



**GUIDELINE DOCUMENT IN TERMS OF SECTION 12(3) OF  
THE CITY OF TSHWANE LAND USE MANAGEMENT BY-  
LAW, 2016 (AMENDED 2024) FOR THE COMPILATION OF  
LAND USE SCHEME RELATED DOCUMENTS FOR LAND  
DEVELOPMENT APPLICATIONS**

COMPILED BY:

ECONOMIC DEVELOPMENT AND SPATIAL PLANNING DEPARTMENT  
MARCH 2024

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# **CHAPTER 1**

## **1. INTRODUCTION**

The City of Tshwane Land Use Management By-law, 2016 (Amended 2024) (hereafter referred to as the “LUM By-law” was approved by Council on 25 January 2