho umbindi womda, xa kunjalo:

  - (i) zonke izakhiwo kwiyunithi yomhlaba ziya kubuyiswa nge-8 m ukusuka kumgca osembindini wesitrato sikawonkewonke okanye izitalato ezimelene nazo; yaye
  - (ii) imiqathango yomba 122 iya kusebenza.
- (c) Imida yezakhiwo
  - (i) Akukho sakhiwo siya kwakhiwa ngendlela yokuba nayiphi na ipoyinti kweso sakhiwo ibe kufuphi nesitrato okanye umda ofanayo kunomgama ochaziweyo kule 'theyibhile yemida yezakhiwo kwiindawo eziZowunelwe uSetyenziso oluXubileyo, apho uphawu olungu-'H' luthetha ubude beemitha bepoyinti engaphezu komgangatho osisiseko.
  - (ii) Iimpawu ezithile zolwakhiwo zingakroba ngaphaya komda wesakhiwo ukusuka esitratweni, ukuba ngaba ezo mpawu azikrobi ngaphezu kwe-250 mm ngaphaya komda wesitrato;



**Ittheyibhile yemida yezakhiwo kwiindawo eziZowunelwe uSetyenziso oluXubileyo**

Uzowuno lwendawana	Umgca wesakhiwo wesitrato nomgca wesakhiwo ofana nomnye		
	lipoyinti kwisakhiwo ngaphezu komgangatho osisiseko		
	ukuya kuma ku-10,0m	ngaphezu kwe-10,0 m nokuya kuma ku-25,0 m	ngaphezu kwe-25,0 m nokuya kuma ku-38,0 m
MU1	0,0 m	4,5 m	N/a
MU2	0,0 m	4,5 m	N/a
MU3	0,0 m	0,0 m	(H thabatha 25,0 m) wahlulwa ngo-2

- (d) Imboniselo yesigqubuthelo okanye yebhalkhoni  
ISixeko singafuna ukuba, yaye singamkela imboniselo yesigqubuthelo okanye yebhalkhoni kumda wesitrato ngokuhambelana nale miqathango ilandelayo:
- (i) Ikhenophi ayizi kukroba ngaphaya kwe-500 mm kwindawo emtyaba engumda obekiweyo;
  - (ii) Akukho nxalenye yekhenophi eye kuba ngaphezu kwe-2,8 m ngaphezu kwepavumente;
  - (iii) ISixeko singabeka imiqathango emalunga nemilinganiselo, idizayini nemathiriyeli yekhenophi; yaye
  - (iv) Umnini angangena kwisivumelwano neSixeko ngokuba ikhenophi iza kuphumela komnye umda ze abhalise indawo anelungelo lomhlaba kuyo apho kukho ukukroba kwebhalkhoni.
- (e) Ukupaka nokungena
- (i) Ukupaka nokungena kwiyunithi yokumhlaba kuya kubonelelwa ngokwemiqathango yeSahluko15.
  - (ii) Ukukhuthaza ukuba lulutho komgangatho wesitrato, ngaphandle kokufumana imvume yeSixeko, akukho zibhezi zokupaka imoto kumgangatho okwiyunithi yomhlaba, ngaphandle okanye ngaphakathi kwisakhiwo, ziya kuba kwi-10m ukusuka kumda wesitrato, ukuze kuphuculwe ukusebenziseka kwezitrato.
- (f) Ukulayisha  
libhezi zokulayisha ziya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yomba 144.
- (g) Uhlolo  
ISixeko singafuna ukuba kwenziwe uhlolo ngokwemiqathango yomba 125.

**65 Igaraji yokutha amafutha emoto neyokulungisa iimoto**

Imigaqo yophuhliso esebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kwindawo ezowunwe njengeshishini lengingqi 2 iya kusebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kolu zowuno.

**66 Urhwebo olungekho sikweni**

Urhwebo olungekho sikweni luya kuvunyelwa kuphela kwiziza ezisikelwe urhwebo olungekho sikweni ngokomthetho kamasipala weSixeko worhwebo olungekho sikweni.

**ISAHLUKO 10: IINDAWO EZIZOWUNELWE IIFEMU**

(imiba 67 - 79)

*Iindawo ezizowunelwe iifemu zidizayinelwe ukubonelela ngeendzwo zemveliso kunye neenkqubo ezihamba nazo, ezisuka kwiifemu ezinokuba nefuthe elithile kwimimandla engqongileyo, ukuya kusetyenziso olunobungozi yaye kufuneka zilawulwe ngobunono. Uphuhliso lwemizimveliso ingakumbi imiqathango yezibonelelo zeendlela nezenkunkuma, nomhlaba ozowunelwe iifemu kufuneka ubekelwe iifemu ukuze kunqandwe ifuthe elibi olu phuhliso olunokuba nalo. KuZowuno lweeFemu Gabalala iindawana ezimbini zolu zowuno zivumeke izakhiwo ezahlukileyo yaye kubonelelwa nangamathuba osetyenziso ngemvume ahlalene nemimandla yemizimveliso, afana neevenkile zeefektri. Kubekwe uzowuno olulodwa lwemeizimveliso enobungozi.*

**Isiqendu 1: lindawana ezizowunelwe ushishino gabalala (GI1 & GI2)**  
(imiba 67 - 73)

*Uzowuno lweGI luvumela zonke iintlobo zeefemu, ngaphandle koshishino olunobungozi nomsebenzi onobungozi, ukuze kukhuthazwe icandelo lwemizimveliso loqoqosho. Kukhona umnyinyivana onikezwa imisebenzi engeyoyokuvelisa kodwa ezo zinto akufuneki ziphazamise nosetyenziso olungundoqo lommandla ozowunelwe iifemu. Yamkelwe into yokuba ubunzulu bemisebenzi yoveliso okanye ubungakanani bayo bunganefuthe elibi kwiipropati ezimelene neefemu.*

**67 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo zifemu, irestyu, igaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, indawo yomngcwabi, isikirephuyadi, usetyenziso ngegunya, inkonzo elulutho, indawo yokutshisa izidumbu, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, usetyenziso lwezithuthi, igaraji yokupaka iimoto ezininzi, ushishino lwezolimo, indlela yomntu, ibala namalungelo osetyenziso ongezelelekileyo njengoko luxeliwe kumhlathi (b).
- (b) Amalungelo osetyenziso ongezelelekileyo ziifektri nevenkile yezinto zesondo, kuxhomekeke kwimiqathango yemiba 71 no-72, leyo ichaphazelekayo.
- (c) Usetyenziso ngemvume yindawo yokuxhela, indawo yokukhonza, iziko, iikliniki, indawo yokuhlanganela, ishishini lokonwabisa abantu abadala, inkonzo zesondo, ukufama izilwanyana zasemanzini, urhwebo olungekho sikweni, iivenkile, iofisi, ukuthengiswa kotywala, indawo yolonwabo, indawo yokuchopha ihelikhoptha, izibonelelo zenjini ejikeleziswa ngumoya nesiza seekhonteyina.

**68 Imigaqo yophuhliso**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho nobungakanani  
Umlinganiselo womgangatho nobungakanani uya kugqitywa ngokuhambelana nale 'theyibhile yomlinganiselo womgangatho nobungakanani kwiindawo ezizowunelwe iifemu'.

**Ittheyibhile yomlinganiselo womgangatho nobungakanani kwiindawo ezizowunelwe iifemu**

Uzowuno lwendawana	Umlinganiselo womgangatho	Ubungakanani
GI1	1,5	75%
GI2	4,0	75%

- (b) Ubude
  - (i) Obona bude buphakamileyo besakhiwo kuZowuno lwendawana eziziFemu ezinguGI1 iya kuba yi-18 m obumetwe ukusukela kwizinga lesiseko ukuya kumphezulu wophahla;
  - (ii) Akukho miqathango yobude ebekwe kwizakhiwo ezisetyenziselwa uveliso kuZowuno lwendawana eziziFemu ezinguGI2;
  - (iii) Nasiphi isakhiwo esikuZowuno lwendawana eziziFemu ezinguGI2 esisetyenziselwa uveliso asisayi kuba ngaphezulu kobude be-18 m obumetwe ukusuka kumgangatho ophantsi ukuya eluphahleni;
  - (iv) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126; kunye
  - (v) likhonteyina zokuhambisa izinto, xa zigcinwe okanye zipakishwe ngaphandle kwesakhiwo, azinakuba nobude obungaphezu kwe-15 m ngaphezu komgangatho osezantsi wesiqhelo.
- (c) Umda wesakhiwo ukusuka esitratweni  
Umda wesakhiwo ukusuka esitratweni yi-5 m, kuxhomekeke ekudluleni kumda esifanele ukuphela kuwo isakhiwo kumba 121.

- (d) Umda wesakhiwo ofanayo  
Umda wesakhiwo ofanayo yi-3 m, kuxhomekeke ekudluleni kumda esifanele ukuphela kuwo isakhiwo kumba 121.
- (e) Amadonga ayimida  
Apho iyunithi yomhlaba inomda ofanayo nenye iyunithi yomhlaba engazowunanga njengeFemu Gabalala okanye iFemu enobuNgozi, iSixeko singafuna ukuba kwakhiwe udonga oluphakame kangange-1,8 m kumda ofanayo.
- (f) Ukupaka nokungena  
Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yeSahluko15.
- (g) Ukulayisha  
libheyi zokulayisha kuya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yomba 144.
- (h) Uhlolo  
ISixeko singafuna ukuba kwenziwe uhlolo ngokwemiqathango yomba 125.

## 69 Izinto ezinobungozi

Noxa kukho into yokuba umsebenzi othile unelungelo lokusebenzisa ngokwemiqathango yolu zowuno, akukho msebenzi obandakanya ugcino lwezinto ezinobungozi kwisiza luya kuvunyelwa ngaphandle kokuba kungeniswe iplanu yolawulo nokunqandwa kweengozi kwiSixeko yaye sibe iSixeko siyinikezile imvume yaloo nto.

## 70 Igaraji yokutha amafutha emoto neyokulungisa iimoto

Imigaqo yophuhliso esebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kwindawo ezowunwe njengeshishini lengingqi 2 iya kusebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kolu zowuno.

## 71 Ifektri

Umntu ohlala kwindlu eyifemu anganefektri ukuba ngaba:

- (a) ubungakanani bubonke bomgangatho bokuthengisa iimpahla abusayi kuba ngaphezulu kwe-10% yobungakanani bubonke bomgangatho bazo zonke izakhiwo kwiyunithi yomhlaba; yaye
- (b) naziphi iimpahla ezithengiswayo zibe zingaveliswanga kwipropati kufuneka zibe ziyahambisana neempahla eziveliswe kwipropati.

## 72 Ivenkile yezinto zesondo

Le migaqo yophuhliso ilandelayo iya kusebenza kwivenkile yezinto zesondo:

- (a) Ivenkile yezinto zesondo ayisayi kuba kumgama oyi-100 m wevenkile yezinto zesondo ekhoyo, eyokonwabisa abantu abadala nezakhiwo zeenkonzo zesondo;
- (b) Umphambili wayo nendawo yokungena engaphambili awusayi kubonisa izinto ezinamanyala neziveza izinto zesondo yaye akusayi kuboniswa izinto ezinjalo ngaphandle kwamasango ayo;
- (c) Iimpawu zangaphandle kufuneka zithobele uMthetho kaMasipala weeNtengiso neeMpawu weSixeko; yaye
- (d) Akukho luhlobo lwakukhwaza okanye kusebenzisa mboko oluya kuvakala ngaphandle kwesakhiwo.

## 73 Urhwebo olungekho sikweni

Urhwebo olungekho sikweni luya kuvunyelwa kuphela kwiziza ezisikelwe urhwebo olungekho sikweni ngokomthetho kamasipala weSixeko worhwebo olungekho sikweni.

**Isiqendu 2: lindawo ezizowunelwe amashishini anobungozi (RI)**  
(imiba 74 - 79)

*Uzowuno lweRI luvumela loo mashishini anobungozi ngokwevumba, imveliso, inkunkuma okanye ezinye izinto okanye ezo zinto zinomgcipheko ophezulu womlilo okanye weengozi. Noxa olunye usetyenziso luvumelekile xa kufunyenwe imvume, iSixeko akufuneki umthamo wozowuno lweRI ukuvumela ushishino olunobungozi nemisebenzi enemingcipheko.*

**74 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo lushishino olunobungozi, umsebenzi onobungozi, indawo yokutshisa izidumbu, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, indlela yomntu, ibala namalungelo osetyenziso ongezelelekileyo njengoko luxeliwe kumhlathi (b).
- (b) Amalungelo osetyenziso ongezelelekileyo yifektri, kuxhomekeke kwimiqathango yomba 78.
- (c) Usetyenziso ngemvume yivenkile, iresty, urhwebo olungekho sikweni, igaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, ifemu, isikirephuyadi, indawo yokuxhela, usetyenziso ngegunya, inkonzo elulutho, izibonelelo zenjini ejikeleziswa ngumoya, indawo yokuchopha ihelikhoptha, isiza seekhonteyina, usetyenziso lwezithuthi kunye negaraji yokupaka iimoto ezininzi.

**75 Imigaqo yophuhliso**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho  
Umlinganiselo womgangatho kwiyunithi yomhlaba awusayi kuba ngaphezulu kwe-2,0.
- (b) Ubungakanani  
Ubungakanani bazo zonke izakhiwo kwiyunithi yomhlaba abusayi kuba ngaphezulu kwe-75%.
- (c) Ubude
  - (i) Akukho miqathango yobude ebekwe kwizakhiwo ezisetyenziselwa ushishino olunobungozi, umsebenzi onobungozi okanye uveliso kolu zowuno;
  - (ii) Izakhiwo ezingasetyenziselwa ushishino olunobungozi, umsebenzi onobungozi okanye uveliso azisayi kuba ngaphezulu kobude be-18 m obumetwe ukusuka kumgangatho ophantsi ukuya eluphahleni;
  - (iii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126; kunye
  - (iv) likhonteyina zokuhambisa izinto, xa zigcinwe okanye zipakishwe ngaphandle kwesakhiwo, azinakuba nobude obungaphezu kwe-15 m ngaphezu komgangatho osezantsi wesiqhelo.
- (d) Imida yezakhiwo
  - (i) Umda wesakhiwo ukusuka esitratweni yi-5 m;
  - (ii) Umda ofanayo kwimida yezakhiwo yi-5 m; yaye
  - (iii) Kuya kusebenza umqathango wokudlula kumda esifanele ukuphela kuwo isakhiwo kumba 126.
- (e) Ukupaka nokungena  
Ukupaka nokungena kwiyunithi yokumhlaba kuya kubonelelwa ngokwemiqathango yeSahluko 15.
- (f) Ukulayisha  
libheyi zokulayisha ziya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yomba 144.
- (g) Uhlolo  
ISixeko singafuna ukuba kwenziwe uhlolo ngokwemiqathango yomba 125.
- (h) Amadonga ayimida

Apho iyunithi yomhlaba inomda ofanayo nenye iyunithi yomhlaba engazowunanga njengeFemu Gabalala okanye iFemu enobuNgozi, iSixeko singafuna ukuba kwakhiwe udonga oluphakame kangange-1,8 m kumda ofanayo.

## **76 Izinto ezinobungozi**

Noxa kukho into yokuba umsebenzi othile unelungelo lokusebenzisa ngokwemiqathango yolu zowuno, akukho msebenzi obandakanya ugcino lwezinto ezinobungozi kwisiza luya kuvunyelwa ngaphandle kokuba kungeniswe iplani yolawulo nokunqandwa kweengozi kwiSixeko yaye sibe iSixeko siyinikezele imvume yaloo nto.

## **77 Igaraji yokutha amafutha emoto neyokulungisa iimoto**

Imigaqo yophuhliso esebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kwindawo ezowunwe njengeshishini lengingqi 2 iya kusebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kolu zowuno.

## **78 Ifektri**

Umntu ohlala kwindlu eyifemu anganefektri ukuba ngaba:

- (a) ubungakanani bubonke bomgangatho bokuthengisa iimpahla abusayi kuba ngaphezulu kwe-10% yobungakanani bubonke bomgangatho bazo zonke izakhiwo kwiyunithi yomhlaba; yaye
- (b) naziphi iimpahla ezithengiswayo zibe zingaveliswanga kwipropati kufuneka zibe ziyahambisana neempahla eziveliswe kwipropati.

## **79 Urhwebo olungekho sikweni**

Urhwebo olungekho sikweni luya kuvunyelwa kuphela kwiziza ezisikelwe urhwebo olungekho sikweni ngokomthetho kamasipala weSixeko worhwebo olungekho sikweni.

## **ISAPHLUKO 11: IINDAWO EZIZOWUNWE NJENGEZISETYENZISWA NJENGEZIBONELELO, EZOTHUTHO NAMANXWEME ESIZWE**

*(imiba 80 - 96)*

*Izibonelelo zikarhulumente, nokuba zezesizwe, ezephondo okanye ezikamasipala kufuneka zizowunwe ngokomsebenzi wazo, hayi ngokobunini. Umzekelo, iiofisi zikamasipala kufuneka zizowuna njengamashishini. Kambe ke, imisebenzi ethile karhulumente ayikwazi kufakwa kwezinye iindawo eziZowuniweyo, yaye zingabandakanywa kwiindawo ezizowunwe njengeziseteyenziswa njengezibonelelo. Olu zowuno luvumela usetyenisiso nezibonelelo ezifunekayo zeenkondo ezilulutho ezisenokuba azizonkonzo zeziko likarhulumente.*

*Iindawo eziZowunwele uThutho zidizayinwe ukuququzelela ukusebenza ngokukuko lkwesistimu ezahlukeyo zezothutho. Kukho ubudlelwane phakathi kwezothutho nophuhliso yaye uphuhliso olululo lunganceda ukuphakamisa uthutho loluntu. Kwenziwe izibonelelo zophuhliso oluxubileyo olulawulwayo, ukuba iisistimu zothutho azichatshazlewa kakubi. Ngelinye ixesha izithuthi zihamba kwiikhori ezichaziweyo kodwa kwimigangatho yobude eyahlukeyo, yaye kukho amathuba amalungelo asemoyeni nawasemhlabeni, apho uphuhliso olufanelekileyo lunokwenziwa kwelinye izinga ngaphandle kokuchaphazela iinkqubo zothutho kakubi.*

*Iindawo ezizowunwe njengamanxweme esizwe zibandakanyiwe ukubonelela ngemiqathango equlethwe kwiNational Ports Act, 2005 (UMthetho 12 ka-2005).*

### **Isiqendu 1: Iindawo ezizowunwe njengeziseteyenziswa njengezibonelelo (UT)**

*(imiba 80 - 81)*

*Uzowuno lweUT lubonelela ngeenkondo ezilulutho ezifana nezitishi zombane nemothombo yamanzi enokubonelelwa ngumasipala, ngurhulumente okanye yenye iarhente yabucala; yaye*

*ivumela usetyenziso lukarhulumente okanye losetyenziso ngegunya, olufana neetrongo, iinkampu zamajoni ezingekho kolunye usetyenzise okanye kolunye uluhlu lokuzowuna.*

## **80 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo iinkonzo ezilulutho, usetyenziso ngegunya, isitishi sonxibelelwano esikuphahla lwesakhiwo nesitishi sonxibelelwano esizimele ngokwaso.
- (b) Usetyenziso ngemvume ngamangcwaba, urhwebo olungekho sikweni, indawo yomngcwabi, indawo yokutshisa izidumbu, ulimo lwasezidolophini, iziko leenqwelomoya, izibonelelo zenjini ejikeleziswa ngumoya nendawo yokuchopha ihelikhophtha.

## **81 Imigaqo yophuhliso**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) ISixeko singafuna ukuba iplani yophuhliso lwesiza yosetyenziso olungundoqo, yaye siza kufuna iplani yophuhliso lwesiza yesicelo sosetyenziso ngemvume.
- (b) Iplani yophuhliso lwesiza eyamkelweyo siSixeko iya kuba yinxalenye yemigaqo yophuhliso yosetyenziso olungundoqo ukuba iyachaphazeleka, nosetyenziso ngemvume.
- (c) Imiqathango yeplani yophuhliso lwesiza kumba 123 iya kusebenza.

### ***Isiqendu 2: lindawo ezizowunwe njengezisetenziselwa ezothutho 1: Usetyenziso lwezithuthi (TR1)*** (imiba 82 - 86)

*Uzowuno lweTR1 lubonelela ngeenkqubo zothutho ngaphandle kwendlela kawonke-wonke nezitalato zikawonke-wonke, kodwa alubandakanyi ezinye izibophelelo zothutho ezinika iinkonzo kuluntu ezifana namaziko eenqwelomoya, amachweba iziporo, iibhasi nezinye iidepho ezihlanganiswa nosetyenziso lwezithuthi zoluntu, iirenki zezithuthi zoluntu nezoololiwe. Kukho ubonelelo lokuvumela olunye usetyenziso olunokuxhasa izibophelelo zezothutho.*

## **82 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo lusetyenziso lwezithuthi, igaraji yokupaka iimoto ezininzi, inkonzo elulutho, ivenkile, iresty, urhwebo ngeenkonzo, iofisi, iwehawusi, isitishi sonxibelelwano esikuphahla lwesakhiwo nesiza seekhonteyina.
- (b) Usetyenziso ngemvume zizakhiwo zoshishino, iiflethi, indawo yokuhlanganela, indawo yolonwabo, ihotele indawo yokubambela inkomfa, igaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, iziko leenqwelomoya, indawo yokuchopha ihelikhophtha, urhwebo olungekho sikweni, ifemu nelungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni, ukuba ngaba:
  - (i) olo setyenziso ngemvume alunxaxhi kusetyenziso lwezithuthi njengosetyenziso olungundoqo; yaye
  - (ii) ukuba, ngokokubona kweSixeko, isicelo sosetyenziso ngemvume sizisa utshintshoi olukhulu kwipropati kusetyenziso olungundoqo lwaloo propati, iSixeko singafuna ukuba kufakwe isicelo sokuzowuna kwakhona.

## **83 Imigaqo yophuhliso**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Umlinganiselo womgangatho  
Umlinganiselo womgangatho kwiyunithi yomhlaba awusayi kuba ngaphezulu kwe-2,0.
- (b) Ubungakanani



Ubungakanani bazo zonke izakhiwo kwiyunithi yomhlaba abusayi kuba ngaphezulu kwe-75%.

(c) Ubude

- (i) Obona bude buphakamileyo besakhiwo iya kuba yi-18 m obumetwe ukusukela kwizinga lesiseko ukuya kumphezulu wophahla;
- (ii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126; yaye
- (iii) likhonteyina zokuhambisa izinto, xa zigcinwe okanye zipakishwe ngaphandle kwesakhiwo, azinakuba nobude obungaphezu kwe-15 m ngaphezu komgangatho osezantsi wesiqhelo.

(d) Imida yezakhiwo

- (i) Umda wesakhiwo ukusuka esitratweni yi-0 m.
- (ii) Umda ofanayo kwimida yezakhiwo yi-3,0 m.
- (iii) Ukudlula kumda esifanele ukuphela kuwo isakhiwo kumba 121 uya kusebenza.

(e) Ukupaka nokungena

Ukupaka nokungena kwiyunithi yokumhlaba kuya kubonelelwa ngokwemiqathango yeSahluko 15.

#### 84 Igaraji yokutha amafutha emoto neyokulungisa iimoto

Imigaqo yophuhliso esebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kwindawo ezowunwe njengeshishini lengingqi 2 iya kusebenza kwigaraji yokutha amafutha emoto neyokulungisa iimoto kolu zowuno.

#### 85 Urhwebo olungekho sikweni

Urhwebo olungekho sikweni luya kuvunyelwa kuphela kwiziza ezisikelwe urhwebo olungekho sikweni ngokomthetho kamasipala weSixeko worhwebo olungekho sikweni.

#### 86 Ilungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni

ISixeko singamkela usetyenziso ngemvume lwamalungelo asemoyeni okanye angaphantsi komhlaba ukuba ngaba:

- (a) Iplani yophuhliso lwesiza ingenisiwe yaye sibe iSixeko sanelisekile ngokomba 123;
- (b) ISixeko sanelisekile ukuba izinto zesakhiwo neempawu zokucacisa nezokusebenza zanele ukuqinisekisa ukuba izitalato, iindlela okanye indawo yokupaka ikhuselekile yaye iza kusebenza ngempumelelo;
- (c) Olo setyenziso ngemvume aluchaphazeli eyona nto ofanele ukuba usetyenziselwa yona lo mhlaba;
- (d) Isivumelwano esichaza ubungakanani bamalungelo, ixesha, isithuba, imbuyekezo, ubunini noxanduva lokumenteyina olumalunga nepropati sigqitywa ngamaqela achaphazelekayo nawamkelweyo siSixeko; yaye
- (e) Ilungelo losetyenziso-mhlaba kumalungelo asemoyeni nawaphantsi komhlaba ngabhaliweyo alo mhlaba uchaphazelekayo.

#### ***Isiqendu 3: lindawo ezizowunwe njengezisetenziselwa ezothutho 2: Indlela kawonkewonke nendawo yokupaka kawonkewonke (TR2)*** (imiba 87 - 92)

*Uzowuno lweTR2 lubonelela ngezitalato zikawonke-wonke neendlela, nokuba sele zenziwe okanye siseza kwenziwa, kunye neendawo zokupaka zoluntu zezithuthi ezisebenzayo. Ezo indawo zokupaka zisenokuba kwizakhiwo okanye kwimimandla yokupaka eselubala, esisenokuhlululelwa okanye zingahlululelwa, iukuze kujongwane nesidingo sendawo yokupaka engekho kwisiza sokusebenzela. Indawo yokupaka ekwisiza sokusebenzela kulo naluphi na uzowuno ithathwa njengosetyenziso oluhambelana nosetyenziso olungunqodo yaye aludingi luhlu olwahlukileyo losetyenziso oludinga ukuzowuna okanye imvume.*

#### 87 Ukusetyenziswa kwepropati

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo sisitrato sikawonkewonke, indlela kawonke-wonke nenkonzo elulutho.
- (b) Usetyenziso ngemvume lurhwebo olungekho sikweni, igaraji yokupaka iimoto ezininzi, izibonelelo zenjini ejikeleziswa ngumoya nelungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni.

## 88 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) ISixeko singafuna iplani yophuhliso lwesiza yosetyenziso olungundoqo, yaye siza kufuna iplani yophuhliso lwesiza yesicelo sosetyenziso ngemvume.
- (b) Iplani yophuhliso lwesiza eyamkelweyo siSixeko iya kuba yinxalenye yemigaqo yophuhliso yosetyenziso olungundoqo ukuba iyachaphazeleka, nosetyenziso ngemvume.
- (c) Imiqathango yeplani yophuhliso lwesiza kumba 123 iya kusebenza.

## 89 Ukwakha nokulahla imathiriyeli

Akukho mntu :

- (a) oya kwakha indawo yokunqumla, ibhulorho okanye ikholveti kwisitrato sikawonkewonke;
- (b) akhe okanye enze indledlana yokuhamba abantu kwisitrato sikawonkewonke;
- (c) akhe iveranda, isitupu, udonga, izitepsi okanye enye into ekrobileyo kwisakhiwo okanye edlulele kwisitrato sikawonkewonke;
- (d) alahle okanye ashiye iimpahla, izinto zokwakha okanye inkunkuma kwisitrato sikawonkewonke okanye kumda wendlela ngaphandle ngexesha elayisha, okanye esothula iimpahla,

ngaphandle kokuba oko kuhambelana nemigaqo yeSixeko, sibe naso sinike imvume.

## 90 Ilungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni

ISixeko singamkela usetyenziso ngemvume lwamalungelo asemoyeni okanye angaphantsi komhlaba ukuba ngaba:

- (a) Iplani yophuhliso lwesiza ingenisiwe yaye sibe iSixeko sanelisekile ngokomba 123;
- (b) ISixeko sanelisekile ukuba izinto zesakhiwo neempawu zokucacisa nezokusebenza zanele ukuqinisekisa ukuba izitalato, iindlela okanye indawo yokupaka ikhuselekile yaye iza kusebenza ngempumelelo;
- (c) olo setyenziso ngemvume aluchaphazeli eyona nto ofanele ukuba usetyenziselwa yona lo mhlaba;
- (d) Isivumelwano esichaza ubungakanani bamalungelo, ixesha, isithuba, imbuyekezo, ubunini noxanduva lokumenteyina olumalunga nepropati sigqitywa ngamaqela achaphazelekayo nawamkelweyo siSixeko; kunye
- (e) iilungelo losetyenziso-mhlaba kumalungelo asemoyeni nawaphantsi komhlaba ngabhaliwayo alo mhlaba uchaphazelekayo.

## 91 Isitrato sikawonke-wonke esicetywayo, ukongezwa kwendlela nokuvalwa kwesitrato

(1) ISixeko singabonisa kwimephu yokuzowuna:

- (a) izitalato ezitsha zikawonke-wonke neendlela zikawonke-wonke esizimisele ukuzenza;
- (b) izitalato zikawonke-wonke neendlela zikawonke-wonke esizimisele ukuzivula; kunye
- (c) nezitalato zikawonke-wonke neendlela zikawonke-wonke esizimisele ukuzivala.

(2) Izinto ekubhekiswe kuzo kumbana(1) ziinkcukacha ezenzelwe uluntu, nokuncedisa iSixeko ekuphumezeni iinjongo zaso zokucwangcisa nokuphuhlisa. Ukuzowuna okusisiseko kweepropati akuthintshi de isitrato sikawonkewonke esitsha, ukuvulwa nokuvalwa kwesitrato kube kwamkelwe ngokomthetho ochaphazelekayo kunye nezinye iinkqubo zemithetho ezimalunga nokuzowuna kwakhona.

## 92 Urhwebo olungekho sikweni

Urhwebo olungekho sikweni luya kuvunyelwa kuphela kwiziza ezisikelwe urhwebo olungekho sikweni ngokomthetho kamasipala weSixeko worhwebo olungekho sikweni.

### ***Isiqendu 4: lindawo ezizowunwe njengamanxweme esizwe (NP)*** (imiba 93 - 96)

*Uzowuno lweNP lunikezwa njengoku zowuna apho usetyenziso-mhlaba kumanxweme esizwe lulawulwa sisicwangciso esamkelweyo sesikhokelo sophuhliso lwamachweba.*

## 93 Ukusetyenziswa kwepropati

Injongo onokusetyenziselwa wona umhlaba kolu zowuno kunye nolunye usetyenziso-mhlaba olunokuba khona luchazwe kwisicwangciso sesikhokelo sophuhliso lwamachweba, esiyilwe ngokuhambelana nemiqathango yeNational Ports Act, 2005 (UMthetho 12 ka-2005).

## 94 Imigaqo yophuhliso

Imigaqo yophuhliso yileyo iqulethwe kwisicwangciso esamkelweyo sesikhokelo sophuhliso lwamachweba.

## 95 Isicwangciso sesikhokelo sophuhliso lwamachweba

Olu zowuno luya kusebenza kuphela apho isicwangciso esamkelweyo sesikhokelo sophuhliso lwamachweba sikhoyo esibonisa umgaqonkqubo weNational Ports Authority wophuhliso lwamanxweme nolawulo losetyenziso-mhlaba kolo nxweme.

## 96 Umhlaba othathwa njengozowuniweyo onikezwe kwiNational Ports Authority

Wonke umhlaba ozowunwe wazindawo ezizowunwe njengezisetyenziselwa ezothutho 1: Usetyenziso lwezithuthi (TR1) waze wanikezwa iNational Ports Authority uthathwa njengozowunwe waluZowuno lwamaNxweme eSizwe (NP) yaye ngoko ke uxhomekeke kwimiqathango yolu zowuno.

### **ISAHLUKO 12: IINDAWO EZIZOWUNWE NJENGOMHLABA ONGAMABALA** (imiba 97 - 107)

*lindawo ezahlukileyo ezizowunwe njengamabala zinemisebenzi eyahlukileyo. Omnye umhlaba ongamabala ubaluleke njengendalo, ilifa lemveli lenkcubeko, okanye esingqongileyo yaye uzowuno olwahlukileyo lunceda ukuba le mimandla ilawuleke. Kolu zowuno, umntu uvumelekile ukuba angenza izibonelelo eziza kujongana nezidingo zabakhenkethi neendwendwe. Omnye umhlaba ongamabala unenye indima ekukujongana nemidlalo nolonwabo. Umhlaba ongamabala kawonke-wonke ubalulekile ngenxa yendima yawo yokonwabisa uluntu, kunye nokuba nzima ukuba uphinde uwufumane xa uphulukene nawo. Inkqubo yolawulo lophuhliso ikwathathela ingqalelo imimandla eyodwa yeendawo ezingamabala ezingachongwanga njengomhlaba ongamabala kawonke-wonke, kodwa ekusenokuba ngowomntu.*

### ***Isiqendu 1: lindawo ezizowunwe njengamabala 1: Ulondolozo lokusingqongileyo (OS1)*** (imiba 97 - 98)

*Uzowuno lwe-OS1 lubonelela ngemithombo yolondolozo lwendalo, noxa kusenokubandakanywa nemithombo yelifa lemveli yenkcubeko. Lulungiselele usetyenziso okungephi olunefuthe eliphantsi njengemfundo ngokusingqingoleyo nezibonelelo ezihamba nayo nezixhobo zabakhenkethi neendwendwe ngokwemvume yeSixeko.*

## 97 Ukusetyenziswa kwepropati

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo lusetyenziselwe lolondolozo lokusingqongileyo.

- (b) Usetyenziso ngemvume kukusetyenziswa kwezibonelelo zendalo, izibonelelo zokusingqongileyo, indawo yokulala yabakhenkethi, izibonelelo zabakhenkethi, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya nemibhiyozo yenkcubeko neyoluntu.

## 98 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) ISixeko singafuna ukuba iplani yophuhliso lwesiza yosetyenziso olungundoqo, yaye siza kufuna iplani yophuhliso lwesiza yesicelo sosetyenziso ngemvume, akunye neyendlu yokuhlala enokwakhiwa ngenxa yamalungelo anikezelweyo ngokwalo Mthetho kaMasipala.
- (b) Iplani yophuhliso lwesiza eyamkelweyo siSixeko iya kuba yinxalenye yemigaqo yophuhliso yosetyenziso olungundoqo ukuba iyachaphazeleka, nosetyenziso ngemvume.
- (c) Imiqathango yeplani yophuhliso lwesiza kumba 123 iya kusebenza.

### ***Isiqendu 2: lindawo ezizowunwe njengamabala 2: Umhlaba ongamabala kawonke-wonke (OS2)*** (imiba 99 - 103)

*Uzowuno lweOS2 lubonelela ngemimandla yolonwabo ekumhlaba kawonkewonke, esebenzayo nengasebenziyo, kwakunye nokhuselo lomhlaba kunye nemimandla yemveli kubandakanywa iindawo ezinemithi, imimango, imijelo yamanzi, imigxobhozo nonxweme. Kubalulekile ukuthathela ingqalelo iimfuno zoluntu zokufikelela nokulondoloza umhlaba ongamabala kawonke-wonke.*

## 99 Ukusetyenziswa kwepropati

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo ngumhlaba ongamabala kawonke-wonke nosetyenziselo lolondolozo lokusingqongileyo.
- (b) Usetyenziso ngemvume lolwezibonelelo zokusingqongileyo, izibonelelo zabakhenkethi, inkonzo elulutho, amangcwaba, izitishi zonxibelelwano ezikumaphahla, izitishi zonxibelelwano ezizimele ngokwazo, izibonelelelo zezixhobo ezitsala umbane kumoya, amatheko enkcubeko nawentlalo, ulimo lwasezidolophini, urhwebo olungekho sikweni, ukusetyenziswa kwezibonelelo zendalo nelungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni.

## 100 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) ISixeko singafuna ukuba iplani yophuhliso lwesiza yosetyenziso olungundoqo, yaye siza kufuna iplani yophuhliso lwesiza yesicelo sosetyenziso ngemvume.
- (b) Iplani yophuhliso lwesiza eyamkelweyo siSixeko iya kuba yinxalenye yemigaqo yophuhliso yosetyenziso olungundoqo ukuba iyachaphazeleka, nosetyenziso ngemvume.
- (c) Imiqathango yeplani yophuhliso lwesiza kumba 123 iya kusebenza.

## 101 Ukwakha nokulahla imathiriyeli

Akukho mntu:

- (a) oya kwakha indawo yokunqumla, ibhulorho okanye ikholveti kwisitrato sikawonkewonke;
- (b) akhe okanye enze indledlana yokuhamba abantu kwisitrato sikawonkewonke;
- (c) akhe iveranda, isitupu, udonga, izitepsi okanye enye into ekrobileyo kwisakhiwo okanye edlulele kwisitrato sikawonkewonke;

- (d) alahle okanye ashiye iimpahla, izinto zokwakha okanye inkunkuma kwisitrato sikawonkewonke okanye kumda wendlela ngaphandle ngexesha elayisha, okanye esothula iimpahla.

ngaphandle kokuba oko kuhambelana nemigaqo yeSixeko, sibe naso sinike imvume.

### **102 Ilungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni**

ISixeko singamkela usetyenziso ngemvume lwamalungelo omoya okanye omhlaba ukuba :

- (a) Olo setyenziso ngemvume aluchaphazeli eyona nto ofanele ukuba usetyenziselwa yona lo mhlaba;
- (b) Isivumelwano esichaza ubungakanani bamalungelo, ixesha, isithuba, imbuyekezo, ubunini noxanduva lokumenteyina olumalunga nepropati sigqitywa ngamaqela achaphazelekayo nawamkelweyo siSixeko;
- (c) Ilungelo lomhlaba lokusebenzisa umoya okanye umhlaba elibhaliselwe umhlaba ochaphazelekayo; yaye
- (d) Neplani yophuhliso lwesiza ibe ingenisiwe kwiSixeko, saze saneliseka ngokomba 123.

### **103 Urhwebo olungekho sikweni**

Urhwebo olungekho sikweni luya kuvunyelwa kuphela kwiziza ezisikelwe urhwebo olungekho sikweni ngokomthetho kamasipala weSixeko worhwebo olungekho sikweni.

#### ***Isiqendu 3: lindawo ezizowunwe njengamabala 3: Amabala awodwa (OS3)*** (imiba 104 - 107)

Uzowuno lweOS3 lubonelela ngeendawo zolonwabo yaye luba kumhlaba ongamabala ongenokawonke-wonke. Lo mhlaba ingangowamaqumrhu abucala okanye akarhulumente kodwa awukho kwizinga elinye njengomhlaba ongamabala kawonke-wonke odinga ukhuseleko olulodwan. Uzowuno lweOS3 lulungele imimandla emikhulu apho indawo eli bala luba neempawu ezithile ezifuna uzowuno olwahlukileyo ukuqinisekisa ukuba injongo nomsebenzi wendawo elibala uyamenteyinwa. Ezinye iindawo ezininzi eziZowuniweyo zivumela umhlaba ongamabala njengonemvume engundoqo okanye osetyenziselwa ezinye iinkonzo yaye loo mhlaba awudingi njengeOS3. Kambe ke olunye usetyenziso-mhlaba olufana namabala egalufa, iipaki nemimandla yohlobiso-mhlaba, ezo zinto ziyazuza kolu zowuno yaye zinemiqathango ethile yophuhliso kodwa olu setyenziso luvumela nosetyenziso ngemvume ukuvumela izidingo zokonwaba nosetyenziso oluhambelana nomhlaba ongamabala.

### **104 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo libala, indlela yomntu nosetyenziselo lolondolozo lokusingqongileyo.
- (b) Usetyenziso ngemvume lolwezibonelelo zokusingqongileyo, izibonelelo zabakhenkethi, indawo yokuhlangana, indawo yolonwabo, iinkonzo ezilulutho, amangcwaba, izitishi zonxibelelwano ezikumaphahla, izitishi zonxibelelwano ezizimele ngokwazo, izibonelelelo zezixhobo ezitsala umbane kumoya, amatheko enkubeko nawentlalo, ulimo lwasezidolophini, urhwebo olungekho sikweni nokugronjwa kwezibonelelo zendalo.

### **105 Imigaqo yophuhliso**

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) ISixeko singafuna ukuba iplani yophuhliso lwesiza yosetyenziso olungundoqo, yaye siza kufuna iplani yophuhliso lwesiza yesicelo sosetyenziso ngemvume.
- (b) Iplani yophuhliso lwesiza eyamkelweyo siSixeko iya kuba y imigaqo yophuhliso yosetyenziso olungundoqo ukuba iyachaphazeleka, nosetyenziso ngemvume.
- (c) Imiqathango yeplani yophuhliso lwesiza kumba 123 iya kusebenza.

**106 Ulwamkelo losetyenziso ngemvume**

ISixeko singavumela usetyenziso ngemvume ukuba olo setyenziso aluchaphazeli eyona njongo yolo setyenziso-mhlaba njengendawo elibala.

**107 Urhwebo olungekho sikweni**

Urhwebo olungekho sikweni luya kuvunyelwa kuphela kwiziza ezisikelwe urhwebo olungekho sikweni ngokomthetho kamasipala weSixeko worhwebo olungekho sikweni.

**ISIAHLUKO 13: IINDAWO EZIZOWUNWE NJENGEZOLIMO, AMAPHANDLE  
NOKUSETYENZISELWA IZINTO EZITHILE KUPHELA**

*(imiba 108 - 120)*

*Umhlaba wolimo kufuneka ukhuselwe kuphuhliso olwakwenza ukuba loo mhlaba ungalulungeli ulimo, okanye otshintsha ubuhle bawo kunye nexabiso lawo lenkcubeko. Ngaphandle kokuxhasa icandelo loqoqosho, umhlaba wolimo ungaphakamisa uzinzo kwimida yeedolophu, lulondolozo imimandla yendalo enochuku ze lugcine iindawo ezingamaphandle nezizilali zingamaphandle, nto leyo ithandwa ngabantu abahlala kuzo. Ulwahlula-hlulo olungadingekiyo lweefama kufuneka luphethswe yaye kufuneka kumenteyinwe iyunithi ezilulutho kwezoqoqosho. Imisebenzi yezolimo akufuneki ixhomekeke kwimiqathango engadingekiyo ngoba icandelo lezolimo libalulekile kuqoqosho.*

*Imisebenzi exhasa ulimo inganceda ekukhuliseni eli candela yaye ukuza kutsho ngoku, usetyenziso oluhambelana nezolimo luvumelekile olufana nosetyenziso ngemvume, ukuba olo setyenziso alunxaxhi kulimo njengomsebenzi ongundoqo. Apho kuvumeleke imisebenzi engelolulimo, olo setyenziso kufuneka lube yinxalenye yemisebenzi yezolimo. Kuyahlulwa phakathi kweefama ezinkulu ezizowunwe njengeAG neefama ezincinci ezizowunwe njengeRU ezinokwenza imisebenzi eliqela yasezidolophini.*

*Inkqubo yethutyana, yozowuno lweLU ijongene nomhlaba ozowunwe njengongachazwanga ukuba ngowantoni kwiinkqubo zokuzowuna ezidlulileyo, yaye inyina uphuhliso kusetyenziso olusemthethweni olukhoyo ngoku kuphela.*

**Isiqendu 1: Iindawo ezizowunwe njengezolimo (AG)**

*(imiba 108 - 111)*

*Uzowuno lweAG ukuzowuna luphakamisa ze lukhusele ulimo kwiifama njengemithombo ebalulekileyo yoqoqosho, yokusingqongileyo neyenkcubeko. Uvunyelwa kancinci umsebenzi ongomnye ngaphandle kowolimo ukubonelela abanini ngethuba lokunyusa ixabiso loqoqosho leepropati zabo ingakhange ibe loo misebenzi inefuthe elibi kumthombo ongundoqo wolimo.*

**108 Ukusetyenziswa kwepropati**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo lulimo, ukusebenza ngezityalo, indlu yokuhlala, izitali zamahashe, usetyenziso lolondolozo lokusingqongileyo, izibonelelo zokusingqongileyo, isitishi sonxibelelwano esikuphahla lwesakhiwo namalungelo osetyenziso ongezelelekileyo njengoko luxeliwe kumhlathi (b).
- (b) Amalungelo osetyenziso ongezelelekileyo, anokusetyenziswa ngumntu ohleli kwipropati njengosetyenziso olungundoqo yindawo yesibini yokuhlala nokusebenzisa indlu, okanye indlu yeendwendwe yokulala neyokudla isidlo sakusasa, okanye indlu eliziko lokukhathalela abantwana, kuxhomekeke ekubeni:
  - (i) Kuya kusetyenziswa ibe nye kuphela kwizinto ezidweliswe njengamalungelo osetyenziso ongezelelekileyo kuyo nayiphi iyunithi yomhlaba, ukuba ngaba oku akwenziwa kwindawo yesibini yokuhlala, yaye ukuba kufunwa ngaphezu komsebenzi omnye, kuya kufunwa imvume yeSixeko;
  - (ii) umnini womsebenzi ochaphazelekayo kufuneka abe uhlala kwipropati; yaye



- (iii) imigaqo yophuhliso echazwe kwimiba 23,24 no-25, leyo ichaphazelekayo, kufuneka ithotyelwe.
- (c) Usetyenziso ngemvume ziinyunithi ezongezelelekileyo ezizindlu zokuhlala, indlu yeendwendwe, ihoteli indawo yokulala yabakhenkethi, izibonelelo zabakhenkethi, ukufama izilwanyana okumandla, ukusetyenziswa kwezibonelelo zendalo, umgodi, inkonzo elulutho, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, ukufama izilwanyana zasemanzini, iziko lokukhathalela izilwanyana, ivenkile yasezifama kunye noshishino lwezolimo.

### 109 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Ubungakanani bomgangatho
  - (i) Ubungakanani bubonke bomgangatho bazo zonke iinyunithi ezizindlu zokuhlala kwiyunithi yomhlaba, kubandakanywa indawo yabasebenzi basezifama abaqeshwe kwipropati, abusayi kuba ngaphezulu kwe-1 500 m<sup>2</sup>; ngokwemvume yeSixeko lo mqathango unganyenyiswa ukuba loo ndawo yokuhlala iyafuneka ukulungiselela abantu abazinikele kumsebenzi wolimo kuloo yunithi yomhlaba;
  - (ii) Nayiphi ivenkile yasezifama ayisayi kuba ngaphezulu kobungakanani bomgangatho obuyi-100 m<sup>2</sup>.
- (b) Imida yezakhiwo
  - (i) Isitrato nomda ofanayo kwimida wezakhiwo zigqitywa ngokuhambelana nommandla weyunithi yomhlaba, njengoko kubonisiwe kule 'theyibhile yemida yezakhiwo yeeNdawo ezizowunwe njengezolimo'.
  - (ii) Ukudlula kumda esifanele ukuphela kuwo isakhiwo kumba 121 kuya kusebenza.

#### Itheyibhile yemida yezakhiwo kwiindawo ezizowunwe njengezolimo

Ummandla weyunithi yomhlaba	Umda wesakhiwo ukusuka esitratweni	Umda wesakhiwo ofanayo
>20 ha	30,0 m	30,0 m
≤20 ha	15,0 m	15,0 m

- (c) Indawo yokupaka  
Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokuhambelana neSahluko15.
- (d) Ubude
  - (i) Obona bude buphakamileyo bendlu yokuhlala, obumetwa ukusuka kwisiseko ukuya kumphezulu wezixhasi zophahla, iya kuba yi- 9 m yaye ukuya kumphezulu wophahla iya kuba yi-11 m.
  - (ii) Izakhiwo zolimo ngaphandle kwendlu yokuhlala ayisayi kuba ngaphezulu kobude obuyi-12 m obumetwe ukusuka kumgangatho ophantsi ukuya eluphahleni.
  - (iii) Imida nezakhiwo ezikwimida ezihlangene nemisebenzi yolimo ngokokubona kweSixeko azichatshazelwa zona yiimiqathango ekumba 126.
- (e) Owona mlinganiselo mncinci wolwahlulahlulo  
Akukho lwahlula-hlulo okanye intsalela yalo oluzowunwe njengomhlaba wolimo oluya kuthi lube nomlinganiselo ongaphantsi:
  - (i) kowona mlinganiselo mncinci wolwahlulahlulo ochazwe kwimiqathango eyamkelweyo yengingqi yezowuni enemiqathango eyodwa; okanye
  - (ii) i-20 ha ukuba loo zowuni enemiqathango eyodwa ayikho, ngaphandle kokuba ulwahlula-hlulo olutsha okanye intsalela echaphazelekayo ihlanganise nepropati ezowunelwe ulimo, ukwenza iyunithi yomhlaba ehlanganisiweyo enomlinganiselo wobuncinane ofunekayo wolwahlula-hlulo yaye ukuba ngaba utyobelo lwalo mqathango alucuthi amalungelo eSixeko okwala isicelo solwahlula-hlulo esisibona singafuneki.

### 110 Ushishino lwezolimo

ISixeko singamkela isicelo sosityenziso ngemvume soshishino lwezolimo ukuba ngaba:

- (a) sanelisekile ukuba kudingeka ushishino lwezolimo kuloo yunithi yomhlaba;
- (b) ushishino lwezolimo luhambelana nomsebenzi wezolimo ongundoqo waloo propati;
- (c) ushishino lwezolimo aluchaphazeli kakubi the agricultural potential yepropati; kunye
- (d) ummandla osikelwe injongo yoshishino lwezolimo uya kuchongwa ngokucacileyo kumzobo wocwangciso-mhlaba.

### 111 Indawo yesibini yokuhlala neeyunithi zokuhlala ezongezelelekileyo

Indawo yesibini yokuhlala iya kuvunyelwa njengelungelo elongezelelekileyo lokusebenzisa, neeyunithi zokuhlala ezongezelelekileyo zingakhiwa ngemvume yeSixeko, ukuba ngaba:

- (a) ingxinano yeeyunithi ezongezelelekileyo ezizindlu zokuhlala kunye nenye indawo yesibini yokuhlala ayikho ngaphezu kweyunithi e-1 kwiihektare ezili-10;
- (b) akusayi kuvunyelwa ngaphezu kweyunithi ezi-5 ezineeyunithi ezongezelelekileyo ezizindlu zokuhlala kunye nayiphi na enye indawo yesibini yokuhlala kwiyunithi yomhlaba;
- (c) indlu yomntu owenza imisebenzi yezolimo yoqobo kwiyunithi yomhlaba nahlala kuyo ayisayi kuthathwa njengendawo yesibini yokuhlala okanye iyunithi eyindlu eyongezelelekileyo; yaye
- (d) imigaqo yophuhliso kumba 53 iya kusebenza kwindawo yesibini yokuhlala neeyunithi zokuhlala ezongezelelekileyo kolu zowuno.

### *Isiqendu 2: lindawo ezizowunwe njengamaphandle (RU)* (imiba 112 - 116)

*Uzowuno lweRU lulungiselelwe iipropati ezincinci ezisemaphandleni ezisenokusetyenziselwa ulimo, kodwa ezisenokuba zizindlu zokuhlala kubantu abafuna ubomi basemaphandleni, nababona ulimo njengesizathu sesibini sokuhlala kuloo propati. Ezo propati zisenokubakho ngaphakathi okanye kwemida yeendawo ezisezidolophini.*

### 112 Ukusetyenziswa kwepropati

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo yindlu yokuhlala, ulimo namalungelo osetyenziso ongezolelekileyo njengoko luxeliwe kumhlathi (b).
- (b) Amalungelo osetyenziso ongezolelekileyo, anokusetyenziswa ngumntu ohleli kwipropati njengosetyenziso olungundoqo oluyindawo yesibini yokuhlala nokusebenzisa indlu, okanye indlu yeendwendwe yokulala neyokudla isidlo sakusasa, okanye indlu eliziko lokukhathalela abantwana, kuxhomekeke:
  - (i) Kuya kusetyenziswa ibe nye kuphela kwizinto ezidweliswe njengamalungelo osetyenziso ongezolelekileyo kuyo nayiphi iyunithi yomhlaba njengosetyenziso olungundoqo, ukuba oku akuchaphazeli indawo yesibini yokuhlala, yaye ukuba kufunwa ngaphezu komsebenzi omnye, kuya kufunwa imvume yeSixeko;
  - (ii) umnini womsebenzi ochaphazelekayo kufuneka abe uhlala kwipropati; yaye
  - (iii) imiqathango echazwe kwimiba 23,24 no- 25, leyo ichaphazelekayo, iya kuthotyelwa.
- (c) Usetyenziso ngemvume yindlu yeendwendwe, indawo yokulala yabakhenkethi, izibonelelo zabakhenkethi, ukusetyenziswa kwezibonelelo zendalo, umgodi, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, ukufama izilwanyana zasemanzini, ukufama izilwanyana okumandla, ukusebenza ngezityalo, izitali zamahashe, iziko lokukhathalela izilwanyana, ivenkile yasezifama kunye noshishino lwezolimo.

### 113 Imigaqo yophuhliso

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo:

- (a) Ubungakanani bomgangatho
  - (i) Ubungakanani bubonke bomgangatho bazo zonke izakhiwo kwiyunithi yomhlaba abusayi kuba ngaphezulu kwe-1 500 m<sup>2</sup>.

- (ii) Nayiphi ivenkile yasezifama ayisayi kuba ngaphezulu kobungakanani bomgangatho obuyi-100 m<sup>2</sup>.
- (b) Ubungakanani  
Ubungakanani bazo zonke izakhiwo kwiyunithi yomhlaba ayisayi kuba ngaphezulu kwe-40%.
- (c) Imida yezakhiwo
  - (i) Umda wesakhiwo ukusuka esitratweni yi-10 m.
  - (ii) Umda wesakhiwo ofanayo yi-5 m.
  - (iii) Ukudlula kumda esifanele ukuphela kuwo isakhiwo kumba 121 iya kusebenza.
- (d) Indawo yokupaka  
Ukupaka nokungena kuya kubonelelwa kwiyunithi yomhlaba ngokwemiqathango yeSahluko 15.
- (e) Ubude
  - (i) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kwisixhasi sophahla iya kuba yi-9 m, yaye ukuya kumphezulu wophahla iya kuba yi-11 m.
  - (ii) Amadini omhlaba nezakhiwo zokuxhasa ezikumda zilawulwa yimiqathango ekumba 126.

#### 114 Owona mlinganiselo mncinci wolwahlulahlulo

Akukho lwahlula-hlulo okanye intsalela yalo oluzowunwe njengomhlaba wasemaphandleni oluya kuthi lube nomlinganiselo ongaphantsi:

- (a) kowona mlinganiselo mncinci wolwahlulahlulo ochazwe kwimiqathango eyamkelweyo yengingqi yezowuni enemiqathango eyodwa; okanye
  - (b) 2 ha ukuba loo zowuni enemiqathango eyodwa ayikho,
- ngaphandle kokuba ulwahlula-hlulo olutsha okanye intsalela echaphazelekayo ihlanganiswe nepropati ezowunelwe iphandle, ukwenza iyunithi yomhlaba ehlanganisiweyo enomlinganiselo wobuncinane ofunekayo wolwahlula-hlulo yaye ukuba ngaba utyobelo lwalo mqathango alucuthi amalungelo eSixeko okwala isicelo solwahlula-hlulo esisibona singafuneki.

#### 115 Ushishino lwezolimo

ISixeko singamkela isicelo sosetyenziso ngemvume soshishino lwezolimo ukuba ngaba:

- (a) sanelisekile ukuba kudingeka ushishino lwezolimo kuloo yunithi yomhlaba; yaye
- (b) ummandla osikelwe injongo yoshishino lwezolimo uya kuchongwa ngokucacileyo kumzobo wocwangciso-mhlaba.

#### 116 Indawo yesibini yokuhlala

Kusebenza imigaqo yophuhliso kumba 53, yaye iyunithi yendlu yabantu abenza umsebenzi wezolimo woqobo kwiyunithi yomhlaba ayisayi kuthathwa njengendawo yesibini yokuhlala.

#### ***Isiqendu 3: lindawo ezizowunwe uokusetyenziselwa izinto ezithile kuphela (LU)*** (imiba 117 - 120)

*Uzowuno lweLU yinkqubo yethutyana yomhlaba ozowunwe njengongachazwanga ukuba ngowantoni kwiinkqubo zokuzowuna ezidlulileyo. Usetyenziso olusemthethweni olukhoyo ngoku lungaqhubeka, kodwa akuvumelekanga ukuba kwenziwe ezinye izinto. Injongo kukulukhupha kancinci kancinci olu zowuno, ngoko ke makungabikho propati ifakwa phantsi kolu zowuno. Naluphi uphuhliso oludinga amalungelo osetyenziso ongezelelekileyo phezu kwala akhoyo kuya kufuneka luzowunwe kwakhona lususe kwiLU lufakwe kolunye uzowuno olufanelekileyo.*

#### 117 Ukusetyenziswa kwepropati

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo lolusemthethweni obelusetyenziswa ukuqala kwalo mthetho.
- (b) Usetyenziso ngemvume: Alukho.

**118 Imigaqo yophuhliso**

Akukho sakhiwo sitsha yaye akukho lutshintsho kusetyenziso olukhoyo ngoku okanye kwisakhiwo esingaphandle luvumelekileyo.

**119 Ukungavumeleki kokuzowuna kwakhona kwindawo esele izowuniwe**

Ukungavumeleki kokuzowuna kwakhona kwayo nayiphi na ipropati kolu zowuno kuqala emva ko-1 Matshi 2013, yaye ukuba kudingwa amanye alalungelo osetyenziso ongezelekileyo okanye awophuhliso, kufuneka kungeniswe esinye isicelo sokuzowuna kwakhona kolunye uzowuno olufanelekileyo ngokwale nkqubo yolawulo lophuhliso ukuze siqwalaselwe.

**120 Ukwakha kwakhona ipropati etshatyalalisiweyo**

Ipropati etshatyalalisiweyo inxalenye yao okanye yonke ingaphinde yakhiwe ngokuhambelana namalungelo ophuhliso ebekhona phambi kokuqala kwalo mthetho, ukuba ngaba iiplani zesakhiwo zolo lwakhiwo kwakhona zamkelwe zingaphelanga iinyanga ezili-12 ukusuka kumhla wolo chitheko okanye utshabalalo lwesakhiwo.

**ISIAHLULO III: IMIQATHANGO-GABALALA**  
**ISIAHLUKO 14: IMIQATHANGO-GABALALA**  
*(imiba 121 - 136)*

**121 Ukudlula kwimida ebekelwe isakhiwo**

- (1) Le migaqo yophuhliso ilandelayo isebenza xa kudlulwe kwimida ebekelwe isakhiwo:
  - (a) Noxa kukho imiqathango yomgca wesakhiwo ochazwe kwiSAHLULO II, ezi zakhiwo zilandelayo okanye iinxalenye zazo zingakhiwa kwimida yezakhiwo ebekiweyo, ukuba ngaba azidluli kwimida yeyunithi yomhlaba:
    - (i) amadonga ayimida, ucingo neegeyithi;
    - (ii) izituphu eziphandle nezingakhavarishwanga;
    - (iii) izitephu zokungena, imigangatho yezitepsi neeveranda ezisemnyango;
    - (iv) isango elikhavarishiweyo okanye indlu yegeyithi enephahla ezilingekho ngaphezu kwe-5 m<sup>2</sup> nobude obungekho ngaphezu kwe-3 m ukusuka emgangathweni ukunyuka;
    - (v) izikhuselo ezingekho ngaphezu kwe-1 m ukusuka kudonga lwesakhiwo;
    - (vi) imiqukumbelo yodonga, iitshimini, iibhokisi zeentyatyambo, imibhobho yamanzi, imibhobho yedreyini nezinye izinto ezincinci zokuhombisa ezingekho ngaphezu kwe-500 mm ukusuka kudonga lwesakhiwo;
    - (vii) amadonga okubonisa angekho ngaphezu kwe-2,1 m ubude ngentla komgangatho osezantsi okhoyo owayame kolo donga;
    - (viii) iipuli zokudada ezingekho kufuphi ne-1 m kumda wesiza;
    - (ix) ibheyesimenti, ukuba ngaba akho nxalenye yayo ikrobe ngaphaya komgangatho osezantsi okhoyo;
    - (x) igumbi lenkunkuma elifunwe siSixeko ngokomba 145.
- (2) Kuya kusebenza umgca wesakhiwo oyi-5 m kuwo nawuphi na umda omelene nendlela yezixeko ezikhulu, ngaphandle kokuba okunye kuvunywe siSixeko.

**122 Umbindi womda**

Inxalenye yeyunithi yomhlaba ekummandla okumbindi womda iya kubekelwa bucala ngeenjongo zokugqiba ubungakanani kunye nobona bungakanani bomgangatho bukhulu, ngaphandle kokuba umnini unikezela loo nxalenye ichaphazelekayo kwiSixeko ngaphandle kweendleko. Kuloo meko, inxalenye iya kubandakanywa ngeenjongo zokugqiba ubungakanani okanye obona bungakanani bomgangatho bukhulu kwiyunithi yomhlaba.

**123 Iiplani zophuhliso lweziza**

- (1) Ngaphezu kweendawo eziZowuniweyo ezidinga iiplani yophuhliso lwesiza, iSixeko singafuna ukuba iiplani yophuhliso lwesiza emalunga nezi zintlu zilandelayo zophuhliso:
  - (a) oobhazabhaza beevenkile nezakhiwo ezikhulu zokuthenga izinto;

- (b) uphuhliso lweepaki zoshishino nezeeofisi;
  - (c) uphuhliso lweepaki zemizimveliso;
  - (d) uphuhliso lwemimandla yolondolozo;
  - (e) uphuhliso oluza kwahlulwa;
  - (f) uphuhliso lwezindlu ezimana zixonyezelelwa; kunye
  - (g) nophuhliso olungundoqo apho kukho iinkxalabo emalunga nobume bendawo esezidolophini, ilifa lemveli, izithuthi okanye uCwangciso lweMihlaba engaMabala gabalala.
- (2) ISixeko singafuna inxalenye okanye zonke ezi nkukacha zilandelayo kwiplani yophuhliso lwesiza:
- (a) iimpawu ezikhoyo zepropati;
  - (b) imida ekhoyo kunye naleyo iphakanyiswayo;
  - (c) ubume bepropati, obubonisa usetyenziso lweenxalenye ezahlukeyo zayo;
  - (d) umthamo, undawo, usetyenziso nobungakanani bezakhiwo;
  - (e) iiplani zomzobo nokuphakanyiswa kwezakhiwo eziphakanyisiweyo, kubandakanywa iinkcukacha ngezinto eziza kufakwa ngaphandle;
  - (f) amacandelo esiza nezakhiwo ezikwisiza;
  - (g) ulungelelwaniso nenkcazelo ngendawo yokungena isithuthi, iindlela, imimandla yokupaka, imimandla yokulayisha, indawo yokuhamba abahambi-ngeenyawo;
  - (h) indawo nobungakanani bendawo yabucala nendawo eza kusetyenziswa luluntu lonke;
  - (i) iinkcukacha zokubiyela umda weyunithi yomhlaba nangaphakathi kwipropati;
  - (j) iindawo eziza kuhamba umbane nezibane zangaphandle;
  - (k) ubonelelo lwamanzi, ulawulo lwamanzi esiphango, kunye nokulahlwa kwenkunkuma;
  - (l) iinkcukacha zeempawu ezingaphandle;
  - (m) iziphakamiso zokuqaqambisa imbonakalo-mhlaba, kubandakanywa utyani oluza kugcinwa, oluza kususwa nokuza kutyalwa, ipheyivongi yangaphandle namanyathelo okuthomalalisa imimandla engaphandle apho kuyimfuneko;
  - (n) izigaba zophuhliso;
  - (o) uphuhliso olucetywayo xa luhlanganiswa nemigangatho esezantsi esele ikhona, kubandakanywa ukugrumba, ukusika nokugalela imihlaba;
  - (p) iinkcukacha-manani ngobungakanani bophuhliso olucetywayo, ubungakanani bomgangatho nobonelelo ngendawo yokupaka;
  - (q) ubudlelwane bolu phuhliso kumgangatho walo, ukhuseleko nezibonelelo ezilungqongileyo zoluntu;
  - (r) ubudlelwane bolu phuhliso neziza ezimelene nalo, ingakumbi kumba wofikeleleko, ukugquma nobungakanani balo;
  - (s) imifanekiso entlantlu-ntathu ebonisa ubume besi sakhiwo xa usithelekisa nezakhiwo ezisingqongileyo; kunye
  - (t) naziphi na ezinye iinkcukacha ezinokufunwa siSixeko.
- (3) ISixeko singafuna ukuba ummandla okhavarishwa yiplani yophuhliso lwesiza unabe ngaphezu kwesiza esiphantsi koqwalaselo ukuba, ngokokubona kwaso, olo phuhliso luza kuba nefuthe elinabileyo. ISixeko singagqiba ngobungakanani baloo mmandla.
- (4) Xa kufuneka ngokwale nkqubo yolawulo lophuhliso, iiplani yophuhliso lwesiza iya kungeniswa kwiSixeko ukuze kufunyanwe imvume phambi kokuba kuqalwe ngalo naluphi uphuhliso kwiyunithi yomhlaba.
- (5) Iplani yophuhliso lwesiza ayisayi kukhatywa ukuba ihambelana nemigaqo yophuhliso yozowuno olusisiseko, iZowuni eneMiqathango eYodwa, okanye imiqathango yolwamkelo.
- (6) ISixeko singafuna ukuba izilungiso zeenkukacha zeplani yophuhliso lwesiza ziphendule kwiinkxalabo ezikhoyo malunga nendawo yokungena, indawo yokupaka, ubume besakhiwo, inkangeleko ngokwasezidolophini, ukuqaqambisa imbonakalo-mhlaba, ulawulo lokusingqongileyo, iinkonzo zobunjineli okanye iinkxalabo ezibufana.
- (7) Le miqathango ilandelayo iya kusebenza kwiplani zophuhliso lweziza:
- (a) Ipropati ephuhlisiweyo iya kuhambelana neplani eyamkelweyo yophuhliso lwesiza;
  - (b) Ukuba iSixeko sibona kuyimfuneko, inkcazelo yefuthe lezothutho okanye lezithuthi isenokufunwa okanye kungafunwa uvavanyo oluhambelana neplani yophuhliso



- lwesiza, ubungakanani bolo vavanyo buya kugqitywa siSixeko kuxhomekeke kubungakanani bolwakhiwo;
- (c) Ukuba iSixeko sibona kuyimfuneko, kungafunwa uvavanyo lwefuthe lwamanzi esiphango kunye/okanye isicwangciso solawulo lwamanzi esiphango oluhambelana neplani yophuhliso lwesiza, ubungakanani bolo vavanyo buya kugqitywa siSixeko kuxhomekeke kubungakanani bolwakhiwo;
  - (d) Kwiimeko apho iplani yophuhliso lwesiza ifuneka, ngokwale nkqubo yolawulo lophuhliso, akukho sicelo solwamkelo lolwakhiwo ngokweNational Building Act esiya kwamkelwa siSixeko, ngaphandle kokuba iplani yophuhliso lwesiza yamkelwe kuqala; yaye
  - (e) Iplani eyamkelweyo yophuhliso lwesiza iya kuthathwa njengokuba ibeka imigaqo yophuhliso eyongezelelekileyo esebenza kuzowuno olusisiseko, yaye nasiphi isicelo sokwenziwa kwezilungiso kufuneka sithobele imiqathango yeSixeko yezo zilungiso.

## 124 Into enobungozi

- (1) Naluphi usetyenziso okanye umsebenzi oxhasayo obandakanya ugcino lwezinto ezinobungozi olunokukhokelela ekubeni ufakelo lubhengezwe njengoluyingozi enkulu ngokwempilo nokhuseleko lwasemsebenzini aluvumelekanga, ngaphandle kokuba kungeniswe iplani yolawulo nokunqandwa kweengozi kwiSixeko yaye sibe iSixeko siyinikezile imvume yaloo nto.
- (2) Imvume yeSixeko ngokomcinjana(1) olapha ngentla akwaleli umnini ukuba angafaki sicelo sokufumana imvume ngokweminye imithetho echaphazelekayo.

## 125 Uhlolo

ISixeko singafuna ukuba kwenziwe uhlolo ngokuhambelana nale miqathango ilandelayo:

- (a) Nayiphi inxalenye yeyunithi yomhlaba esetyenziselwa ukugcina okanye ukulayisha iimpahla iya kuvalwa ngodonga olufanelekileyo kunye/okanye kwenziwe uhlolo lobume bomhlaba;
- (b) Nayiphi na inkonzo elulutho yangaphandle okanye izixhobo ezifunekayo kwisakhiwo ziza kuhlolwa kwisitrato sikawonkewonke, yaye olo hlolo luza kuhlangukiswa nesakhiwo ngokwemathiriyeli, umbala, ubume nobungakanani.

## 126 Iziduli zomhlaba eziyimida, izakhiwana zokuxhasa nezinye izinto ezibunjalo

Kungafunyenwanga mvume yeSixeko:

- (a) Akukho mida eyenziwe ngamadonga, iikholam neminye imida eya kwakhiwa eya kwenza ukuba umgangatho wesakhiwo unyuswe ngaphezu kwe-1,5 m ngaphezu komgangatho osezantsi okhoyo;
- (b) Akukho mida engamadonga yokunqanda umhlaba okanye amatye, nokuba ihambelana nesakhiwo okanye ayihambelani naso na, eya kwakhiwa ibe nobude obungaphezu kwe-2 m ngaphezu komgangatho osezantsi okhoyo; yaye
- (c) Akukho madonga ayimida aya kuba ngaphezu kwe-2,5 m ngaphezu komgangatho osezantsi okhoyo, ngaphandle kokuba kufakwe iziduli kummandla osityaba obubanzi buyi- 2 m ubuncinane okanye iindongana kwi-2 m nganye yobude.

## 127 Ukumenteyina ipropati

Ipropati iya kumenteyinwa ngendlela eyiyo ngumnini okanye umntu ohlala apho aye ayisayi:

- (a) kushiya ingahoywanga okanye ikwimeko embi, njengoko kugqitywe siSixeko;
- (b) kugcwala amaphepha, iikhathuni, inkunkuma yegadi, amatye ayinkunkuma kunye/okanye nayiphi enye inkunkuma, njengoko kugqitywe siSixeko;
- (c) kuba neemoto ezindala okanye iimoto ezingekho ndleleni okanye iipati zeemoto ezisebenzileyo, ngaphandle kokuba ezi zinto ziyinxalenye yosetyenziso oluvunyelweyo ngokwale nkqubo yolawulo lophuhliso;
- (d) sibe nemathiriyeli yokokha ehleli phandle, izixhobo okanye izinto ezibunjalo ngaphandle kokuba ezi zinto:
  - (i) ziyinxalenye yosetyenziso oluvunyelweyo ngokwale nkqubo yolawulo lophuhliso;



- (ii) zigcinwe okwethutyana kuba kuza kokhiwa ngazo ngokuhambelana nolwakhiwo olwamkelweyo kwipropati; okanye
- (iii) zigcinwe kuba ziza kuthengiswa kwiseyili yezinto zeyadi okanye zegaraji yaye azisayi kugcinwa ngaphezu kweentsuku ezimbini ezilandelelanayo.

### 128 Ukupakishwa kweemoto kwizowuni ezizindlu

Le miqathango yophuhliso ilandelayo isebenza kwezi zinto zilandelayo ekupakeni kweemoto kwiindawo zokuhlala ezizindlu zosapho olunye neendawo ezizowunelwe ukuhlala uluntu:

- (a) Isithuthi somntu ohlala kwiyunithi yendlu nesisetyenziselwa ushishino olungenziwa kwiyunithi eyindlu, singapakwa kwipropati umntu lowo ahlala kuyo, ukuba ngaba:
  - (i) kukho indawo eyaneleyo kwipropati echaphazelekayo;
  - (ii) akunakupakishwa ngaphezu kwemoto enye yokushishina kwiyunithi nganye eyindlu; yaye
  - (iii) ubunzima baso nasiphi isithuthi soshishino abusayi kuba ngaphezulu kwe-3 500 kg.

### 129 Amakhaya angomahambehlala neekharaveni

(1) Isithuthi sokonwabisa, esifana nendlu engumahambehlala okanye ikharaveni, akuanakuhlalwa kuyo unomphelo kungafunyenwanga mvume yeSixeko, ngaphandle kokuba uzowuno lwalo mmandla luyayivumela loo nto.

(2) Le migaqo yophuhliso ilandelayo iya kusebenza kwindlu engumahambehlala eyamkelweyo eza kubekwa kwiyunithi yomhlaba eyindlu:

- (a) umahambehlala okanye ikharaveni makabekwe kwisiseko yaye abotshelelwe kakuhle;
- (b) makusetyenziswe imathiriyeli eyomeleleyo nombala ohambelana nendlu engumahambehlala okanye ikharaveni, phaya ezantsi kuyo ukuya emhlabeni;
- (c) uphahla namacala endlu engumahambehlala okanye ikharaveni makangabengezeli; yaye
- (d) izinto ezongezwayo kweso sakhiwo mazibe yimathiriyeli ehambelana nendlu engumahambehlala okanye ikharaveni, ngokokubona kweSixeko.

### 130 Isitishi sonxibelelwano esisiseko okanye esisetyenziswa ngemvume

(1) Isitishi sonxibelelwano esiphezu kophahla okanye esizimele ngokwaso sosetyenziso olungundoqo okanye sosetyenziso ngemvume ngokwale nkqubo yolawulo lophuhliso, siya kuthobela yonke imiqathango yeNational Environmental Management Act.

(2) Isitishi sonxibelelwano esikuphahla lwesakhiwo asinakuba ngaphezu kwe-3 m ubude ngaphezu kwendawo esincanyathiselwe kuyo ngaphandle kokufumana imvume kwiSixeko kuqala.

(3) Isitishi sonxibelelwano esizimele ngokwaso asinyanzelekanga ukuba sithobele imigaqo yophuhliso emalunga nobude ukuba nje asikho ngaphezu kobona bude buphakamileyo obuyi-25 m.

### 131 Iieriyali okanye izitishi zonxibelelwano ezisisiseko eziyekisiweyo

Le miqathango ilandelayo iya kusebenza kwiieriyali okanye izitishi zonxibelelwano ezisisiseko eziyekisiweyo:

- (a) Umnini okanye iophareyitha iya kususa zonke izixhobo eziyekisiweyo;
- (b) Apho isiza ziphazanyisiweyo, umnini okanye iophareyitha iya kubuyisela eso siza kwimeko ebesikuyo okanye kwimeko eyamkelekileyo kwiSixeko;
- (c) Apho umnini okanye iophareyitha isileleyo ukuthobela umhlathi (a) okanye (b) olapha ngentla kwisithuba seentsuku ezingama-90 days emva kokuyekiswa kwesixhobo, iSixeko singasisusa eso sixhobo, silungise isiza ngeendleko zomnini okanye ezeophareyitha.

### 132 Iieriyali zedishi yesathelayithi

(1) Nayiphi ieriyali yedishi yesathelayithi enedayamitha engaphezu kwe-1,5 m iya kubekwa kwindawo engatsali amehlo kummandla ekuwo ngendlela iSixeko esifuna ngayo.

(2) Nayiphi ieriyali yedishi yesathelayithi eyi-1,5 m yedayamitha nangaphantsi, nesetyenziselwa kuphela injongo yokuba umabonakude afumane amaza, okanye esetyenziselwa unxibelelwano ngomnxeba, ayidingi imvume yeSixeko yaye ayibandakanywa kwimiqathango yobude.

### **133 ligiza neephaneli zombane otsalwa elangeni nezinto ezifana nezo eziseluphahleni lwesakhiwo**

ligiza ezingaphandle nezixhobo ezisebenza ngazo kunye neephaneli zombane otsalwa elangeni okanye izibonelelo ezibunjalo ezincathiselwe kuphahla lwesakhiwo azinakuba ngaphezu kwe-1,5 m ngaphezu kophahla.

### **134 Imimandla ethandwa ziimpuphuma**

Uphuhliso kwimimandla ethandwa ziimpuphuma iya kuthathelwa ingqalelo kwimigaqonkqibo yeSixeko.

### **135 Izixhobo zokudlala zombane okanye ezingoomatshini**

(1) Kuvumeleke ukuya kuma kwisi-5 sezixhobo zokudlala zombane okanye ezingoomatshini kwisakhiwo esinosetyenziso olungundoqo oluzizakhiwo zoshishino, ihotele okanye indawo yokuhlanganela, ngaphandle kwakwivenkile esendlwini.

(2) Apho ubungakanani bomgangatho besakhiwo kwipropati ezowunelwe injongo echazwe kumbana(1) bungaphezu kwe-5 000 m<sup>2</sup>, kuvumeleke ngaphezu kwesi-5 sezixhobo zokudlala zombane okanye ezingoomatshini, ukuba ngaba:

- (a) ngaphakathi kweso sakhiwo akusayi kusetyenziswa izixhobo ezingaphezulu kwesi-5 kwindawo nganye; kananjalo
- (b) ISixeko singalicutha inani lezakhiwo ezikulo mhlaba apho kuvumeleke ezi zixhobo ukunqanda ifuthe lazo kwizakhiwo ezingqongileyo, nokuba zingaphakathi okanye zingaphandle kwesakhiwo okanye ipropati.

### **136 Umqulu weeplani**

(1) Injongo yomqulu weeplani kukubonelela ngendlela yokuplana nokulawula uphuhliso lwemimandla emikhulu esezidolophini. Yinkqubo eyenziwa ngezigaba, yothethwano, ukuplana nokwenza iimvume, apho kwamkelwa iiplani kubekwe nemiqathango yeemvume. Imimandla apho kusetyenziswa inkqubo yomqulu yiMimandla enoCwangciso oluLodwa (SPA), erekhodwe njengeMimandla enoCwangciso oluLodwa kwiSiHlomo B.

(2) ISixeko singafuna ukuba umqulu weeplani ungeniswe ukufumana imvume kwezi ndawo eziZowuniweyo ezisisiseko neeZowuni eneMiqathango eYodwa ezilandelayo:

- (a) lindawana eziZowunwe njengeZindlu zokuHlala uLuntu GR2-GR6;
- (b) Ukuzowuna amaziko oluntu 2: kwimimandla;
- (c) lindawo ezizowunelwe uShishino Gabalala;
- (d) lindawo ezizowunelwe ukuSetyenziselwa iZinto eZahlukileyo;
- (e) lindawana ezizowunelwe ushishino gabalala;
- (f) lindawo ezizowunelwe amashishini anobungozi; kunye
- (g) Ulwahlulahlulo lommandla onezowuni eneMiqathango eYodwa.

(3) Umqulu weeplani uqulethe ezi zinto zilandelayo ezidweliswe ngokulandelelana kwazo ukusuka kwizicwangciso eziphezulu ukuya kwezisezantsi, yaye izicwangciso ezisezantsi kufuneka zithobele izicwangciso eziphezulu.

(4) ISixeko singafuna zonke okanye ezinye zezi zinto kumqulu weeplani:

- (a) Isikhokelo semeko-bume:  
Isikhokelo semeko-bume sibeka umgaqonkqubo gabalala wosetyenziso-mhlaba kuphuhliso nemimandla engqonge le ndawo iza kuphuhliswa. Ingabandakanya iziseko okanye iintloko zesivumelwano ezishwankathela izinto ezifanele ukwenziwa siSixeko nomphuhlisi kumba wophuhliso. Isikhokelo semeko-bume singenziwa siSixeko, okanye ngumnini-mhlaba okanye iarhente yophuhliso phantsi kweliso leSixeko, yaye asinakungquzulana neSikhokelo sophuhliso lwemihlaba engamabala okanye iiplani yesakhiwo eyamkeliweyo siSixeko.

- (b) Isikhokelo sophuhliso:  
Isikhokelo sophuhliso sichonga umgaqonkqubo wonke, iinjongo gabalala neziseko zophuhliso kuphuhliso. Isikhokelo sophuhliso sichonga iintlobo-ntlobo zosetyenziso, usasazo losetyenziso, uthungelwano lwezothutho nolwabahambi-ngenyawo, izibonelelo nezithintelo ezikhpyo kuphuhliso, kubandakanywa kodwa kungaphelelwanga kwingxinano nobungakanani bomgangatho.
- (c) Iiplani zommandla:  
Iiplani zommandla zisebenza kummandla ongqalileyo kwisikhokelo sophuhliso oneempawu ezifanayo, ubudlelwane bokusebenza okanye iimfuno zezigaba. Zisenokuba ziliqela iiplani zommandla ezenza uphuhliso. Iplani yommandla inika iinkcukacha zeenjongo zophuhliso neenjongo zommandla othile kuphuhliso, kwakunye neziseko zophuhliso lwasezidolophini, usetyenziso-mhlaba, uthungelwano lweendlela zabahambi-ngeenyawo, ukuhamba kwezithuthi, ubungakanani bomgangatho nolawulo lokusingqongileyo.
- (d) Iiplani zolwahlula-hlulo:  
Iiplani zolwahlula-hlulo, ukuba ziyafuneka, ziproseswa ngokwalo Mthetho kaMasipala ukuze kumiselwe imida emitsha nokuququzelela unikezelo lweeyunithi zemihlaba. Iiplani zolwahlula-hlulo zingamkelwa nanini na emva kokuba kwamkelwe isikhokelo sophuhliso yaye ke kuya kusebenza imiqathango yomcinjana(6).
- (e) Iiplani zophuhliso lweziza:  
Iiplani zophuhliso lweziza zinika iinkcukacha zedizayini nemiqathango yophuhliso zeeyunithi zemihlaba eziphuhliswayo. Le miqathango ingabandakanya, kodwa ingapheleli apho, iinkcukacha ezimalunga nosetyenziso-mhlaba, ubungakanani bomgangatho, imida yezakhiwo, ubude, iimfuno zendawo yokupaka, iinkonzo zikamasipala nokuqaqambisa imbonakalo-mhlaba, kwakunye neenkukacha ezimalunga nendawo kuye nenkangeleko yezakhiwo, indawo elibala, uthungelwano lweendlela zabahambi-ngeenyawo nokuhamba kwezithuthi. Iplani yophuhliso lwesiza ingafunwa phambi okanye emva kweplani yolwahlula-hlulo, yaye kufuneka inikeze iinkcukacha ezifunekayo kumba 123(2).
- (f) Iiplani zolwakhiwo:  
Iiplani zolwakhiwo ziqulethe iinkcukacha ezifunwa yiNational Building Act, yaye emva kokuba zamkelwe siSixeko, kuye kunikwe igunya lokuba kwakhiwe.
- (5) ISixeko singafuna ukuba ummandla okhavarishwe sisikhokelo semekobume nophantsi koqwalaselo wongezwe ukuba, ngokokubona kwaso, olo phuhliso luza kuba nefuthe elinabileyo. ISixeko singagqiba ngobungakanani baloo mmandla.
- (6) Ekwamkeleni nayiphi inxalenye yomqulu weeplani, iSixeko siya kujonga ubungakanani bubonke bomgangatho okanye ingxinano evunyelweyo kolo phuhliso ekufuneka ibekwe njengomqathango wolwamkelo.
- (7) Unikezo lobungakanani bomgangatho luya kuthathela ingqalelo umthamo wezibonelelo zangaphakathi nezangaphandle kubandakanywa kodwa kungaphelelwanga kwiindlela neenkonzoz ezilulutho, neziseko zokudizayina ezamkelweyo siSixeko njengenxalenye yokuzowuna kwakhona okanye yesikhokelo semeko-bume.
- (8) Ubungakanani bomgangatho obamkelweyo busenokuhlala 'bubungakanani bomgangatho obulengalengayo' obuya kugqitywa ekuhambeni kwexesha, okanye bunganikezwa kwimimandla okanye kwiipropati ezithile xa iiplani yommandla sele yamkelwe; yaye kwimeko nganye buya kunikezwa kulwahlula-hlulo ngalunye okanye kwiiplani zophuhliso lweziza.
- (9) Xa umqulu weeplani ufuneka ngokwale nkqubo yolawulo lophuhliso, kuya kungeniswa ezi nxalenye zichaphazelekayo kwiSixeko ukuze sinikeze imvume phambi kokuba kuqalwe naluphi uphuhliso kwiyunithi yomhlaba, kambe ke:
- (a) imvume ayisayi kwalelwa ukuba ihambelana nemigaqo yophuhliso lozowuno olusisiseko, iZowuni eneMiqathango eYodwa, okanye imiqathango yolwamkelo; kodwa
- (b) ISixeko singafuna ukuba izilungiso zeenkukacha zeplani yophuhliso lwesiza ziphendule kwiinkxalabo ezikhoyo malunga nendawo yokungena, indawo yokupaka, ubume besakhiwo, inkangeleko ngokwasezidolophini, ukuqaqambisa imbonakalo-mhlaba, ulawulo lokusingqongileyo, iinkonzo zobunjineli okanye iinkxalabo ezibufana.
- (10) Kuya kusebenza imiqathango equlethwe kumba 123 kwiiplani zophuhliso lweziza.

**ISAHLUKO 15: INDAWO YOKUPAKA, YOKULAYISHA NEZIBONELELO***(imiba 137 - 145)***Isiqendu 1: limfuno zendawo yokupaka zesiqhelo***(imiba 137 - 139)***137 limfuno zendawo yokupaka esesitratweni**

Kuya kusebenza le miqathango ilandelayo yeendawo zokupaka ngaphandle kokuba kukho enye into echaziweyo kwenye indawo kule nkqubo yolawulo lophuhliso:

- (a) Apho iimfuno zendawo yokupaka zingachazwanga kusetyenziso oluthile, okanye ngokwemiqathango ethile ebekwe siSixeko, indawo yokupaka iya kubonelelwa ngokomyinge ongundoqo ohambelana netheyibhile enesihloko esithi, 'limfuno ezingundoqo zendawo yokupaka esesitratweni'. Apho iimfuno kule theyibhile ziphikisana, kuya kusebenza eyona miqathango ingqongqo yendawo yokupaka. ISixeko siya kugqiba ngemiqathango yeendawo zokupaka ezisesitratweni kusetyenziso-mhlaba olungachazwanga kwitheyibhile ethi, 'limfuno ezingundoqo zendawo yokupaka esesitratweni'.
- (b) Ikhola yesibini kwitheyibhile enesihloko esithi, 'lindawo ezisetyenziswa luluntu' ibhekisa kwimiqathango yemimandla enezidingo zesiqhelo zokupaka iimoto, okanye apho kungekho zithuthi zikawonkewonke. Ikhola enesihloko esithi, 'Imimandla yePT1' ibhekisa kwimimandla apho usetyenziso lwezithuthi zikawonkewonke lukhuthazwa kodwa apho iSixeko sibona ukuba izithuthi zikawonkewonke zimbalwa. Ikhola enesihloko esithi, 'Imimandla yePT2' ibhekisa kwimimandla apho usetyenziso lwezithuthi zikawonkewonke lukhuthazwa, apho iSixeko sibona ukuba izithuthi zikawonkewonke ziliqela, okanye apho usetyenziso lwezithuthi lunqongophele.
- (c) ISixeko singamkela yaye siya kugcina iplani okanye iiplani ezibonisa imimandla eyithatha njengePT1 nemimandla yePT2. Ezo zicwangciso ziya kurekhodwa kwiSihlomelo C yaye zingamana zitshintshwa amaxesha ngamaxesha kwakufumaneka imvume yeSixeko efunekayo.
- (d) Ukuba ummandla awuchongwanga siSixeko njengePT1 okanye iPT2 area, kuya kusebenza imiqathango yeendawo yokupaka zeendawo ezisetyenziswa luluntu.
- (e) Sisebenzisa imiqathango yeSahluko 17, iSixeko singaphuhlisa iizowuni ezinemiqathango eyodwa ukubeka imiqathango engqongqo yeendawo yokupaka kwimimandla ethile kunye/okanye sigqibe ngemiqathango yeendawo zokupaka zemimandla ethile, kuxhomekeka kusetyenziso lwesithuthi usage okanye kubunini.
- (f) Indawo yokupaka esesitratweni iya kubonelelwa:
  - (i) kwipropati ekufuneka kuyo indawo yokupaka;
  - (ii) kuxhomekeke kwimvume yeSixeko emalunga neendawo zokupaka zoluntu ezikhoyo kummandla; okanye
  - (iii) ngokwemiqathango yomba 138 olapha ngezantsi.

**138 Ezinye iindawo zokupaka iimoto**

Enye into umntu anokuyenza endaweni yokuthobela iimfuno zendawo yokupaka esesitratweni ngokwale nkqubo yolawulo lophuhliso, ngemvume yeSixeko, umnini-mhlaba :

- (a) angafumana umhlaba owanele iimfuno zendawo yokupaka kwenye indawo, kwindawo eyamkelwe siSixeko; okanye
- (b) angafumana amalungelo asisigxina esibonelelo sokupaka okanye inxalenye yaso kwenye indawo, kwindawo eyamkelwe siSixeko;

ze abhalise isivumelwano esisemthethweni okanye ilungelo lobunini kuloo mhlaba okanye indawo yokupaka ukuhlanganisa iipropati ezichaphazelekayo ukulungiselela indawo yokupaka, yaye umnini uya kuqinisekisa ukuba indawo yokupaka echaphazelekayo iyakhiwa ze imenteyinwe ngokuhambelana nemvume yeSixeko. Iindleko zokubhalisa isivumelwano okanye ubunini iya kuba zezomnini.

**limfuno ezingundoqo zendawo yokupaka esesitratweni**

<b>Usetyenziso-mhlaba</b>	<b>Iindawo ezisetyenziswa luluntu</b>	<b>Imimandla yePT1</b>	<b>Imimandla yePT2</b>
Indlu engundoqo yokuhlala (Ezowune njengeSR1)	Iibheyi ezi-2 kwiyunithi nganye eyindlu (Ibheyi e-1 kwindlu eneziza ezingu- < 350 m <sup>2</sup> )	Ibheyi e-1 kwiyunithi nganye eyindlu	Ayikho
Indlu engundoqo yokuhlala (Ezowune njengeSR2)	Ibheyi e-1 kwiyunithi nganye eyindlu (Ayikho kwindlu eneziza ezingu- < 100 m <sup>2</sup> )	Ayikho	Ayikho
Indawo yesibini yokuhlala	Ibheyi e-1 kwiyunithi nganye yesi-2 eyindlu	Ibheyi e-1 kwiyunithi nganye yesi-2 eyindlu	Ibheyi e-1 kwiyunithi nganye yesi-2 eyindlu
Indawo ehlala abantu abaninzi	1,75 yebheyi kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe	Ibheyi e-1 kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe	0,75 yebheyi kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe
Iiflethi	1,75 yebheyi kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe	Ibheyi e-1 kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe	0,75 yebheyi kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe
Indlu yeendwendwe yokulala neyesidlo sakusasa	Ibheyi e-1 eyongezelelweyo kwigumbi ngalinye labatyeleli	Ibheyi e-1 eyongezelelweyo kwigumbi ngalinye labatyeleli	Ayikho
Ihostele, indlu yeendwendwe	1,25 yebheyi kwikamire nganye	0,75 yebheyi kwikamire nganye	0,5 yebheyi kwikamire nganye
Indawo enamagunjana okulalisa abatyeleli	Ibheyi e-1 kwibhedi ezi-6	Ibheyi e-1 kwibhedi ezi-8	Ibheyi e-1 kwibhedi ezili-10
Ihotele	0,75 yebheyi kwikamire nganye, neebheyi ezingama-20 ukuba zinelayisenisi	0,75 yebheyi kwikamire nganye, neebheyi ezingama-20 ukuba zinelayisenisi	0,5 yebheyi kwikamire nganye, kunye neebheyi ezili-10 ukuba licensed
Ikhaya ladala, ikhaya leenkedama	0,5 yebheyi kwikamire nganye	0,3 yebheyi kwikamire nganye	0,2 yebheyi kwikamire nganye
Ikhishi	Ibheyi e-1 kubantwana abali-10, nesibonelelo sokuma nesokwehla	Ibheyi e-1 kubantwana abali-10	Ibheyi e-1 kubantwana abayi-30
Isikolo	Ibheyi e-1 kwiklasi neofisi nganye, nesibonelelo sokuma nesokwehla	Ibheyi e-1 kwiklasi neofisi nganye, nesibonelelo sokuma nesokwehla	Ibheyi e-1 kwiklasi neofisi nganye, nesibonelelo sokuma nesokwehla
Indawo yokufundisela (kwizinga elingaphezulu kwelesikolo)	0,4 yebheyi kumfundi ngamnye kunye neebheyi e-1 kwiklasi neofisi nganye	0,4 yebheyi kumfundi ngamnye kunye neebheyi e-1 kwiklasi neofisi nganye	Ibheyi e-1 kwiklasi neofisi nganye
Ilayibrari, imyuziyam	Iibheyi ezi-2 kwi-100 m <sup>2</sup> GLA nganye	1,5 yebheyi kwi-100 m <sup>2</sup> GLA nganye	Ibheyi e-1 kwi-100 m <sup>2</sup> GLA nganye
Indawo yokuhlanganela, indawo yokukhonza, indawo yolonwabo, indawo yomngcwabi	Ibheyi e-1 ngezitulo okanye abantu aba-6, ezibalwa ngokwe- 1,4 m <sup>2</sup> yobungakanani bomgangatho = umntu om-1	Ibheyi e-1 ngezitulo okanye abantu aba-6, ezibalwa ngokwe- 1,4 m <sup>2</sup> yobungakanani bomgangatho = umntu om-1	Ibheyi e-1 ngezitulo okanye abantu aba-6, ezibalwa ngokwe- 1,4 m <sup>2</sup> yobungakanani bomgangatho = umntu om-1

Usetyenziso-mhlaba	Iindawo ezisetyenziswa luluntu	Imimandla yePT1	Imimandla yePT2
Ibala lemidlalo	Ibheyi e-1 ngezitulo ezi-4 okanye abantu (okanye ngokweplani yolawulo lwezithuthi)	iibheyi ezi-3 ngezitulo eziyi-20 okanye abantu (okanye ngokweplani yolawulo lwezithuthi)	iibheyi ezi-3 ngezitulo eziyi-40 okanye abantu (okanye ngokweplani yolawulo lwezithuthi)
Indawo yolonwabo okanye yemidlalo	Ibheyi e-1 ngezitulo ezisi-8 okanye abantu	Ibheyi e-1 ngezitulo ezili-10 okanye abantu	Ibheyi e-1 ngezitulo ezili-15 okanye abantu
Ijimu	iibheyi ezili-10 kwi-100 m <sup>2</sup> GLA nganye	iibheyi ezi-8 kwi-100 m <sup>2</sup> GLA nganye	iibheyi ezi-6 kwi-100 m <sup>2</sup> GLA nganye
Isibhedlele (esikarhulumente nesabucala)	Ibheyi e-1 kwibhedi nganye, kunye neebheyi ezi-3 kwigumbi ngalinye lokuxilongela	Ibheyi e-1 kwibhedi nganye, kunye neebheyi ezi-2 kwigumbi ngalinye lokuxilongela	Ibheyi e-1 kwibhedi nganye
Ikliniki, amagumbi okuxilongela izigulane	iibheyi ezi-4 kwigumbi ngalinye lokuxilongela	iibheyi ezi-3 kwigumbi ngalinye lokuxilongela	iibheyi ezi-2 kwigumbi ngalinye lokuxilongela
Iivenkile (ngaphandle isuphamakethi)	iibheyi ezi-4 kwi-100 m <sup>2</sup> GLA nganye	iibheyi ezi-2 kwi-100 m <sup>2</sup> GLA nganye	Ibheyi e-1 kwi-100 m <sup>2</sup> GLA nganye
Isuphamakethi, oobhazabhaza beevenkile	iibheyi ezi-6 kwi-100 m <sup>2</sup> GLA nganye	iibheyi ezi-4 kwi-100 m <sup>2</sup> GLA nganye	iibheyi ezi-2 kwi-100 m <sup>2</sup> GLA nganye
Irestyu	iibheyi ezi-2 nge-25 m <sup>2</sup> GLA	Ibheyi e-1 nge-25 m <sup>2</sup> GLA	Ibheyi e-1 nge-25 m <sup>2</sup> GLA
Iiofisi	iibheyi ezi-4 kwi-100 m <sup>2</sup> GLA nganye	2,5 yeebheyi kwi-100 m <sup>2</sup> GLA nganye	Ibheyi e-1 kwi-100 m <sup>2</sup> GLA nganye
Iziko leenkomfa	iibheyi ezi-6 ngezitulo ezili-10	iibheyi ezi-4 ngezitulo ezili-10	iibheyi ezi-2 ngezitulo ezili-10
Indawo yokubonisa iimoto	iibheyi ezi-3 kwi-100 m <sup>2</sup> GLA nganye	iibheyi ezi-3 kwi-100 m <sup>2</sup> GLA nganye	iibheyi ezi-3 kwi-100 m <sup>2</sup> GLA nganye
Igaraji yokulungisa iimoto, igaraji yokutha amafutha eemoto	iibheyi ezi-4 ngebheyi nganye yokusebenzela, kunye neebheyi ezi-4 kwi-100 m <sup>2</sup> GLA nganye, ubuncinane iibheyi ezi-8	iibheyi ezi-4 ngebheyi nganye yokusebenzela, kunye neebheyi ezi-4 kwi-100 m <sup>2</sup> GLA nganye, ubuncinane iibheyi ezi-8	iibheyi ezi-4 ngebheyi nganye yokusebenzela
Indawo yokulungisa iimoto	iibheyi ezi-2 ngebheyi nganye yokusebenzela	iibheyi ezi-2 ngebheyi nganye yokusebenzela	Ibheyi e-1 ngebheyi nganye yokusebenzela
Ifemu	iibheyi ezi-2 kwi-100 m <sup>2</sup> GLA nganye	1,5 yeebheyi kwi-100 m <sup>2</sup> GLA nganye	Ibheyi e-1 kwi-100 m <sup>2</sup> GLA nganye
Iwehawusi, isakhiwo esisisitora	Ibheyi e-1 kwi-100 m <sup>2</sup> GLA nganye	Ibheyi e-1 kwi-100 m <sup>2</sup> GLA nganye	Ibheyi e-1 kwi-100 m <sup>2</sup> GLA nganye

### 139 Iimfuno zendawo yokupaka ezihlanganisiweyo

Apho kukho ilungelo losetyenziso lezinto ezi-2 nangaphezulu nalapho kwabelwana ngommandla wendawo yokupaka, iSixeko singamkela iimfuno zendawo yokupaka ezingaphantsi kwendawo yokupaka efunekayo kubantu abahlala bodwa ukuba ngaba:

- ISixeko sanelisekile ukuba usetyenziso lwaloo mmandla wendawo yokupaka zintlobo ezahlukileyo zosetyenziso okanye imisebenzi eyahlukileyo, kwiindawo eziZowuniweyo alusayi kukhokelela kusetyenziso lwezinto ezininzi kuommandla wendawo yokupaka; yaye
- libheyi ezilungiselwe usetyenziso oluxubileyo azinakuphinde zivulelelwe olunye usetyenziso kungafunyenwanga mvume yeSixeko.



**Isiqendu 2: Ufikelelo kwisiza nemfuno zobume bendawo yokupaka iimoto**  
(imiba 140 - 141)

**140 Iindawo zokungena nokuphuma kwisiza**

- (1) Kuya kusebenza le miqathango ilandelayo yokungena kwisiza:
  - (a) ISixeko singafuna ukuba kuthotyelwe izikhokelo zesiqhelo zikamasipala okanye zephondo ezimalunga nesithuba sokungena;
  - (b) Akukho ndawo yokungena okanye yokuphuma eya kuba kufuphi nge-10m nangaphantsi kwindlela enqamlezayo njengoko ichaziwe ngaphandle kwakwipropati ezikwimizi-mveliso apho umgama iya kuba yi-15 m; yaye
  - (c) ISixek singanyina okanye singavumeli ukungena kwisiza ukuba kukho ubungozi kuhambi ngeenyawo okanye kwizithuthi.
- (2) Iindawo zokungena nokuphuma izithuthi kwipropati ziya kuthobela le miqathango ilandelayo:
  - (a) Indawo yokunqumla yesithuthi ciya kuba nye kwisiza ngasinye kwisitrato sikawonkewonke okanye kwindlela eyayamene nesiza;
  - (b) Noxa kukho umhlathi (a) apha ngentla, apho ubude bawo nawuphi umda wesitrato kwisiza bungaphezu kwe-30 m ubude, kungavumeleka ukuba kongezwe indawo yokunqumla enye ukuba ngaba akukho ndawo zokunqumla zimbini ezisondelelene nge-12 m;
  - (c) Ubuncinci nobukhulu bendawo yokunqumla isithuthi buya kuhambelana nale theyibhile ilandelayo, enesihloko esithi, 'Ububanzi bendawo yokunqumla isithuthi'.

**Ububanzi bendawo yokunqumla isithuthi**

Uhlobo lwendawo yokunqumla	Ubuncinci	Ubukhulu
Indawo yokungena okanye yokuphuma enye	2,7 m	4,0 m
Indawo yokungena okanye yokuphuma ehlanganisiweyo	5,0 m	8,0 m

**141 Imiqathango yobume bendawo yokupaka**

- (1) Le miqathango ilandelayo yendawo yokupaka iya kusebenza ngaphandle kokuba eminye ekule nkqubo yolawulo lophuhliso:
  - (a) Iinkcukacha zobume bendawo yokupaka, ubungakanani neerempu ezikummandla wendawo yokupaka ziya kuhambelana nemiqathango yale nkqubo yolawulo lophuhliso okanye yeplani eyamkelweyo yophuhliso lwesiza;
  - (b) Ubume bawo nawuphi ummandla wendawo yokupaka, ngaphandle kwendawo yokupaka kwiindawo eziZowunwe njengeSR1 neSR2, buya kuqinisekisa ukuba izithuthi zingaphuma kwisiza ngaphandle kokubuya umva, ngaphandle kokuba oko kwamkelwe siSixeko;
  - (c) Ibheyi epakisha iimoto ezimbini iya kuthathwa njengebheyi enye ngeenjongo zale nkqubo yolawulo lophuhliso; ngaphandle kwakwiindawo zokuhlala ezizindlu zosapho olunye, aphoibheyi ezimbini ezidibeneyo ziya kubalwa njengebheyi ezimbini;
  - (d) Iibheyi zokupaka imoto zeendwendwe ziya kuboniswa ngolo hlobo, zibonakale ze sifikeleleke lula kwiindwendwe, yaye zibe ndaweninye;
  - (e) Imimandla yokupaka iya kusetyenziselwa ukupaka izithuthi yaye akuvumelekanga ukuba kwenziwe izinto eziphazamisa izithuthi okanye zipakishwe kwindawo yokuhamba abantu;
  - (f) Imimandla yokupaka iya kwakhiwa ze imenteyinwe ngendlela elungele indawo yokupaka neyokuhamba kwezithuthi;
  - (g) Noxa kukho imihlathi(a) ukuya ku-(f), iSixeko singabeka eminye imiqathango engqongqo yendawo yokupaka, indawo yokungena kwisiza okanye indawo yokunqumla ukuba sikubona ukuyimfuneko oko ukukhusela abahambi-ngenyawo okanye izithuthi.

(2) ISixeko singafuna ukuba kungeniswa iplani yobume bendawo yokupaka ebonisa indlela izithuthi eziza kupaka ngayo, indawo yokungena nokuphuma, uqaqambiso lwembonakalo-mhlaba neenkukacha zolwakhiwo.

(3) ISixeko singayamkela okanye siyikhabe iplani yobume bendawo yokupaka ze sibeke imiqathango yolwamkelo.

**Isiqendu 3: limfuno zendawo yokupaka engeyoyesiqhelo**  
(imiba 142 - 145)

**142 Indawo yokupaka yabantu abakhubazekileyo**

(1) ISixeko singafuna ukuba indawo yokupaka enokusetyenzwa ngabantu ibe khona kuyo nayiphi iyunithi yomhlaba, ukuqinisekisa ukuba abo bantu bafikelela lula kwiinkonzo nezibonelelo ezivuleleke kuluntu nakwiindawo zokuhlala.

(2) Nakwesiphi isibonelelo sokupaka, indawo yokupaka yabantu abakhubazekileyo iya kubonelelwa ngokuhambelana nale theyibhile ilandelayo, enesihloko esithi, 'Indawo yokupaka elungiselelwe abantu abakhubazekileyo'.

**Indawo yokupaka elungiselelwe abantu abakhubazekileyo**

libheyi zizonke zokupaka imoto	Inani elifunekayo leebheyi ezikwazi ukusetyenziswa ngabantu abakhubazekileyo
1-50	1
51-100	2
101-150	3
151-200	4
Ngeebheyi ezongeziweyo ezili-100 okanye inxalenye yazo	Ibheyi yokupaka e-1 eyongeziweyo

(3) Indawo yokupaka yabantu abakhubazekileyo kufuneka ithobele le miqathango ilandelayo:

- (a) libheyi zokupaka imoto ubuncinane ziya kuba yi-3,7 m ububanzi ne-5 m ubude;
- (b) Ukupaka nokungena kuya kuba kwindawo emcaba;
- (c) libheyi zokupaka imoto ziya kuba kufutshane kangangoko kwisakhiwo okanye kwindawo yokungena kwisiza, yaye ziba kwindawo eya kwenza ukuba kube lula ukungena kwiirempu;
- (d) Ibheyi yokupaka nganye ebekelwe abantu abakhubazekileyo iya kubhalwa njalo apha phantsi ngophwu lwabantu abakhubazekileyo;
- (e) ISixeko singafuna uphawu olongezelelekileyo oubonisa ukuba loo bheyi ibekelwe abantu abakhubazekileyo;
- (f) Apho kubonelelwe ngeebheyi zokupaka imoto ezintlanu nangaphantsi, ubuncinane ibheyi enye iya kuba yi-4 m ububanzi ze ibhalwe ukuba yibheyi eyi- 2,5 m enendawo yokungena eyi-1,5 m, kodwa ibheyi akunyanzelekanga ukuba ibekelwe abantu abakhubazekileyo kuphela.

(4) Indawo yokupaka yabantu abakhubazekileyo iya kuthathwa njengephumeza imiqathango yeendawo zokupakaeziesesitratweni.

**143 Iindawo zokupaka iibhayisekile**

(1) ISixeko singafuna ukuba ukuba kubonelelwe ngendawo yokupaka iibhayisekile.

(2) Kwiindawo zokupaka zeebhayisekile ezine nezintandathu, kusenonikwa ikhredithi yebheyi yokupaka enye yemiqathango yeendawo zokupaka, ukuba ngaba:

- (a) ikhredithi iyonke ayisayi kuba ngaphezulu kwe-2,5% yeebheyi zokupaka imoto efunekayo;
- (b) eyona milinganiselo mincinci yesithuba iya kuba yi- 2,2 m ubude ne-1 m ububanzi; yaye
- (c) eyona milinganiselo mincinci yesithuba yebhayisekile iya kuba yi-2 m ubude ne-0,6 m ububanzi.

(3) Kuya kufakelwa iimpawu, iintsika neerekhi zeebhayisekile kwezo bheyi.

#### 144 Ukulayisha

(1) Ngaphandle kokuba iSixeko sinika imvume yokuwuyeka lo mqathango, iibheyi zokulayisha ziya kubonelelwa ngokuhambelana netheyibhile, enesihloko esithi 'Imiqathango engundoqo yeebheyi zokulayisha ezisesitratweni'. ISixeko sisenokubeka imiqathango engundoqo yeebheyi zokulayisha ezisesitratweni zosetyenziso olungachazwanga kwitheyibhile.

##### Imiqathango engundoqo yeebheyi zokulayisha ezisesitratweni

Usetyenziso-mhlaba	Ubungakanani bomgangatho (m <sup>2</sup> )	Inani leebheyi zokulayisha
Iiofisi	0 – 5 000	0
	5 001 – 15 000	1
	15 001 – 30 000	2
	I- 30 000 nganye eyongezelelekileyo okanye inxalenye yayo	ibheyi e-1 eyongezelelweyo
Izakhiwo zoshishino (ngaphandle kweeofisi, iivenkile), lifemu	0 – 1 000	0
	1 001 – 2 500	1
	2 501 – 5 000	2
	5 001 – 10 000	3
	I- 10 000 nganye eyongezelelekileyo okanye inxalenye yayo	ibheyi e-1 eyongezelelweyo
Iivenkile	0 – 500	1
	501 – 1 000	2
	1 001 nangaphezulu	3 x imfuno ekurowu 2

- (2) Kuya kusebenza le miqathango ingundoqo ilandelayo kwibheyi zokulayisha:
- ibheyi yokulayisha ayisayi kuba ngaphantsi kwe-4,5 m ze ibe yi-10 m kwelinye kwindawo zokulayisha ezime ngqo, ze ibe yi-2,5 m kwelinye icala nge-12 m kwezo zimeleneyo.
  - akukho ndawo yokunqumla yokulayisha eya kuba ngaphantsi kwe-3 m ububanzi, yaye akukho sango lihlanganisweyo nendawo yokuphuma eya kuba ngaphantsi kwe-6 m ububanzi.
  - indawo yokulayisha ekhavarishiweyo iya kuba nesithuba esiya-3,7 m.

#### 145 Amagumbi enkunkuma

ISixeko singathi, ngeenjongo yokuqokelela inkunkuma sifune ukuba umnini ukuba afake isingxobo senkunkuma kwipropati:

- esiya kuba nomlinganiselo owaneleyo wokulahla inkunkuma ephuma kuloo propati ngeveki;
- eya kubekwa kufuphi nesitrato sikawonkewonke, okanye kwindawo eza kufikeleleka kwisithuthi esiqokelela inkunkuma;
- sidizayinwe ngendlela ehambelana nolwakhiwo lwepropati yaye singabikho kwiindawo ebonwa luluntu lonke; yaye
- sithobeke nayiphi imiqathango ebekwe siSixekomay emalunga nofikeleleko, impilo, ulawulo longcoliseko, ukhuseleko nenkangeleko.

#### ISAHLUKO 16: ULWAHLULUHLULO LOMHLABA

(imiba 146 - 147)

#### 146 Into ethathwa njengeyamkelweyo kumda wesakhiwo nakutyeshelo-mthetho

Xa iSixeko sinika imvume yolwahlula-hlulo lwepropati enesakhiwo esinye okanye ngaphezulu esamkelweyo, ukuze kukhonjwe iiyunithi zemihlaba ezahlukileyo, imvume yeSixeko ithathwa ngokuba inikezelwe yomgca wesakhiwo okanye ubungakanani botyeshelo-mthetho oludalwe lulwahlula-hlulo olwamkelweyo, ukuba ngaba izakhiwo ezilandelayo ziya kuthobela iimfuno wale nkqubo yolawulo lophuhliso.

#### **147 Ulwahlula-hlulo lwepropati namalungelo osetyenziso ngemvume okanye utyeshelo-mthetho losetyenziso-mhlaba okwethutyana**

Ukuba ipropati enelungelo losetyenziso ngemvume okanye lotyeshelo-mthetho losetyenziso-mhlaba okwethutyana iphinda yahlulahlulwe, ilungelo losetyenziso ngemvume okanye utyeshelo-mthetho losetyenziso-mhlaba okwethutyana luya kusebenza kuphela kwenye yeenxalenye ezahlulahluliweyo, ngaphandle kokuba iSixeko sibeke enye into kwimiqathango yolwahlula-hlulo.

#### **ISAHLULOIV:IZOWUNI ENEMIQATHANGO EYODWA** (imiba 148-191)

*Esi SAHLUKO simalunga neenkqubo zokulungisa, ukwamkela, ukutshintsha, ukulungisa okanye ukundulula iizowuni ezinemiqathango eyodwa yaye sichaza ubume ngokwasemthethweni bezowuni eneMiqathango eYodwa.*

#### **ISAHLUKO 17: IMIQATHANGO-GABALALA KWIZOWUNI EZINEMIQATHANGO EYODWA** (imiba 148 - 152)

*Imiqathango-gabalala isebenza kuzo zonke iizowuni ezinemiqathango eyodwa ezikwesi SAHLULO.*

#### **148 Izinto ezifunekayo ukulungiselela iZowuni eneMiqathango eYodwa**

(1) Ulungiselelo lwezowuni eneMiqathango eYodwa luya kuthathela ingqalelo le miqathango ilandelayo apho kuyimfuneko:

- (a) iziseko zophuhliso eziqulethwe kwiSPLUMA, uMmiselo nalo Mthetho kaMasipala;
- (b) umbono wokuplana weSixeko neziseko njengoko zichaziwe kwiSicwangciso soPhuhliso esiHlanganisiweyo;
- (c) inkangeleko yomhlaba, kubandakanywa kodwa kungaphelelwanga kuphuhliso lomhlaba woluntu nowabucala, utyalomali kwizibonelelo, usetyenziso lwesithuba, ukwenziwa kwamabala kunye nohlobo lophuhliso, imida yedolophu, iindlela ezibukekayo, izinto ekufuneka kungenelelwe kuzo, iindlela zokunqanda ifuthe elibi lophuhliso;
- (d) iziseko njengoko zichaziwe kwiSikhokelo sophuhliso lwemihlaba engamabala esamkelweyo okanye isicwangciso somgaqonkqubo;
- (e) ukhuselo nolondolozo lokusingqongileyo nelifa lemveli; kunye
- (f) neziseko zolawulo lwentsebenziswano nemisebenzi neenjongo zorhulumente wemimandla njengoko zichaziwe kuMthetho weeNkqubo zikaMasipala noMgaqosiseko weRiphabliki yoMzantsi Afrika, 1996.

(2) Izowuni eneMiqathango eYodwa kufuneka ingaxhaxhi ekukwazini kweSixeko ukujongana nezidongo zommandla kamasipala uwonke.

#### **149 Ukuchonga nokunombolisha**

ISixeko siya kwamkela igama nenombolo eyodwa yeZowuni nganye eneMiqathango eYodwa xa isamkela loo Zowuni eneMiqathango eYodwa.

#### **150 Ubume bezowuni eneMiqathango eYodwa**

(1) Izowuni eneMiqathango eYodwa ibhekisa kumhlaba iSixeko esiwuchonge sisebenzisa isaziso kwiGazethi yePhondo apho sichaza loo zowuni njengeZowuni eneMiqathango eYodwa.

(2) Umhlaba onezowuni eneMiqathango eYodwa ulawulwa yimiqathango yaloo Zowuni eneMiqathango eYodwa kule nkqubo yolawulo lophuhliso –

- (a) kwimiqathango-gabalala;
- (b) kwimiqathango engqalileyo;
- (c) kusetyenziso lwepropati; kunye
- (d) nemigaqo yophuhliso.

(3) Izowuni eneMiqathango eYodwa imigaqo yophuhliso okanye amalungelo okusebenzisa emalunga ummandla okanye iyunithi yomhlaba ingatshintshatshintsha, okanye inganemigaqo yophuhliso okanye amalungelo okusebenzisa amatsha.

(4) Imiqathango yezowuni eneMiqathango eYodwa ingangqongqo kakhulu okanye inyenysiswe kunemiqathango esebenza kwizowuni esisiseko yepropati echaphazelekayo, okanye inganemigaqo yophuhliso yommandla okanye iyunithi yomhlaba.

(5) Ukuba imiqathango yezowuni eneMiqathango eYodwa yahlukile okanye iyangquzulana nemiqathango yezowuni esisiseko, kuya kusebenza eyona miqathango ingqongqo, ngaphandle kokuba kukho enye into echaziweyo kwiZowuni eneMiqathango eYodwa echaphazelekayo.

(6) Nayiphi imigaqo yophuhliso kwiZowuni eneMiqathango eYodwa egqithisayo okanye enemiqathango engqongqo kunaleyo yokuzowuna okusisiseko ithathwa njengeyotyeshelo-mthetho olusisigxina olwamkelweyo enxaxhe kwimiqathango yokuzowuna okusisiseko.

(7) ISixeko singanikeza utyeshelo-mithetho kwimigaqo yophuhliso okanye kwimiqathango yayo nayiphi iZowuni eneMiqathango eYodwa ngokulandela iinkqubo zotyeshelo-mthetho ezibekwe kulo Mthetho kaMasipala.

(8) IZowuni eneMiqathango eYodwa ingaqulatha imiqathango-gabalala okanye imiqathango engqalileyo yaye kufuneka kuchazwe ukuba yeyiphi imiqathango esebenza kummandla weyunithi yomhlaba, okanye kwiSixeko.

(9) Kungafakwa isicelo semiqathango yeeZowuni ezineMiqathango eYodwa ezingaphezulu kwesinye kwiyunithi yomhlaba okanye kummandla.

### **151 Imigaqo yophuhliso**

(1) Kungafakwa isicelo semiqathango yophuhliso sazo zonke iiyunithi zemihlaba ezichongwe njengeeZowuni ezineMiqathango eYodwa okanye esmigaqo ethile yeeyunithi zemihlaba ezithile.

(2) ISixeko singathi ngokunokwaso senze izilungiso, sitshintshe okanye sicime imigaqo yophuhliso yezowuni eneMiqathango eYodwa ngokuthi kwenziwe kwezilungiso kule nkqubo yolawulo lophuhliso.

(3) Iinkcukacha zemiqathango yezowuni eneMiqathango eYodwa kufuneka zihambelane nesicwangciso somgaonkqubo kunye neSicwangciso soPhuhliso esiHlanganisiweyo esamkelweyo siSixeko.

### **152 Inkqubo yokuchongiyunithi yomhlaba, ummandla okanye isixeko ukuze kubekho iZowuni eneMiqathango eYodwa**

(1) ISixeko singathi, emva kokulandela inkqubo yesaziso exelwe kwicandelo 81 lalo Mthetho kaMasipala nasemva kokuthathela ingqalelo izichaso nezimvo ezifunyenweyo, sityumbe ummandla weyunithi yomhlaba ukuba ube yiZowuni eneMiqathango eYodwa.

(2) Phambi kokuchonga ummandla weyunithi yomhlaba, iSixeko kufuneka sithathele ingqalelo nasiphi isicwangciso esamkelweyo somgaonkqubo esijongene neZowuni eneMiqathango eYodwa echongiweyo.

## **ISAPHLUKO 18: IIZOWUNI EZINEMIQATHANGO EYODWA EZINEMIYALELO EYODWA YOPHUHLISO**

(imiba 153 - 154)

*Uzowuno lweSAO luchonga umhlaba wolwahlula-hlulo lwexesha elizayo onamalungelo ophuhliso ngokunikeza imiyalelo yophuhliso kusetyenziswa imiqathango ethile eyamkelweyo ngokwalo Mthetho kaMasipala. Uzowuno lweSAO luqinisekisa iziseko zophuhliso nolwamkelo lolwahlulahlulo lomhlaba; kodwa alunazinkcukacha zobume bomhlaba, eziya kubekwa xa isicelo solwahlula-hlulo samkelwe. Uzowuno lweSAO alinxaxhi kuzowuno kwakhona lommandla wolwahlulahlulo njengoko kuchaziwe kulo Mthetho kaMasipala, koko luphumeza loo miqathango ekwimiqathango yale nkqubo yolawulo lophuhliso. Uzowuno lweSAO lungasetyenziswa neenkqubo woCwangciso oluLodwa lweMimandla.*

### **153 Ukusetyenziswa kwepropati: Ulwahlulahlulo lommandla onezowuni eneMiqathango eYodwa**

Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo njengokuba luchaziwe kwimiqathango yolwamkelo ebekwe ngokwalo Mthetho kaMasipala.

- (b) Amalungelo osetyenziso ongezelekileyo njengokuba echaziwe kwimiqathango yolwamkelo ebekwe ngokwalo Mthetho kaMasipala nombala 154(4).
- (c) Usetyenziso ngemvume njengokuba luchaziwe kwimiqathango yolwamkelo ebekwe ngokwalo Mthetho kaMasipala.

#### **154 Imigaqo yophuhliso: Ulwahlulahlulo lommandla onezowuni eneMiqathango eYodwa**

- (1) Umhlaba ozowunwe njengommandla wolwahlulahlulo ungahlulahlulwa njengoko kuchaziwe kulo Mthetho kaMasipala.
- (2) Imiqathango yolwamkelo yokuzowuna kwakhona kummandla wolwahlulahlulo kufuneka ithathele ingqalelo ezi zinto zilandelayo, kodwa asikuphela kwazo:
  - (a) imiqathango yeplani yesakhiwo echaphazelekayo okanye isikhokelo sophuhliso lwemihlaba engamabala njengoko kuchaziwe kwicandelo 3 lalo Mthetho kaMasipala;
  - (b) uvavanyo lwefuthe kokusingqongileyo, ilifa lemveli, ezothutho okanye ufakelo lwezinto eziyingozi;
  - (c) iindlela eziphambili zothutho
  - (d) usetyenziso-mhlaab olungundoqo nobungakanani balo
  - (e) izithintelo namathuba ophuhliso;
  - (f) ubonelelo lweenkonzo;
  - (g) izibonelelo ezikhulu
  - (h) ingxinano yophuhliso;
  - (i) izithintelo zobungakanani bomgangatho;
  - (j) imiqathango yendawo elibala, kunye
  - (k) nemiqathango yamaziko karhulumente.
- (3) Imiqathango yolwamkelo ebekwe ngokwalo Mthetho kaMasipala xa ipropati izowunwa kwakhona kummandla wolwahlulahlulo iya kusebenza.
- (4) Naluphi usetyenziso okanye uphuhliso kwipropati olusemthethweni ngexesha ipropati izowunwa kwakhona kummandla wolwahlulahlulo lungaqhubeka ukuba uzowuno lolwahlula-hlulo lusekhona, kodwa:
  - (a) ISixeko singamkela olunye usetyenziso nolongezo kuphuhliso olukhoyo ukuba luxhasa usetyenziso olusemthethweni, olukhoyo ngoku; kunye
  - (b) Ukuba nje ulwahlula-hlulo luqinisekisiwe, lonke ulwakhiwo lwexesha elizayo kulwahlula-hlulo ochaphazelekayo kufuneka luthobeke imigaqo yophuhliso yozowuno olusisiseko kwiyunithi zemihlaba eziqinisekiweyo, naziphi iizowuni ezinemiqathango eyodwa ezichaphazelekayo kunye nayiphi imiqathango ebekwe ngokwalo Mthetho kaMasipala.

### **ISAPHLUKO 19: IIZOWUNI EZINEMIQATHANGO EYODWA EZINEMIYALELO YOPHUHLISO ECWANGCISIWEYO**

(imiba 155 - 158)

#### ***Isiqendu 1: IZowuni eneMiqathango eYodwa eneNzuzo kuLuntu (ICO)***

(imiba 155 - 156)

*I-ICO ibonelela ngendlela ngenkuthazo kumhlaba ukuphakamisa izinto eziphambili nezicwangciso ezikwiSicwangciso soPhuhliso esiHlanganisiweyo izicwangciso zemihlaba ezamkelwe siSixeko. Le nkuthazo ingabandakanya, ibe ingaphelelanga, kwinkuthazo ulwaphulelo kwimiqathango yokupaka, ubude, ubungakanani bomgangatho, ubungakanani nengxinano. Lo nkuthazo ingabandakanya ukongezwa kobungakanani bomgangatho okanye ingxinano engeba ayivunyelwanga ngokwale nkqubo yolawulo lophuhliso.*

#### **155 Imiqathango-gabalala: IZowuni eneMiqathango eYodwa eneNzuzo kuLuntu**

Le Zowuni ineMiqathango eYodwa ayinamiqathango-gabalala.

#### **156 Imiqathango engqalileyo: IZowuni eneMiqathango eYodwa eneNzuzo kuLuntu**

Le Zowuni ineMiqathango eYodwa ayinamiqathango engqalileyo.



**Isiqendu 2: IZowuni eneMiqathango eYodwa enoLawulo loBungakanani boMmandla (DO)**  
(imiba 157 - 158)

*I-DO ibonelela ngendlela yokugqiba ngengxinano kuphuhliso lumhlaba ukuze kumiselwe izinto eziphambili nezicwangciso ezichongwe kwi-IDP okanye kwizicwangciso zemihlaba zesiSixeko ezamkelweyo. Ingxinano kuphuhliso ingabandakanya ukubekwa kwemiqathango malunga neyona ngxinano incinci okanye eyona ngxinano iphezulu kuphuhliso (umzeklo iisayizi zeziza) xa kuthathelwa ingqalelo izibonelelo ezikhoyo okanye ezingekhoyo, yaye ingabandakanya amanyathelo enkuthazo ukukhuthaza nokuxhasa izinto eziphambili nezicwangciso*

**157 Imiqathango-gabalala: IZowuni eneMiqathango eYodwa enoLawulo loBungakanani boMmandla**

Le Zowuni eneMiqathango eYodwa ayinamiqathango-gabalala.

**158 Imiqathango engqalileyo: IZowuni eneMiqathango eYodwa eseKoeberg**

- (1) Kulo mba:
  - (a) **'Izowuni yamanyathelo oLumkiso (PAZ)'** ithetha umhlaba okumgama oyi-5 km ukusuka kwipoyinti echazwe zizikhombisi ezinguX= -52727,4000 noY= -3727966,6500 kwiprojekhsini yeMercator enguWGS84;
  - (b) **'Izowuni yoKhuseleko oluNgxamisekileyo (UPZ)'** ithetha umhlaba okumgama oyi-16 km ukusuka kwipoyinti echazwe zizikhombisi ezinguX= -52727,4000 noY= -3727966,6500 kwiprojekhsini yeMercator enguWGS84, kodwa ayibandakanyi iZowuni yaManyathelo oLumkiso (PAZ); kunye
  - (c) **'isicelo sophuhliso'** sithetha naluphi ulwakhiwo okanye usetyenaiso lomhlaba okanye nasiphi isicelo esenziwe kugunyaziwe samalungelo ongeziweyo okanye amatsha ngokomgaqo wocwangciso okanye imiqathango yenkqubo yokuzowuna ngaphandle kwaleyo seyivunyelwe ngokwenkqubo yolawulo lophuhliso, esenokunyusa amanani kwiZowuni yaManyathelo oLumkiso (PAZ) okanye kwiZowuni yoKhuseleko oluNgxamisekileyo (UPZ) kunye/okanye okunokuchaphazela umiseo ngokukuko lweSicwangciso sikaXakeka seKoeberg Nuclear.
- (2) KwiZowuni yaManyathelo oLumkiso (PAZ):
  - (a) akukho isicelo sophuhliso siyakwamkelwa, ngaphandle kophuhliso lwenyukliya yaseKoeberg encedisa ekuchongweni kwesiza, uyilo, ulwakhiwo nokukhombishwa kwesitishi samandla iKoeberg Nuclear ngokwelayisenisi yaso yokusebenza;
  - (b) ukuba abanini-mhlaba banokuthi bafumane imvume kugunyaziwe yamalungelo ongeziweyo okanye amatsha angazi kukhokelela kutshintsho okanye kukhulo lwamanani xa ugunyaziwe anelisekile ukuba izibonelelo zolawulo lweentlekele ezidingekayo ukuqinisekisa umiselo lwemodeli eyamkelweyo yokususwa kwengxinano nezinye iinkqubo zolawulo lweentlekele, zanele.
- (3) KwiZowuni yoKhuseleko oluNgxamisekileyo (UPZ):
  - (a) isicelo sophuhliso siya kwamkelwa kuphela ngugunyaziwe apho anelisekile ukuba izibonelelo zolawulo lweentlekele ezidingekayo ukuqinisekisa umiselo lwemodeli eyamkelweyo yokususwa kwengxinano nezinye iinkqubo zolawulo lweentlekele, zanele;
  - (b) ukuba abanini-mhlaba, kuxhomekeke ekufumaneni imvume yugunyaziwe, basebenzisa amalungelo ongeziweyo okanye amatsha angazi kukhokelela kutshintsho okanye kukhulo lwamanani; kunye
  - (c) nokuba ekuqwalaseleni izicelo zokufumana imvume yophuhliso ngokomhlathi (a) apha ngentla, kuya kuthathelwa ingqalelo oku kulandelayo:
    - (i) ingxinano eqikelelwayo nokhulo lwengxinano kwiUPZ ngenxa yolwakhiwo olucetywayo;
    - (ii) ifuthe lokukhula kwengxinano echaziweyo kumiselo ngempumelelo kwiSicwangciso seXesha likaXakeka seKoeberg Nuclear nemodeli eyamkelweyo yokususwa kwengxinano;

- (iii) umthamo wezibonelelo zolawulo lwentlekele ukuphumeza iimfuno zeSicwangciso seXesha likaXakeka seKoeberg Nuclear kumba ochazwe kukhulo lwengxinano; kunye
- (iv) nayiphi enye ingqwalasela echaphazelekayo enokuba nefuthe elibi kumiselo lweSicwangciso seXesha likaXakeka seKoeberg Nuclear.

**ISAPHLUKO 20: IIZOWUNI EZINEMIQATHANGO EYODWA UKULUNGISELELA IINKQUBO ZOLAWULO EZITHILE**  
(imiba 159 - 191)

*Ezi zowuni ezinemiqathango eyodwa zibonelela ngenkqubo yokubeka imigaqo yesixeko okanye yengingqi yolawulo lophuhliso yokujongana neenkxalabo ezithile ngaphezu kwemiqathango yokuzowuna esisiseko. Ezi zowuni zinemiqathango eyodwa kufuneka zisetyenziswe ukuphakamisa iziseko, iinjongo nezicwangciso zeSixeko njengoko zichongiwe kwisicwangciso esamkelweyo soPhuhliso esiHlanganisiweyo, kwizicwangciso eziHlanganisiweyo zoMgaqonkqubo wokusiNgqongileyo weNqila, okanye iiplani zezicwangciso.*

**Isiqendu 1: Iizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli (HPO)**  
(imiba 159 -164)

*I- HPO inezibonelelo zokhuselo lweendawo ezililifa lemveli ezikwirejista yezinto ezililifa lemveli nezimenteyinwa ngugunyaziwe wephondo wemithombo yezinto ezililifa lemveli, nokhuselo lwemimandla yelifa lemveli njengoko kuchazwe njalo kwiNational Heritage Resources Act. Ikwabonelela ngenkqubo zokhuselo lweendawo ezililifa lemveli iSixeko esibona ukuba zifanele ukuba zilondolozwe ngokwezicwangciso zaso zezinto ezililifa lemveli. I- HPO yenza ukuba ezo ndawo zichongwe njengendawo nemimandla yelifa lemveli kwimephu yokuzowuna.*

**159 Iizowuni ezithathwa njengezineMiqathango eYodwa zoKhuselo lweLifa leMveli**

Ezi ndawo zilandelayo zelifa lemveli zithathwa njengezowuni ezinemiqathango eyodwa yoKhuselo lweMimandla eLilifa leMveli ziya kulawulwa yiMiqathango yeZowuni eYodwa:

- (a) nayiphi indawo elilifa lemveli engeniswe kwirejista yemithombo yelifa lemveli ementeyimwa ngugunyaziwe wemithombo yelifa lemveli ngokuhambelana neNational Heritage Resources Act; kunye
- (b) nayiphi indawo elilifa lemveli echongwe njengoomandla olilifa lemveli ngokuhambelana neNational Heritage Resources Act.

**160 Ukusetyenziswa kwepropati: Iizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli**

Le miqathango ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo njengokuba luchaziwe kuzowuno olusisiseko.
- (b) Amalungelo osetyenziso ongezelelekileyo njengokuba echaziwe kuzowuno olusisiseko.
- (c) Usetyenziso ngemvume njengokuba luchaziwe kuzowuno olusisiseko, okanye naluphi usetyenziso eyamkeliweyo siSixeko njengesikhuthazi ngokomba 161(1).

**161 Imigaqo yophuhliso: Iizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli**

(1) ISixeko singamkela naluphi usetyenziso njengosetyenziso ngemvume kule Zowuni eneMiqathango eYodwa ukuba ngaba:

- (a) olo setyenziso luhambelana nosetyenziso olubekwe kwisicwangciso esamkelweyo seSixeko soLawulo lweLifa leMveli, ukukhuthaza umnini ukuba alondolozwe elo lifa lemveli, yaye
- (b) ISixeko singafuna ukuba ukunikezwa ilungelo losetyenziso ngemvume ukuba indawo elilifa lemveli ekhuselwe ngokweZowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli ayimenteyinwa yaye ayikhuselwa ngokwemiqathango olubekwe kwisicwangciso esamkelweyo seSixeko soLawulo lweLifa leMveli sepropati, okanye

njengoko kuvunyelwene phakathi kweSixeko nomnini, apho kuya kuthi sebenze icandelo 127 lalo Mthetho kaMasipala.

(2) Nayiphi imigaqo yophuhliso kwiZowuni eneMiqathango eYodwa kwimimandla yoKhuselo lweLifa leMveli egqithisayo okanye enemiqathango engqongqo kunaleyo yokuzowuna okusisiseko ithathwa njengeyotyeshelo-mthetho olusisigxina olwamkelweyo enxaxhe kwimiqathango yokuzowuna okusisiseko.

### **162 Imiqathango-gabalala: lizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli**

(1) Ngaphandle kokuba ummandla waphulelwe, le misebenzi ilandelayo echaphazela indawo okanye ummandla woKhuselo lweMimandla eLilifa leMveli idinga imvume yeSixeko:

- (a) naluphi utshintsho, kubandakanywa isakhiwo, inkangeleko, izinto ezikwindawo elilifa lemveli, ukupeyinta, ukuplastarisha okanye olunye uhombiso okanye nangayiphi na indlela;
- (b) naluphi uphuhliso, kubandakanywa ungenelelo, ugrumbo, okanye nantoni na ngaphandle kwento eyenziwe yindalo, olunokutshintsha inkangeleko okanye okanye ichaphazele uzinzo lwayo nenkangeleko yexxsha elizayo, kubandakanywa –
  - (i) ulwakhiwo, utshintsho, uchitho, ukususwa okanye utshintsho losetyenziso lwendawo elilifa lemveli okanye isakhiwo esikwindawo elilifa lemveli;
  - (ii) ukwenza nayiphi imisebenzi kwindawo elilifa lemveli;
  - (iii) ulwahlula-hlulo okanye uhlanganiso lwemihlaba olubandakanya indawo elilifa lemveli, kubandakanywa isakhiwo okanye isithuba esisemoyeni esikwindawo elilifa lemveli;
  - (iv) naluphi utshintsho kwimeko ekhoyo okanye kwinkangeleko yomhlaba; kunye
  - (v) nokususwa okanye ukutshatyaliswa kwemithi isigxina, okanye ukususwa kotyani okanye komhlaba;
- (c) ukongeza nasiphi isakhiwo esitsha;
- (d) ukuchithwa kwenxalenye yesakhiwo;
- (e) utshintsho okanye ukususwa kwembonakalo-mhlaba eyimbali okanye nayo naluphi uphawu lomhlaba, kubandakanywa iiheji ezikwimida nezityalo; okanye ukongezwa okanye ukususwa okanye utshintsho lomphezulu womhlaba, ifenitshala esesitratweni okanye iimpawu;
- (f) naluphi ugrumbo lomhlaba.

(2) ISixeko singaphulela imisebenzi ethile okanye iShedyuli yemisebenzi kwimimandla ekhuselwe njengezowuni ezinemiqathango eyodwa yokhuselo lwemimandla elilifa lemveli kwimiqathango yomcinjana(1).

### **163 Imiqathango engqalileyo: lizowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli**

(1) ISixeko singafaka isicelo semiqathango engqalileyo kwindawo okanye kummandla olilifa lemveli okanye okhuselwe njengeZowuni eneMiqathango eYodwa yoKhuselo lweLifa leMveli, esenokuba yongeza kwimiqathango-gabalala ekumba 162, ukuba ngaba inento yokwenza nosetyenziso-mhlaba nemigaqo yophuhliso yaye irekhodiwe kwisicwangciso solawulo lwezinto ezililifa lemveli esamkelweyo siSixeko ngokwalo Mthetho kaMasipala.

(2) ISixeko kufuneka sithethane umnini okanye abanini bendawo elilifa lemveli phambi kokwazisa imiqathango engqalileyo engendawo okanye ummandla okhuselwe njengezowuni enemiqathango eyodwa yokhuselo lwelifa lemveli.

### **164 Ukuqwalaselwa kwezicelo**

(1) Kwisicelo sokufumana imvume yomsebenzi ekubhekiswe kuwo kwimiba 162 okanye 163, iSixeko singafuna naziphi iinkcukacha kumfaki-sicelo ezibona zifanelekile ukuze sikwazi ukwenza isigqibo ngesicelo, ezinokubandakanya:

- (a) iinkcukacha yemisebenzi esenzelwe yona isicelo;
- (b) ingxelo yokubaluleka okanye ingxelo ngelifa lemveli;
- (c) ingxelo yomgaqonkqubo wolondolozo lomsebenzi oza kwenziwa;
- (d) urekhodo olufutshane lwendawo elilifa lemveli okanye iinxalenye zendawo elilifa lemveli eziya kuchatshazelwa zintshukumo;

- (e) uphando ngelifa lemveli nembali kunye
- (f) neefoto.
- (2) Ekuqwalaseleni isicelo ekubhekiswe kuso kumba 162(1), ISixeko kufuneka sithathele ingqalelo ifuthe loo msebenzi oya kuba nalo kwindawo elilifa lemveli okanye ummandla welifa lemveli ochaphazelekayo.
- (3) Ekwamkeleni isicelo ekubhekiswe kuso kumba 162(1), iSixeko singabeka nayiphi imiqathango ekholelwa ukuba ifanelekile kukhuselo nophakamiso lwendawo okanye ummandla olilifa lemveli, kubandakanywa imiqathango emalunga:
  - (a) nemiqathango yokuqaqambisa imbonakalo-mhlaba;
  - (b) usetyenziso lweemathiriyeli;
  - (c) isicwangciso solawulo lwezinto ezililifa lemveli;
  - (d) ukuphinda kusetyenziswe iimathiriyeli;
  - (e) ingxelo zeenkqubo eziza kusetyenziswa; kunye
  - (f) namaxesha amkelweyo ekufuneka kwenziwe ze kugqitywe ngawo umsebenzi.
- (4) Imvume yomsebenzi wezowuni enemiqathango eyodwa yokhuselo lwelifa lemveli, ekubhekiswe kuwo kumba 162(1) ayinqandi ukuba umfaki-sicelo okanye umnini angafumani ezinye iimvume ezifunekayo.

**Isiqendu 2: Ulawulo lokuSingqongileyo kwiZowuni eneMiqathango eYodwa (EMO)**  
(imiba 165 - 168)

*I-EMO ibonelela ngokhuseleko nolawulo lweempawu zendalo nezokusingqongileyo zeendawo ezinochuku kokusingqongileyo, okanye ezo zifanele ukukhuselwa ngokuhambelana nezikhokelo zolawulo lokusingqongileyo zeSixeko, ukuqinisekisa ukuba uphuhliso luthathela ingqalelo ezi mpawu kwanokuba ifuthe elibi liyanqandwa, kwanokuba kweniwe uphuhliso oluzinzileyo oluzuzisa uluntu ngokubanzi, kubandakanywa nabakhenkethi. I-EMO ikwanceda nasekuchongeni kwimephu yokuzowuna ezo ndawo nalo mimandla ifuna ukuphathwa ngobunono.*

**165 Imigaqo yophuhliso: Ulawulo lokuSingqongileyo kwiZowuni eneMiqathango eYodwa**

ISixeko singamkela naluphi usetyenziso olufanelekileyo njengosetyenziso ngemvume ngokwemiqathango yale Zowuni eneMiqathango eYodwa ukuba ngaba:

- (a) ibona olo setyenziso kufuneka okanye sikhona isizathu salo ukuze kubonelelwe umnini ngenkuthazo yokulondoloza umthombo wendalo, yaye
- (b) ISixeko singafuna ukuba ukunikezwa ilungelo losetyenziso ngemvume ukuba indawo elilifa lemveli ekhuselwe ngokweZowuni ezineMiqathango eYodwa zoKhuselo lweLifa leMveli ayimenteyinwa yaye ayikhuselwa ngokwemiqathango olubekwe kwisicwangciso esamkelweyo seSixeko soLawulo lweLifa leMveli sepropati, okanye njengoko kuvunyelwene phakathi kweSixeko nomnini, apho kuya kuthi sebenze icandelo 127 lalo Mthetho kaMasipala.

**166 Imiqathango-gabalala: Ulawulo lokuSingqongileyo kwiZowuni eneMiqathango eYodwa**

(1) Ngaphandle kokuba ummandla waphulelwe, le misebenzi ilandelayo echaphazela indawo okanye ummandla woKhuseleko lweMimandla eLilifa leMveli idinga imvume yeSixeko:

- (a) naluphi utshintshi kusetyenziso-mhlaba oludalwe sisicelo ngokwalo Mthetho kaMasipala;
- (b) naluphi ulwahlula-hlulo;
- (c) ukwangeza kwaso nasiphi isakhiwo esitsha esifuna imvume ngokwemiqathango yeNational Building Act;
- (d) ukususwa kotyani lwemveli okanye ukucocwa kwesiza, ukugecwa kwemithi, ukuhlahla okanye ukumosha umthi ongaphezu kwe-6 m ubude okanye ongaphezu kwe-500 mm ngokwedayamitha, ngaphandle kokususwa kwamasebe anobungozi okanye ukuthena kwangenene; kunye
- (e) nokugromba, okanye ukutshintsha imijelo yamanzi.
- (2) Imisebenzi eyaphulelweyo kwimvume ekubhekiswe kuyo kumbana(1)ibandakanya le ilandelayo:
  - (a) ukususa izityalo ezingozazaloo ndawo;

- (b) ukumenteyina nokulungisa izakhiwo; kunye
- (c) nawuphi omnye umsebenzi owaphulelwe siSixeko.
- (3) Ngaphezu komcinjana(2), iSixeko singaphulela nawuphi umsebenzi okanye ishedyuli yemisebenzi ekummandla okhuselweyo njengezowuni enemiqathango eyodwa kwimiqathango yomcinjana(1).

#### **167 Imiqathango engqalileyo: Ulawulo lokuSingqongileyo kwiZowuni eneMiqathango eYodwa**

- (1) ISixeko singafaka isicelo semiqathango engqalileyo kwindawo okanye kummandla olilifa lemveli okanye okhuselwe njengeZowuni eneMiqathango eYodwa yoKhuselo lweLifa leMveli, esenokuba yongeza kwimiqathango-gabalala ekumba 162, ukuba ngaba inento yokwenza nosetyenziso-mhlaba nemigaqo yophuhliso yaye irekhodiwe kwisicwangciso solawulo lwezinto ezililifa lemveli esamkelweyo siSixeko ngokwalo Mthetho kaMasipala.
- (2) ISixeko kufuneka sithethane nomnini okanye abanini bendawo elilifa lemveli phambi kokwazisa imiqathango engqalileyo engendawo okanye ummandla okhuselwe njengezowuni enemiqathango eyodwa yokhuselo lwelifa lemveli.

#### **168 Ukuqwalaselwa kwezicelo**

- (1) Kwisicelo sokufumana imvume yomsebenzi ekubhekiswe kuwo kumba 166(1), iSixeko singafuna naziphi iinkcukacha kumfaki-sicelo ezibona zifanelekile ukuze sikwazi ukwenza isigqibo ngesicelo, ezinokubandakanya:
  - (a) iingxelo zokubaluleka;
  - (b) iinkcukacha ngokusingqongileyo, izityalo okanye ezolunye uphando; kunye
  - (c) neefoto.
- (2) Ekwamkeleni isicelo ekubhekiswe kuso kumba 166(1), iSixeko singabeka nayiphi imiqathango ekholelwa ukuba ifanelekile kukhuselo nophakamiso lwendawo okanye ummandla olilifa lemveli, kubandakanywa imiqathango emalunga:
  - (a) nemiqathango yokuqaqambisa imbonakalo-mhlaba;
  - (b) Usetyenziso lweemathiriyeli;
  - (c) isicwangciso solawulo lwezinto ezililifa lemveli;
  - (d) ukuphinda kusetyenziswe iimathiriyeli;
  - (e) ingxelo zeenkqubo eziza kusetyenziswa.
- (3) Imvume yomsebenzi wezowuni enemiqathango eyodwa yokhuselo lwelifa lemveli, ekubhekiswe kuwo kumba 166(1) ayinqandi ukuba umfaki-sicelo okanye umnini angafumani ezinye iimvume ezifunekayo.

### ***Isiqendu 3: IZowuni eneMiqathango eYodwa ekuMda weDolophu (UEO)*** (imiba 169 - 170)

*Uzowuno lweUEO lukhokela uphuhliso olwenziwa kwimida yeedolophu ukuze kuphunyezwe utshintsho phakathi kweendwo ezisezidolophini nezo zisemaphandleni okanye ulondolozo lwemimandla, yaye luqulethe imiba yokhuselo lwemithombo elulutho yendalo neyolimo emelene nophuhliso lwasezidolophini.*

#### **169 Imigaqo yophuhliso: IZowuni eneMiqathango eYodwa ekuMda weDolophu**

Le Zowuni ineMiqathango eYodwa ayinamiqathango-gabalala.

#### **170 Imiqathango engqalileyo: IZowuni eneMiqathango eYodwa ekuMda weDolophu**

Le Zowuni ineMiqathango eYodwa ayinamiqathango engqalileyo.



**Isiqendu 4: IZowuni eneMiqathango eYodwa eyiNdlela eBukekayo (SDO)**  
(imiba 171 - 172)

*Uzowuno lweSDO ukuzowuna lukhuselo ubume bomhlaba bendalo nobenkcubeko kwiindlela ezibalulekileyo zeendwendwe nezothutho, ukonwabisa abakhenkethi nokuphakamisa ukhenketho kwiSixeko.*

**171 Imiqathango-gabalala: IZowuni eneMiqathango eYodwa eyiNdlela eBukekayo**

(1) Njengoko kuchazwe njalo kumbana(3), akukho nto iya kwakhiwa, igxunyekwe okanye ibekwe isigxina okanye okwexeshana emhlabeni:

- (a) owayame kwicala elingezantsi kwiindlela ezibukekayo; okanye
- (b) owayame kuwo nawuphi umhlaba (kubandakanywa nasiphi isitrato) seSixeko esayame kwicala elingezantsi kwiindlela ezibukekayo

ukuze ivele ngaphezu komgangatho wepyoyinti ekufutshane eyayame indlela yabahambi-ngenyawo yaloo ndlela ibukekayo; okanye, apho kungekho loo ndlela, ipoyinti ephezulu yomgangatho wendlela eyayamileyo.

(2) Nawuphi ummandla wokupaka osemhlabeni ekubhekiswe kuwo kwimibana(1)(a) okanye (1)(b) uya kuba nomgangatho osezantsi oyi- 2 m okanye ngaphezu nje komgangatho wepyoyinti ekufutshane yendlela yabahambi-ngenyawo ekwindlela ebukekayo; okanye, apho kungekho loo ndlela, ipoyinti ephezulu yomgangatho wendlela eyayamileyo.

(3) Iingcingo, iigeyithi ezibiyeleyo okanye izakhiwo ezinjalo:

- (a) ezingekho ngaphezu kobona bude buphakamileyo nakweyiphi ipoyinti eyi-1,2 m ngaphezu kwepoyinti ekufutshane kwindlela yabahambi-ngenyawo yaloo ndlela ibukekayo, apho kungekho loo ndlela, ipoyinti ephezulu yomgangatho wendlela eyayamileyo; okanye
- (b) ezinedizayini ebukekayo eyanelisa iSixeko

zingenziwa ngokuhambelana neepiani ezamkeliwe siSixeko, ngaphezu komgangatho wepyoyinti ekufutshane eyayame indlela yabahambi-ngenyawo yaloo ndlela ibukekayo; okanye, apho kungekho loo ndlela, ipoyinti ephezulu yomgangatho wendlela eyayamileyo.

**172 Imiqathango engqalileyo: Victoria Road, Clifton**

Akukho sakhiwo siya kwakhiwa nakwisiphi isiza esayame iVictoria Road, Clifton, kumntla wesitrato, ukuba eso sakhiwo siza kuba ngaphezulu kwe-13 m ngaphezu komgangatho wesitrato saseVictoria Road kwipoyinti ezimelene neso sakhiwo.

**Isiqendu 5: IZowuni eneMiqathango eYodwa ekwiNgingqi (LAO)**  
(imiba 173 - 191)

*Uzowuno lweLAO lubonelela ngamathuba eSixeko okusebenzisa imigaqo yophuhliso yengingqi iimeko zengingqi. Uzowuno lweLAO lungabonelela iSixeko ngeenkqubo zemiqathango yengingqi yokukhuthaza inkxaso yoqoqsho lwengingqi, okanye imiqathango yolawulo olulodwa lokukhuthaza uphuhliso olulodwa olujongene nodizayino lwengingqi, lwenkcubeko olwedolophu nolobume bomhlaba. Kubalulekile ukuthathela ingqalelo into yokuba uzowuno lweLAO sisixhobo emasisetyenziswe siSixeko ukuzuzisa iSixeko, yaye izinto ezifunwa luluntu lwengingqi kufuneka zilungelelaniswe nezinto ezifunwa luluntu lonke.*

**173 Imiqathango-gabalala: IZowuni eneMiqathango eYodwa ekwiNgingqi**

Le Zowuni eneMiqathango eYodwa ayinamiqathango-gabalala.

**174 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseStrand Beachfront (LAO/1)**

(1) Ummandla oboniswe kwiPlani LAO/1 ulawulwa yimiqathango yalo mba.

(2) Phambi koqwalaselo lwaso nasiphi isicelo ngokwalo Mthetho kaMasipala okanye iNational Building Act:

- (a) umfaki-sicelo uya kunika iSixeko isatifikethi somcwangisi-mihlabha esibonisa apho ukunyuka kwezinga lolwandle kuya kuchaphazela ipropati; yaye



- (b) njengempendulo kunyuko lwezinga lolwandle, ISixeko singafuna ukuba:
  - (i) kuthotyelwe umqathango womda wesitrato esithile okanye womda wesakhiwo ofanayo; okanye
  - (ii) kunyuswe umgangatho wesakhiwo.
- (3) Ngesicelo somfaki-sicelo, iSixeko siya kunikeza iinkcukacha ezifanelekileyo ukuze kuthotyelwe umcinjana(2).

#### **175 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseGordon's Bay (LAO/10)**

- (1) Ummandla oboniswe kwiPlani LAO/10 ulawulwa yimiqathango yalo mba.
- (2) Akukho sakhiwo kwipropati ezowunwe njengeSR1 esisezantsi kwendlela esiya kudlula kwi-4 m ngaphezu kwepoyinti ephezulu yomgangatho wendlela eyayamene naleyo ukuya kumphezulu wophahla weso sakhiwo.
- (3) Akukho sakhiwo kwipropati ezowunwe njengeSR1 esisentla kwendlela esiya kudlula kubude be-4 m ngaphezu kwepoyinti ephezulu yomhlaba kumda ofanayo.
- (4) Apho ipropati ikufuphi nendlela okanye apho amacala amabini endleleni ekumgangatho omnye nendlu, iSixeko siya kugqiba ngokuba kusebenza imibana(2) okanye (3) okanye imiqathango yokuzowuna okusisiseko kuphela.
- (5) Le miqathango ingentla isebenza kuphela ingqongqo kunemigaqo yophuhliso echazwe kuzowuno olusisiseko.

#### **176 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseHarfield Village (LAO/2)**

- (1) Ummandla oboniswe kwiPlani LAO/2 ulawulwa yimiqathango yalo mba.
- (2) Kulo mba:
  - (a) 'ifestile eseluphahleni' ithetha ifestile emileyo ephantsi kophundu lwendlu, eyenziwe kudonga olubukekela;
  - (b) 'umphambili wesakhiwo' uthetha udonga lwesakhiwo olungaphambili, umphambili weyadi engaphakathi kwisakhiwo; yaye
  - (c) 'udonga olungumda wesitrato' okanye 'ucingo' luthetha isakhiwo esakhiwe kumda okanye kufuphi nomda wesitrato ngeenjongo zokubonisa umda; kodwa alubandakanyi ukutyalwa kweheji kumda okanye kwisakhiwo esichaphazelekayo, okanye isakhiwo esingaphandle.
- (3) Obona bude buphakamileyo besakhiwo, obumetwe ukusukela kwizinga lesiseko ukuya kwisixhasi sophahla iya kuba yi-6 m, yaye ukuya kumphezulu wophahla iya kuba yi-8 m.
- (4) Onke amaphahla akwisakhiwo esitsha aya kuba namathambeka amabini, aphakathi ko-35° no-42°.
- (5) Akukho poyinti kuso nasiphi isakhiwo iya kwakhiwa kufuphi ne-1 m kumda wesitrato.
- (6) Indawo yemida ofanayo echazwe kule nkqubo yolawulo lophuhliso iya kusebenza kuzo zonke izindlu zokuhlala, indawo yesibini yokuhlala, iqela lezindlu, iibhloko zeeflethi, okanye izakhiwo ezingaphandle eziyinxalenye yendlu.
- (7) Imiqathango yobungakanani yale nkqubo yolawulo lophuhliso iya kusebenza kuzo zonke izindlu zokuhlala, indawo yesibini yokuhlala, iqela lezindlu neebhloko zeeflethi okanye izakhiwo ezingaphandle kwisiza esincinane kune-350 m<sup>2</sup>. Ubungakanani ovumelekileyo kwiziza ezingaphezu kwe-350 m<sup>2</sup> iya kuba yi-65%.
- (8) Nayiphi indawo enommandla wokupaka nowegaraji nokungena kuzo iya kuthi ibooniwe kwiiplani zolwakhiwo ezingeniswe kwiSixeko, esiya kuba nelungelo lokwamkela okanye lizikhabe ezo plani. Le mimandla yokupaka neyegaraji:
  - (a) ayisayi kuba ngaphambili kwesakhiwo kwyunithi yomhlaba;
  - (b) iya kuba yinxalenye yesakhiwo esingundoqo ze imiphambili yazo ingabikho ngaphezu kwe-3 m ububanzi;
  - (c) ubude bungabikho ngaphezu kwe-3,3 m okanye imida isakhiwo, nokuba yeyiphi esezantsi; yaye
  - (d) akusayi kuvunyelwa amacango egaraji aphindwe kabini.
- (9) Akukho mntu oya kwakha udonga olungumda wesitrato okanye ucingo ngaphandle kokufumana imvume kwiSixeko kuqala, yaye olo danga olungumda wesitrato okanye ucingo luya kuhambelana nale miqathango ilandelayo:

- (a) ubude obubonakalayo bodonga olungumda wesitrato okanye ucingo, kubandakanywa udonga lwamatye, abusayi kuba ngaphezulu kwe-1,5 m;
  - (b) iintsika zamadonga amatye okanye iipali okanye iintsimbi ezizintsika okanye iintsika ezibunjalo, azisayi kuba ngaphezulu kwe-2,1 m ubude, yaye iSixeko sinelungelo lokunyanzelisa ubude obungaphantsi kwe-2,1 m apho, ngokokubona kweSixeko, kufuneka obo bude ngenxa yenkangeleko, ukhuseleko okanye ukulungiselela uluntu;
  - (c) ngeenjongo zemihlathi (a) no-(b), ubude bolu danga olungumda wesitrato okanye ucingo buya kumetwa ukusuka kwizinga lendlela emelene noloo danga okanye olo cingo.
- (10) Akukho mntu uya kugeca, akhuphe okanye atshabalalise umthi omdala okanye iheji ngaphandle kokufumana imvume kwiSixeko kuqala.

#### **177 Imiqathango engqalileyo: Constantia – Ummandla okwiNgingqi yaseTokai (LAO/3)**

- (1) Ummandla oboniswe kwiPlani LAO/3 ulawulwa yimiqathango yalo mba.
- (2) Akukho lwahlulahlulo lomhlaba ozowunwe njengowokuhlala usapho olunye (SR1) luya kuvunyelwa kwisiza esinomlinganiselo ongaphantsi kwalo uchaziweyo kwiPlani LAO/3.

#### **178 Imiqathango engqalileyo: St James – Ummandla okwiNgingqi yaseClovelly (LAO/6)**

- (1) Ummandla oboniswe kwiPlani LAO/6 ulawulwa yimiqathango yalo mba.
- (2) Akukho sakhiwo esakhiwe kuyo nayiphi iyunithi yomhlaba kulo mmandla esiya kuba nemigangatho engaphezulu kwesibini ubude.
- (3) Umlinganiselo womgangatho ovumelekileyo kwingingqi nakumashishini akummandla yi-0,8.
- (4) Ngaphandle kweepropati eziyi'Chartfield Private Hotel', 'Strathmore Private Hotel' ne'Sea Breezes', kuvumelekile ukwakha ihotele kwisiza sehotele ekhoyo kwinxalenye yommandla ochazwe kwiPlani LAO/6, noxa kukho isiza esizowunwe njengesokuhlala uSapho oLunye.
- (5) Apho ihotele yakhiwe ngokuhambelana nemiqathango yomcinjana(4), le miqathango ilandelayo iya kusebenza:
  - (a) iyunithi yomhlaba yaloo hotele iya kulawulwa yimiqathango yemibana(2) no- (3), yaye ithathwe ngokuba ilawulwa yimigaqo yophuhliso efanayo naleyo isebenza kuzowuno lwezindlu: Uzowuno lwendawana 4 (GR4).
  - (b) Umhlaba ongeyoxalenye yeyunithi yomhlaba, kodwa ojoyinayo, ungongezwa kuloo yunithi yomhlaba, yaye nawuphi umhlaba owongeziweyo uya kuthathwa njengenxalenye yeyunithi yomhlaba;
- (6) Le miqathango ilandelayo isebenza kumcinjana(5)(b):
  - (a) akukho mhlaba uya kongezwa
    - (i) kobona bungakanani bomgangatho wehotele ekhoyo kwiyunithi yomhlaba ekhoyo obungaphantsi kobungakanani bomgangatho obuvumelekileyo kuloo yunithi yomhlaba; yaye
    - (ii) iyunithi yomhlaba ekhoyo ibe inkulu ngokwaneleyo ukubonelela ngommandla wokupaka iimoto ongakhavarishwanga njengoko kuchaziwe kwiSahluko 15 esibhekisa kwiihotele;
  - (b) akukho mhlaba wongezelekileyo uya kongezwa kofunekayo ukwenzela ukubae
    - (i) ubungakanani bomgangatho obuvumelekileyo kuloo yunithi yomhlaba bulingane nobungakanani bomgangatho wehotele ekhoyo; yaye
    - (ii) kufuneka kubonelelwe ngommandla wokupaka owaneleyo njengoko sele kutshiwo;
  - (c) ngeenjongo zemihlathi (a) no-(b), 'ihotele' ibandakanya zonke izakhiwo ezingaphandle kwayo.

#### **179 Imiqathango engqalileyo: Umhlaba oseNtla kweBoyes Drive, Kalk Bay (LAO/7)**

- (1) Ummandla oboniswe kwiPlani LAO/7 ulawulwa yimiqathango yalo mba.
- (2) Kummandla oboniswe kwiPlani LAO/7, akukho sakhiwo siya kwakhiwa kuyo nayiphi iyunithi yomhlaba yaye akukho mhlaba uya kwahlulahlulwa ngaphandle kokuba:
  - (a) umnini waloo yunithi yomhlaba wanelise iSixeko ukuba olo lwakhiwo okanye ulwahlula-hlulo luyafuneka, kuza kubakho indlela ehambelana nemigangatho yeSixek

yaye iindleko zokubonelela nokumenteyina iinkonzo ezingundoqo azizi kuba phezulu; okanye

- (b) kuphakanyiswa ukuba isakhiwo seyunithi yomhlaba eyayamene neBoyes Drive, siya kulawulwa yimiqathango yokuZowunwa kweZindlu zoSapho oLunye 1: Izindlu zeSiqhelo (SR1) ukuzowuna.

#### **180 Imiqathango engqalileyo: Marina Da Gama Extensions 1,2 & 4 (LAO/8)**

- (1) Ummandla oboniswe kwiPlani LAO/8 ulawulwa yimiqathango yalo mba.
- (2) Kulo mba, i'**Marina da Gama Home Owners' association'** (eyayisaziwa ngokuba yiEastlake Association) ithetha umbutho onabanini beepropati eziseMarina da Gama Extensions 1, 2 no-4 ngokwemiqathango yetayitile esebenza kwezo propati.
- (3) Le miqathango iyodwa iya kusebenza kwiMarina Da Gama Extensions 1, 2 no-4:
  - (a) Phambi kokuba nasiphi isakhiwo sakhiwe, umntu ozimisele ukwakha eso sakhiwo uya kungenisa kwiSixeko iiplani zolwakhiwo ezizotywe ngokuhambelana neNational Building Act ezibonisa injongo yolwakhiwo nenjongo iyonke yophuhliso lweyunithi yomhlaba esiza kwakhiwa kuso eso sakhiwo.
  - (b) Iiplani zeso sakhiwo plans ziya kubonisa ubunjani, imibala, izigqubuthelo zophahla, imiphandle yodonga lwesakhiwo, amadonga azimeleyo neengcingo kunye neendawo eziza kuba kuzo ezo ngcingo, imijelo yeedreyini, iidreyini nezinye izakhelo (ezingezozakhiwo) kumba wemida yeyunithi yomhlaba ekuza kwakhiwa kuyo isakhiwo.
  - (c) Iiplani zeso sakhiwo ziya kuthi phambi kokuba zingeniwe kwiSixeko, zingeniswe kuMbutho wabanini-mhlaba baseMarina da Gama ukuze banike izimvo zabo, ze bazidlulisele kwiSixeko ngembalelwano zingaphelanga iintsuku ezingama-30 , yaye ukuba abakwenzanga oko, iSixeko siya kuziqwalasela ezi plani.
  - (d) Phambi kokugqiba ngesicelo, iSixeko siya kuqwalasela naziphi izimvo kuMbutho wabanini-mhlaba baseMarina da Gama Home ezimalunga nalo plani yeso sakhiwo ekufuneka zingeniswe zibhaliwe kwiSixeko kunye nalo plani yesakhiwo yeso sicelo.
  - (e) Akusayi kwenziwa lutshintsho, longezelelo, lufakelelo, luhlaziyo, lwakhiwo lwazingcingo okanye omnye umsebenzi (ngaphandle komsebenzi ongaphakathi kwisakhiwo), yaye akukho lutyeshelo okanye lutshintsho kwimibala yangaphandle yaso nasiphi isakhiwo okanye sodonga okanye seengcingo kwiplani yolwakhiwo eyamkelweyo ngaphandle kwemvume ebhaliweyo yeSixeko.
  - (f) Ngaphezu kwemihlathi (a) ukuya ku-(e), le miqathango ilandelayo iya kusebenza kulo mmandla:
    - (i) isakhiwo esiyindlu yeqela okanye iqela lezindlu zokuhlala singangaphezulu kkwemigangatho emibini kodwa asisayi kuba ngaphezulu kwemigangatho emithathu ubude; yaye
    - (ii) kuya kubonelelwa ngendawo yokupaka neegaraji zemimandla zeepropati ezizowunelwe ushishino kwiyunithi yomhlaba wesakhiwo ngasinye ngokuhambelana nemiqathango yeSahluko 15 sale nkqubo yolawulo lophuhliso ngokwemiqathango yeSAHLUKO 15, enommandla wokupaka ongekho ngaphantsi
      - (aa) ibheyi enye kwi-20 m<sup>2</sup> nganye yobungakanani bomgangatho weevenkile ezakhiwe apho; kunye
      - (bb) nebheyi enye kwi-30 m<sup>2</sup> nganye yobungakanani bomgangatho bazo zonke izakhiwo zoshishino weevenkile ezakhiwe apho.

#### **181 Imiqathango engqalileyo: Hout Bay Local Area (LAO/11)**

- (1) Ummandla oboniswe kwiPlani LAO/11 ulawulwa yimiqathango yalo mba.
- (2) Akukho lwahlulahlulo lomhlaba ozowunwe njengowokuhlala usapho olunye SR1 luya kuvunyelwa kwisiza esinomlinganiselo ongaphantsi kwalo uchaziweyo kwiPlani LAO/11.

#### **182 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseNoordhoek (LAO/12)**

- (1) Ummandla oboniswe kwiPlani LAO/12 ulawulwa yimiqathango yalo mba.

(2) Akukho lwahlulahlulo lomhlaba ozowunwe njengowokuhlala usapho olunye SR1 luya kuvunyelwa kwisiza esinomlinganiselo ongaphantsi kwalo uchaziweyo kwiPlani LAO/12.

### **183 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseMuizenberg (LOA/13)**

- (1) Ummandla oboniswe kwiPlani LAO/13(i) ulawulwa yimiqathango yalo mba.
- (2) Zonke iipropati ezikuloo mmandla ezizowunwe njengeZowuni eziziZindlu zoSapho oLunye 1 (SR1) zinelungelo elongezelelekileyo lokusebenzisa bendawo yesibini yokuhlala, kuxhomekeke kwimiqathango edweliswe kumba 53 yenkqubo yolawulo lophuhliso.

### **184 Imiqathango engqalileyo: Ummandla okwiNgingqi yaseLandudno (LAO/14)**

- (1) Ummandla oboniswe kwiPlani LAO/14 ulawulwa yimiqathango yalo mba.
- (2) Ngeenjongo zokugqiba ngomgangatho osezantsi okhoyo ukuze kugqitywe ngemiqathango yobude kumbana (3), kuya kusetyenziswa iimephu zendawo ezikhutshwe yiDivisional Council of the Cape yangaphambili ngoMeyi 1981, ezingamaphepha 6064A, 6064B, 6164B no6165A. Xa kukho imbambano, iSixeko siya kugqiba ngomgangatho osezantsi okhoyo ngeenjongo zokubeka iliso kwinkqubo yolawulo lophuhliso.
- (3) Akho nxalenye yaso nasiphi isakhiwo kwipropati esikuZowuno lweZindlu zoSapho oLunye 1 (SR1) eya kwakhiwa ibe ngaphezu kwe- 8 m ngaphezu kwayo nayiphi na ipoyinti ekumgangatho osezantsi okhoyo, njengoko kugqitywe kumbana(2).
- (4) Noxa kukho umcinjana(3), iinxalenye zophahla ezingaphezu kolundi lwendlu azisayi kubandakanywa kwisigqibo ngobude, ukuba ngaba ithambeka lophahla lungaphezu kwe-20°.

### **185 Imiqathango engqalileyo: wonke uMmandla okwiCape Town CBD (LAO/4)**

- (1) Ummandla oboniswe kwiPlani LAO/4 ekubhekiswe kuwo kummandla okwiCape Town CBD ulawulwa yimiqathango yalo mba.
- (2) Le miqathango ilandelayo isebenza kwiCape Town CBD yonke, njengoko iboniswe kwiPlani LAO/4:
  - (a) ngaphandle kwakwigaraji yokutha amafutha eemoto, imiqathango yemiba137, 138, 139, 142, 143 no-144 yenkqubo yolawulo lophuhliso (emalunga neemfuno zokupaka nokulayisha);
  - (b) Noxa kukho imiqathango yenkqubo yolawulo lophuhliso emalunga nomlinganiselo womgangatho, umhlaba ozowunwe wayiGB7 okanye MU3:
    - (i) uya kuxhomekeka kumlinganiselo womgangatho obekwe kwiPlani LAO/4 yeyunithi yomhlaba ochaphazelekayo, ngaphandle kokuba akukho miqathango, apho kuya kusebenza imiqathango yenkqubo yolawulo lophuhliso; yaye
    - (ii) umlinganiselo womgangatho unganyuswa nge-30%, ukuba ngaba ubuncinane i-30% yesakhiwo ubungakanani bomgangatho iqhubeka isebenza njengeeflethi.
  - (c) Noxa kukho imiqathango yenkqubo yolawulo lophuhliso emalunga nobude nemida yezakhiwo, umhlaba ozowunwe njenge-MU3 onomlinganiselo womgangatho oyi-6,8 okanye ngaphezulu uya kulawulwa yimiqathango yobude efanayo nomgca wesakhiwo seGB7;
  - (d) apho kuphakanyiswe ukuba kwakhiwe ihotele enamagumbi okulala iindwendwe angama-30 ubuncinane:
 ezi nxalenye zilandelayo azisayi kuthathelwa ngqalelo xa kubalwa ubungakanani bubonke bomgangatho wesakhiwo:
    - (aa) Amagumbi asetyenziswa zindwendwe njengeendawo zokutyela, zokwenza imisitho, iibhari, iiresty, amagumbi okudanisa, amagumbi okudlala, iilawunji, amagumbi okufundela, amagumbi okubhalela namagumbi eenkomfa
    - (bb) lipaseji zoluntu nemimandla enezitupu ezihlala uluntu, iiveranda, iibhalkhoni, amathala okanye iindawo zokugcakamela ilanga ezisetyenziswa ziindwendwe zehotele;
    - (cc) livenkile zokucheba, iisaluni zokwenza intloko, abathengisi-zintyatyambo namashishini abufana kwihotele asetyenziswa ziindwendwe zehotele kuphela;
    - (dd) liofisi eziyinxalenye yehotele ezisetyenziselwa ukulawula ihotele;
    - (ee) Amakhitshi, amagumbi okuhlambela izitya nezibonelelo ezibufana nezo

- eziyinxalenye yehotele;  
 (ff) Izitora zehotele; kunye  
 (gg) Amagumbi asetyenziswa ngabasebenzi behotele, kubandakanywa iikhorida iizitepsi  
 nezinye iindlela zokungena kwendazo zisetyenziswa ngabasebenzi behotele, kubandakanywa onke amakhitshini, amagumbi okutyela, amagumbi olonwabo, iilondri namagumbi asetyenziswa ngabasebenzi kuphela:  
 ukuya ku-(vii) apha ngentla, kunye nawaphi amanye amahumbi ekungabhekiswanga kuwo ukuya ku-(vii) apha ngentla aya kubandakanywa kwizibalo zobungakanani bomgangatho wesakhiwo.
- (i) Nawaphi amagumbi ekungabhekiswanga kuwo kumhlathana (i) aya kubandakanywa kubalo lobungakanani bomgangatho wesakhiwo; yaye  
 (ii) Ukuba, ngokokubona kweSixeko, igumbi lisetyenziswa ikakhulu ngabantu abasuka ngaphandle kwehotele, abasebenzi okanye iindwendwe, elo gumbi liya kubandakanywa kwizibalo zobungakanani bomgangatho wesakhiwo noxa kukho imiqathango ekubhekiswe kuyo kwimihlathana(i)(i).
- (hh) Umbindi womda awuyi kusebenza kumhlaba ozowunelwe uShishino Gabalala, iZindlu okanye uSetyenziso oluXubileyo.
- (ii) Ngaphandle kokufumana imvume yeSixeko, akukho zibheyi zokupaka imoto kumgangatho (kumgangatho wokuqala) okanye kowesibini kwiyunithi yomhlaba, ngaphandle okanye ngaphakathi kwisakhiwo, ziya kuba kwi-10m ukusuka kumda wesitrato, ukuze kuphuculwe ukusebenziseka kwezitrato.

### 186 Imiqathango engqalileyo: Ummandlana waseSt Georges Street

- (1) Imiqathango kulo mba isebenza kummandla waseSt Georges Street njengoko iboniswe kwiPlani LAO/4(i)-(iii).
- (2) Apho kuza kwakhiwa isakhiwo okanye inxalenye yesakhiwo, umnini uya kungenisa kwiSixeko, iplani ukuze afumane imvume, enemizobo ebonisa:
- (a) uphakanyiso lwemiphambili yezitrato, kubandakanywa ubume beefestile, iibhalkhoni, iikholam ezikuphahla, iikhenophi, iimppawu nezihombiso, imathiriyeki eza kusetyenziswa, imibala nenkangeleko yaloo mathiriyeli; kunye  
 (b) ubudlelwane besakhiwo esichaphazelekayo nezakhiwo ezimelene naso okanye iinxalenye zaso kuhombiso lomphambili wendlu, ubume bayo ubude bodonga lwesitrato nobukhulu.
- (3) Ngaphandle kokufumana imvume yeSixeko, iglasi eyaziwa ngokuba yi'reflecting glass' ayisayi kusetyenziswa kumphambili waso nasiphi isakhiwo.
- (4) Usetyenziso lwenxalenye esezantsi yesakhiwo ekwi-10 m yomda wesitrato alusayi kutshintsha nokuba olo tshintsho ilubandakanya ulwakhiwo, ngaphandle kokuba:
- (a) Kungeniswe iplani yophuhliso lwesiza ebonisa injongo eza kusetyenziselwa yona loo nxalenye, ubume bemimandla yabahambi-ngenyawo neendawo zokungena apho; yaye  
 (b) iSixeko siyamkele loo iplani yophuhliso lwesiza.
- (5) Ngaphandle kokuba sifumene imvume yeSixeko, nasiphi isakhiwo esitsha esifikelela esinomphambili ojonge esitratweni siya kubandakanya isigqubuthelo esikrobe esitratweni esineekhenophi, ibhalkhoni okanye nasiphi isakhiwo sokukhusela kwimozulu, esanelisa iSixeko.
- (6) Ngaphandle kokuba kufunyenwe imvume yeSixeko, ubuncinane iya kuba yi-75% ububanzi bomphambili wesakhiwo esijonge esitratweni esiya kwakhiwa ngqo kuloo mda wesitrato ukuya kuma kubude obuyi-25 m ngaphezu kwaloo mgangatho.
- (7) Noxa kukho imiqathango yenkqubo yolawulo lophuhliso emalunga nemida yezakhiwo, akukho poyinti iya kukroba kuso nasiphi isakhiwo ngapha kwesicaba esikwiengile eyi-50o ukusuka kumgca othe ngqo ophezu komda wesitrato waseSt Georges, loo mgca oya kuba yi-25 m ngaphezu komda wesitrato.



**187 Imiqathango engqalileyo: Ummandlana waseRoggebaai**

- (1) Imiqathango kulo mba isebenza kummandlana waseRoggebaai njengoko iboniswe kwiPlani LAO/4.
- (2) Ngeenjongo zalo mba, ezi nkcazelo zilandelayo zingena apha:
- (a) **'umphambili'** wesakhiwo okanye wenxalenye yesakhiwo uthetha udonga olungumphambili woqobelo lwendlu okanye inxalenye yalo, ngaphandle kodonga olukwiyadi engaphakathi komzi, yaye awubandakanyi izigqubuthelo ezikrobe kwisitrato;
  - (b) **'ubude obusisigxina'** bomphambili wesakhiwo uthetha ubude ngqo, ekufuneka kufikelelwe kubo yaye kungadlulwa kubo, bazo zonke iipoyinti zaloo mphambili;
  - (c) **'ubude'** kwisakhiwo buthetha ubude obungaphezu komgca obekiweyo oyi- 4,57 m ngaphezu kiphawu olusezantsi lwamanzi ngexesha lamaza esiqhelo eTable Bay, okanye i- 3,89 m ngaphezu komgangatho wolwandle kwibhikhoni yobude ebekwe eRoggebaai siSixeko, kunye 'nobude obusisigxina' bunentsingiselo ehambelana nale;
  - (d) **'umphezulu'** womphambili uthetha umphezulu wamaplangwe ophahla okanye wobiyelo, okanye ezinye iindawo ezichazwe siSixeko ngokwalo mba;
  - (e) **'uphahla lomgangatho'** luthetha uphahla olongezelelekileyo olunoluvumeleka ngaphezu kobude obusisigxina bomphambili, kuxhomekeke kwimiqathango njengoko ichaziwe aph ngezantsi;
  - (f) **'umgca wesakhiwo'** uthetha umgca okwiPlani LAO/4 ebonisa umda wangaphakathi phakathi kweenxalenye ezimbini nangaphezulu zesiza esinemiqathango eyahlukileyo yobude; yaye
  - (g) **'izowuni yobude'** ithetha la nxalenye yesiza ekumda wesakhiwo okanye imida yesiza, okanye zombini, apho kusebenza ubude obuthile obusisigxina.
- (3) Apho isakhiwo siza kwakhiwa kwipropati eboniswe kwiPlani LAO/4 enenombolo yesalathiso engu'FH' kuloo plani, ubude obusisigxina bomphambili ngamnye wenxalenye nganye yeso sakhiwo iya kuba bubude obuboniswe kuloo plani nobuchazwe kule theyibhile ilandelayo, enesihloko esithi, 'Ubude obusisigxina bomphambili':

**Ubude obusisigxina bomphambili**

Inombolo yeSiza	Ubude obusisigxina bomphambili (FH)
85, 86, 110, 112, 113, 114, 115, 116, 117, 128, 129, 130, 131, 132, 134, 171 & 252	36,58 m

- (4) Noxa kukho umcinjana(3), iSixeko singavumela ulwakhiwo lwamatanki amanzi, iiplanti zokungenisa umoya, amagumbi eetransifoma, izitora, iindawo zokuhlala oonogada okanye ezinye izakhiwo ezingaphezu komgangatho ogqitywe ngokobude obusisigxina bomphambili, ukuba ngaba:

- (a) uphahla lwakhiwe ngaphezu kwaloo mgangatho, yaye
- (b) uphahla luthobe le miqathango ilandelayo:
  - (i) ubude bepoyinti nganye eseluphahleni obungaphezulu komgangatho obekiweyo ngokobude obusisigxina bomphambili abusayi kuba ngaphantsi kwe-2,24 m okanye ngaphezu kwe-3,96 m, yaye akukho sakhiwo okanye nayiphi inxalenye yeso sakhiwo eya kukroba ngaphaya kophahla, ngaphandle kwegumbi letshimini elifunekayo lesistimu yelifthi yesakhiwo;
  - (ii) apho kwenziwe umgangatho wophahla kwipropati emelene naleyo, ubude bbale ikwesi sakhiwo buya kuhambelana nobude bale ikwipropati emelene naso;
  - (iii) uphahla lwawo luya kukhavarisha wonke ummandla wesakhiwo ongaphantsi kwaloo mgangatho, ngaphandle kwaphezu kwezibane ezikwimimandla yeso sakhiwo;
  - (iv) umgangatho wawo awusayi kudlula kulowo ugqitywe kubude obusisigxina bomphambili wesakhiwo;
  - (v) amadonga angaphandle aloo mgangatho usephahleni aya kubuyiswa umgama oyi-2,44 m ukusuka kwimida yepropati, kambe akukho lubuyiso lufunekayo kumda ofanayo apho umgangatho usephahleni ujoyina isakhiwo esinobude



obusisigxina bomphambili obulingana okanye obungaphezulu kwesakhiwo owakhiwe phezu kwaso loo mgangatho;

- (vi) isithuba esikumadonga angaphakathi nakumadonga alo mgangatho usephahleni singasetyenziselwa amatanki amanzi, iiplanti zokungenisa umoya, amagumbi eetransifoma, izitora, iindawo zokuhlala oonogada, ucoco lweefestile nezixhobo ezibunjalo; yaye

- (vii) akunasetyenziswa iilifti zesakhiwo ukuya kumgangatho osephahleni.

(5) Noxa kukho imiqathango yemibana(3) no-(4), iSixeko singavumela iimpawu ezifana neepali nee-eriyali zerediyo nomabonakude ukuba zikrobe ngaphezu komgangatho ochazwe kubude obusisigxina bomphambili, kuxhomekeke kwimiqathango enokubekwa siSixeko.

(6) Apho isakhiwo siza kwakhiwa kwipropati echongwe kwiPlani LAO/4 enesalthiso esingu-H kuloo plani, obona bude buphakamileyo bomphambili ngamnye wenxalenye nganye yeso sakhiwo iya kuba bubude obuboniswe kuloo plani njengoko kuchaziwe kule theyibhile ilandelayo, enesihloko esithi, 'Obona bude buphakamileyo bomphambili':

#### Obona bude buphakamileyo bomphambili

Inombolo yeSiza	Obona bude buphakamileyo bomphambili (H)
144	44 m
147	89 m
156	37 m
161 & 162	38 m
166	76 m ne-4 m
169	46 m
205	38 m
206 & 207	42 m ne-17 m

(7) Apho ipropati ingenamiqathango yabude busisigxina okanye obona bude buphakamileyo njengoko kuboniswe kwtheyibhile engentla, kuya kusebenza umqathango wobude bozowuno olusisiseko lwenkqubo yolawulo lophuhliso.

(8) Noxa kukho imiqathango yenkqubo yolawulo lophuhliso, umlinganiselo womgangatho waso nasiphi isakhiwo esizowunelwe uShishino Gabalala okanye uSetyenziso oluXubileyo awunamida yaye obona bungakanani bomgangatho bukhuku buya kugqitywa bubude obusisigxina okanye obona bude buphakamileyo obuvumeleke kweso sakhiwo.

(9) Noxa kukho imiqathango yenkqubo yolawulo lophuhliso, imida yezakhiwo ebekelwe iiNdawo eziZowunelwe uShishino Gabalala okanye iiNdawo eziZowunelwe uSetyenziso oluXubileyo ayiyi kusebenza.

(10) Isakhiwo esibhalwe kwezi ziza zikule theyibhile ilandelayo, enesihloko esithi, 'Imiqathango yelungelo lobunini-mhlaba', kufuneka ithobele, imiqathango yobunini-mhlaba ekule theyibhile yeso siza:

#### Imiqathango yelungelo lobunini-mhlaba

Uluhlu	Inombolo yeSiza	Uhlobo lwelungelo lobunini
A	85, 86, 108, 109, 110, 112, 113, 114, 115, 116, 128, 129, 149 & 150	Ezi propati zinlungelo lokongezwa nokuprojekthwa kwale ndawo ishiyekileyo yeRoggebaai.
B	169	Le propati inelungelo lokongezwa nokuprojekthwa kwale ndawo ishiyekileyo yeRoggebaai
C	7, 42, 46, 48, 148 & 171	Ezi propati zinlungelo lokongezwa nokuprojekthwa kwale ndawo ishiyekileyo yeRoggebaai.

Uluhlu	Inombolo yeSiza	Uhlobo lwelungelo lobunini
D	170	<p>Le propati inelungelo lobunini beSixeko noluntu yophahla olusesitratweni lwabahambi-ngenyawo nenkonzo zaphantsi komhlaba kwimimandla eboniswe 'njengemimandla enamalungelo' kwimizobo efanelekileyo, ukuba ngaba:</p> <ul style="list-style-type: none"> <li>Nasiphi isakhiwo esiza kwakhiwa asisayi kuphazamisa usetyenziso olukhululekileyo lolo phahla olusesitratweni lwabahambi-ngenyawo nemimandla enenkonzo zaphantsi komhlaba yaye akukho nxalenye yeso sakhiwo enokukroba kwimimandla ngaphandle kwemvume ebhaliweyo yeSixeko, ukuba ngaba iikholam zingakhiwa ngendlela eyanelisa iSixeko.</li> <li>Kuxhomekeke kulo mqathango ungentla nothobelo lwemiqathango yezakhiwo, imiphetho yophahla olusesitratweni lwabahambi-ngenyawo ingavalwa ngezikirini namacango ukulungiselela imozulu nokhuseleko, kuxhomekeke kwimvume yeSixeko.</li> </ul>
E	163 & 164	Ezi ziza zithobela imiqathango yophahla olusesitratweni lwabahambi-ngenyawo nenkonzo zaphantsi komhlaba kwimimandla echazwe 'njengommandla onomnini' kwimizobo efanelekileyo. Uphahla olusesitratweni lwabahambi-ngenyawo luya kubonelelwa yaye umgangatho walo uya kuba kumgangatho omnye nesitrato esilapho, yaye uphahla alusayi kuba nobude obungaphantsi kwe-3,66 m, yaye sibe iSixeko sanelisekile.
F	157	Esi siza sinelungelo lobunini bophahla olusesitratweni lwabahambi-ngenyawo kwimimandla echazwe 'njengommandla onomnini' kwimizobo efanelekileyo. Isakhiwo esiza kwakhiwa kwesi siza siya kunaba sidlule kuloo mmandla unelungelo lobunini, ukusuka kubude obuyi-4 m ngaphezu komda wesakhiwo (oyi-3,89 m ngaphezu komgangatho wolwandle) wobude besakhiwo obamkelweyo.
G	166 & 167	<p>Naziphi izakhiwo ezakhiwe kwezi ziza kufuneka zibuyiswe zihambelane nomgangatho osezantsi ukuthobela imiqathango yesakhiwo kumzobo ofanelekileyo, yaye inxalenye yeso siza ephakathi kwemida yesiza neyesakhiwo iya kuthobela le miqathango ilandelayo:</p> <ul style="list-style-type: none"> <li>Ilungelo lobunini iya kuhlala ilelo llintu neSixeko, yaye liya kuvulela ilungelo lokungena kuzo ngawo onke amaxesha;</li> <li>Umgangatho wophahla olusesitratweni lwabahambi-ngenyawo uya kuba kwizinga uya kuba kumgangatho omnye nesitrato esilapho, yaye uphahla alusayi kuba nobude obungaphantsi kwe-3,66 m, yaye sibe iSixeko sanelisekile;</li> <li>Umandla onelungelo lobunini uya kuhlala uyipropati yomnini okanye lomntu othenge lo mhlaba kumnini, yaye awusayi kuba ngoweSixeko;</li> <li>Isakhiwo esakhiwe kwiSiza 166 siya kuxhaswa zikholam ezingaphandle kommandla onelungelo lobunini kumacala omame ukuze zenze ikholoneyidi eyanelisa iSixeko;</li> <li>Ikholoneyidi ebufana ingakhiwa kwicala laseRoggebaai Square kwiSiza 167.</li> </ul>
H	146	Akukho sakhiwo siya kwakhiwa kummandla ophawulwe njengophahla olusesitratweni lwabahambi-ngenyawungaphandle kophahla olusesitratweni lwabahambi-ngenyawo nekhonophi koloo phahla, indawo yokupaka ephantsi komhlaba, iivenkile ezikwibheyesimenti, izitora ezikwibheyesimenti, izibonelelo zokulayisha, ngaphandle kwemvume ebhaliweyo yeSixekonoboniswe njalo kumzobo ofanelekileyo.
I	144, 146 & 147	Indawo yokungena izithuthi kwezi ziza iya kuba seSauer Street kuphela ngokwelungelo lobunini bendlela obuboniswe kwimizobo efanelekileyo, yaye ukuba enye okanye ezininzi kwezi propati zingathengiswa ngokwahlukileyo, kuya kusebenza amalungelo obunini-mhlaba aqulethwe kuMqulu woBunini beePropati.

(11) Apho ipropati ixhomekeke kwimiqathango yelungelo lobunini boluhlu A kwtheyibhile ingentla, enesihloko esithi, 'Imiqathango yelungelo lobunini, umgangatho wokuqala, owesibini nowesithathu wesakhiwo kuloo propati uya kukroba kwimida yesitrato neyendawo yoluntu ukwenza uphahla olusesitratweni lwabahambi-ngenyawo ngokuhambelana nale miqathango ilandelayo:

- (a) Ubungakanani nobude baloo ndawo ivelileyo buya kuthobela imilinganiselo kwimizobo eneencukacha enguTPX 7773/1 ukuya ku- 7773/3, yaye iindawe ezicuthiweyo ziboniswe kwiiPlani LAO/4(i)-(iii);
- (b) Imilinganiselo iya kuxhaswa ziikholam ezimilo ibusilinda okanye okwepholigoni, ze umlinganiselo ngamnye ube nedayamitha eyi-508 mm, enezithuba ezivulwe ngokuhambelana nemilinganiselo eboniswe kwimizobo;
- (c) Uyilo neencukacha zemilinganiselo neyeemathiriyeli ziya kuthobela imiqathango eboniswe kwimizobo;
- (d) Zonke iimpawu zezakhiwo kubandakanywa nohlanganiso lweemathiriyeli ziya kuhambelana neempawu zeepropati ezayame kuleyo, ngendlela eyanelisa iSixeko; yaye
- (e) Amaphahla ezakhiwo aya kumelana namanye amaphahla ommandla wonke, ngaphandle kwemibhobho ekhongozela amanzi esenokuba yimfuneko.

(12) Apho ipropati ixhomekeke kwimiqathango yelungelo lobunini loluhlu B kule theyibhile ingentla, enesihloko esithi, 'Imiqathango yelungelo lobunini, isakhiwo sonke kumgangatho wokuqala siya kuphumela kumda oyindawo yoluntu ze lwenze uphahla olusesitratweni lwabahambi-ngenyawo ngokuhambelana nemiqathango ekwimibana(11)(a) ukuya ku-(11)(e), njengoko kuchaziwe kumbana(10).

(13) Apho ipropati ixhomekeke kwimiqathango yelungelo lobunini ekuluhlu A, B okanye kule theyibhile ingentla enesihloko esithi, 'Imiqathango yelungelo lobunini, akusayi kuvunyelwa bheysisimenti phantsi kommandla onelungelo lobunini, ngaphandle kokufumana imvume yeSixeko yaye oko kuxhomekeke kwimiqathango enokubekwa siSixeko.

(14) Apho ipropati ixhomekeke kwimiqathango yelungelo lobunini ekuluhlu D, E, F okanye G kule theyibhile ingentla, enesihloko esithi, 'Imiqathango yelungelo lobunini, inxalenye yepropati enelungelo lobunini iya kupheyivwa ze imenteyinwe ngumnini wepropati ngendlela eyanelisa yeSixeko kwimathiriyeli, imigangatho neminye imiqathango iSixeko esingayibeka.

(15) Obona ubude buphantsi bophahla olusesitratweni lwabahambi-ngenyawo luya kuba yi-3,66 m uphahla lwendawo yokungena izithuthi luya kuba yi- 7 m, yaye obo bude buya kumetwa ukusuka phantsi endleleni.

### **188 Imiqathango engqalileyo: Ummandla waseBakoven, Clifton neGlen Beach Bungalow (LAO/5)**

(1) Imiqathango kulo mba iya kusebenza kummandla waseBakoven, Clifton naseGlen Beach Bungalow njengoko uboniswe kwiPlani LAO/5(i) naku(ii).

(2) Kulo mba:

- (a) **'Ummandla waseBakoven, Clifton and Glen Beach Bungalow'** uthetha ummandla oboniswe kwiiPlani LAO/5(i) naku(ii);
- (b) **'utyani olukumda'** luthetha naluphi utyani olukhula kwi-2 m yomda waso nasiphi isiza;
- (c) **'isatifikethi'** ukulungiselela umcinjana(k) sithetha ingxelo ebhaliweyo esayinwe yintloko yesebe elichaphazekayo apho kuchazwa ngotyani olukumda, imithi emoshiweyo okanye esusiweyo kunye neendleko zolungiso lokonakalisiweyo;
- (d) **'ukuba neengqolo'** kuthetha ukuba lenziwe laneengqolo nemisantsa ukwenzela ukuba:
  - (i) umgama phakathi kweepoyinti eziphezulu kwiingqolo nakwiipoyinti ezisezantsi kwimisantsa awukho ngaphezu kwe-40 mm; yaye
  - (ii) umgama phakathi kweepoyinti ezisembindini weengqolo nemisantsa awukho ngaphezu kwe-95 mm;
- (e) **'iiyadi zokomisa'** zithetha indawo ebiyelweyo engenaphahla engekho ngaphezu kwe-20 m<sup>2</sup>;

- (f) 'ukwalekana' uthetha ukuba ziqulathe imicwe eyalekeneyo enobubanzi obungekho ngaphezu kwe-150 mm;
  - (g) 'isiqukatho sophuhliso' sithetha imida yemizobo entlantu-ntathu eboniswe kwiiPlani numbered TPZ 11246/1 ukuya kuTPZ 11246/103 ibandakanya konke, noTPZ 11731/1 ukuya kuTPZ 11731/58 ibandakanya konke, noTPZ 11730/1 ukuya kuTPZ 11730/14 ibandakanya konke, kodwa ayiyi kubandakanya udlulelo kweminye imida oluchazwe kuloo plani;
  - (h) 'izibonda ezimileyo' zithetha imicwe emeleneyo enobubanzi obungekho ngaphezu kwe-100 mm, kunye nesithuba esiya-75 mm ubukhulu;
  - (i) 'iimpawu' zithetha naluphi uphawu olunegama okanye iinkcukacha nokuba zeziphi;
  - (j) 'inemicwe' kuthetha ukuba inemicwe emeleneyo enobubanzi obungekho ngaphezu kwe-150 mm; kananjalo
  - (k) 'utyani', ngaphandle kokucutha intsingiselo yalo, lubandakanya nayiphi iheji okanye isihlahla.
- (3) Le miqathango ilandelayo isebenza kummandla waseBakoven, Clifton naseGlen Beach Bungalow njengoko uboniswe kwiPlani LAO/45(i):
- (a) Akukho poyinti iya kukroba kuso nasiphi isakhiwo esikhoyo okanye esiza kwakhiwa kwiyunithi yomhlaba ngaphaya kwemida yaso;
  - (b) Onke amadonga angaphandle kuzo nasiphi isakhiwo esiza kwakhiwa kwiyunithi yomhlaba aya kuba nenkangeleko yamaplangwe ayimicwe okanye ayimiqolo;
  - (c) Onke amaphahla aya kuba neengqolo ngaphandle kwaxa iSixeko samkele iziletyi yaye umgama phantsi wolo phahla iya kuba yi-15° ngaphandle oko kungavunyelwa ngokwemida yophuhliso;
  - (d) Naluphi ubiyelo oluzimeleyo luya:
    - (i) Kuba nemicwe okanye izibonda; yaye
    - (ii) alusayi kuba ngaphezu kwe-1,25 m ubude, ngaphandle kobiyelo lweyadi yokomisa olunokwenziwa lube nobude obungekho ngaphezu kwe-2,1 m;
  - (e) Naluphi udonga oluzimeleyo luya:
    - (i) kuplastarishwa, lupeyintwe; yaye
    - (ii) alusayi kuba ngaphezulu kwe-1,25 m ubude;
  - (f) Akukho yadi yakomisa eya kuba kufuphi kune-3 m ukusuka kumda owahlula iyunithi yomhlaba kwipaseji yoluntu okanye kumhlaba ongamabala kawonke-wonke okanye isitrato;
  - (g) Akukho ludonga olungumda onqanda umhlaba oluya kuba ngaphezu kwe-1,25 m ubude;
  - (h) Akusayi kufakwa zibane ephahleni, iitshimini ezingezozamatye, izitsali-mbane elangeni, iidishi zesathelayithi naziphi ezinye iimpawu ngaphezu kopahla lwaso nasiphi isakhiwo okanye nandawoni kwisiza ngaphandle kokufumana imvume yeSixeko;
  - (i) Akusayi kuxhonywa sayini kwisiza ngaphandle kokufumana imvume ebhaliweyo yeSixeko;
  - (j) Akukho mntu uya kugrumba, akhuphe okanye atshabalalise imithi okanye iheji ngaphandle kokufumana imvume ebhaliweyo yeSixeko;
  - (k) Kutyani olukumda okanye kumthi omoshiweyo okanye osusiweyo, iSixeko singalima olunye utyani okanye umthi ngeendleko zomnini wesiza ochaphazelekayo, apho isatifikethi esisayinwe nguManejala weSixeko siya kuba bubungqina boko kumosha kunye neendleko zokubuyisela ezo zinto zimoshiweyo; yaye
  - (l) Akusayi kufakwa izinto ezibengezelayo ngaphandle kwaso nasiphi isakhiwo esikwisiza.

### 189 Imiqathango engqalileyo: Umandla oseVictoria Road, eClifton (LAO/5(ii))

- (1) Imiqathango kulo mba iya kusebenza kummandla waseClifton kwicala elingezantsi leVictoria Road, njengoko kuboniswe kwiPlani LAO/5(iii).
- (2) Nasiphi isakhiwo esingundoqo nesakhiwo esingaphandle esakhiwe kwisiza esikulo mmandla kufuneka sithobele le miqathango ilandelayo:

- (a) Ngaphandle kwezinto ezichazwe apha, akukho sakhiwo esingundoqo okanye isakhiwo esingaphandle siya kwakhiwa ngendlela yokuba nayiphi ipoyinti kweso sakhiwo okanye isakhiwo esingaphandle ikufuphi nomda wesiza kunomgama ochaziweyo kule theyibhile ingezantsi enesihloko esithi, 'Ubuyiso lwesakhiwo olufunekayo kummandla oseVictoria Road, eClifton':

**Ubuyiso lwesakhiwo olufunekayo kummandla oseVictoria Road, eClifton**

Umda	Ubuyiso olufunekayo kwiipoyinti ezikwisakhiwo
Isitrato	4,5 m
Ngaselwandle	Isinye esithathweni sobunzulu besiza kumda wesitrato ukuya kumda ongaselwandle
Eminye imida	6 m okanye 0,5H, nokuba ngowuphi umqathango ongqongqo kunomnye

- (b) Xa kumiselwa imiqathango ekule theyibhile, ngaphandle kwemiqathango echaziweyo, le miqathango ilandelayo iya kusebenza:
- Uphawu olungu-'H' luthetha ubude ngokweemitha zepoyinti ezichaphazelekayo;
  - Igama elithi 'ubuyiso', kumda othile nakwisakhiwo okanye kwipoyinti yesakhiwo, uthetha umda ngokweemitha ukusuka kuloo mda okufuphi neso sakhiwo okanye nalo poyinti (kuxhomekeke kwimeko leyo) isakhiwo esingenakudlula kuwo; yaye
  - Apho, ngokwethyibhile enesihloko esithi, 'Ubuyiso lwesakhiwo olufunekayo kummandla oseVictoria Road, eClifton' elapha ngentla, kubekwe indlela ezimbini zobuyiso lomda ezinokusetyenziswa kwipoyinti ethile okanye kwisakhiwo esithile, kuya kusetyenziswa ubuyiso olukhulwana kunolunye.
- (c) Nawuphi umgangatho ongaphantsi komgangatho osezantsi, ngaphandle kwalowo ungaphantsi komgangatho osezantsi ngokupheleleyo, ngeenjongo yalo mba uya kuthathwa njengomgangatho osezantsi.
- (d) Ububanzi besakhiwo esingundoqo esimetwe ngokumelene neVictoria Road, abusayi kuba ngaphezulu kwehafu yetotali yomphambili wesitrato seso siza.
- (e) Ukusuka kwenye yepoyinti ezimbini apho imida esemacaleni yeyunithi yomhlaba idibana nomda wesitrato, kuza kukwazeka ukuzoba umgca ositreyiti onqumla loo yunithi yomhlaba kwiengile engu-25° ukuya kumda osecaleni, ukwenzela ukuba kungabikho sakhiwo esakhiwe phakathi kwaloo mgca nalo mda usecaleni.
- (f) Akukho sakhiwo esikuloo yunithi yomhlaba, ngaphandle kwesakhiwo esingekho ngaphezu kwe-8 m ukusuka kumda wesitrato, esiya kudlula kwi-13 m ubude.

**190 Imiqathango engqalileyo: Ummandla waseCamps Bay naseBakoven (LAO/9)**

- Ummandla oboniswe kwiPlani LAO/9(i) ulawulwa yimiqathango yalo mba.
- Akukho sakhiwo kummandla waseCamps Bay naseBakoven esiya nemigangatho engaphezulu kwesithathu ubude.
- Akukho ludongana lwesakhiwo esikummandla waseCamps Bay and Bakoven luya kuba ngaphezulu kwe-10m ngaphezu komgangatho womhlaba owoyame kolo dongana.
- Ukulungiselela umcinjana (3), 'umphambili' uthetha udonga olungaphambili lwesakhiwo, ngaphandle kodonga lweyadi engaphakathi kweyadi enkulu.
- Noxa kukho imiqathango yemibana(2) ukuya ku-(4), kummandla oboniswe kwiPlani LAO/9(ii):
  - Akukho sakhiwo esiya kuba ngaphezulu kwemigangatho emibini ubude; yaye
  - Akukho ncam nakwesinye isakhiwo eya kuba nde ngaphezu kwe-6 m ngaphezu komgangatho ongaphantsi kwayo.

**191 Imiqathango engqalileyo: Ummandla wengingqi yaseGardens, Tamboerskloof, Green Point, Bantry Bay and Camps Bay / Bakoven (LAO/13(ii))**

- Ummandla oboniswe kwiPlani LAO/13(ii) ulawulwa yimiqathango yalo mba.
- Zonke iipropati ezikuloo mmandla ezizowunwe njengeSR1 zinelungelo elongezelelekileyo lokusebenzisa indawo yesibini yokuhlala, kuxhomekeke kwimiqathango edweliswe kumba 53 yenkqubo yolawulo lophuhliso.

**ISAHLULO V: IZIHLOMELO  
ISAHLUKO 21: IZIHLOMELO  
ISIHLOMELO A**

**ULUDWE LOSETYENZISO OLULODWA NGOKOMBA 15**

<b>Igama losetyenziso olulodwa</b>	<b>Inkcazelo yosetyenziso olulodwa</b>	<b>Inombolo yeSalathiso (ukuba ikhona)</b>
<b>IZibonelelo zezithuthi ezikhawulezayo (IRT)</b>  Ezisebenza kwii'ndawo ezizowunwe njengezisetenziselwa ezothutho 1: Usetyenziso lwezithuthi (TR1) 'neZithuthi Ukuzowuna 2: Indlela kawonke-wonke neNdawo yoKupaka iimoto yoLuntu (TR2)'. ISixeko siding iplani yophuhliso lwesiza ukuba ingeniswe xa kusenziwa izitishi zeIRT eziza kusetyenziselwa nezinye izinto (ezingezozezitophu ezisendleleni ezincinci) kuphela kwizowuni enguTR2, ukugqiba ngemigaqo yophuhliso. Kuya kusebenza imiqathango yeplani yophuhliso lwesiza kumba 123.	Izibonelelo zezithuthi ezikhawulezayo (IRT) zithetha usetyenziso lomhlaba, izakhiwo okanye izakhelo zezibonelelo zonke, iinkonzo, uphuhliso olufunekayo ukuze iinkonzo zezithuthi ezikhawulezayo zisebenze ngempumelelo ukuthutha abakhweli, kubandakanywa usetyenziso lomhlaba, nezakhiwo ukuba zibe zizitishi zeebhasi, izitophu zebhasi, iirenki okanye iidepho, yaye oku kubandakanya ukusetyenziselwa nezinye iinkonzo	

**ISIHLOMELO B**

**UVIMBA WEMIMANDLA ENOCWANGCISO OLULODWA NGOKOMBA 136(1)**

<b>Igama lommandla onocwangciso olulodwa</b>	<b>Inombolo lommandla onocwangciso olulodwa</b>	<b>Inombolo yeSalathiso (ukuba ikhona)</b>
Cape Town Film Studios (Dreamworld) Ummandla wocwangciso olulodwa		

**QAPHELA:** Imimandla enocwangciso olulodwa ingaboniswa kwimephu yokuzowuna ngekhawudi enguSPA olandelwa yinombolo yommandla wocwangciso olulodwa ochaphazelekayo.

**ISIHLOMELO C**

**ULUDWE LWEEPLANI EZICHONGA II-PT1 NEMIMANDLA YEPT2 NGOKOMBA 137**

<b>Inkcazelo yommandla</b>	<b>Inombolo yeplani</b>	<b>Inombolo yeSalathiso (ukuba ikhona)</b>



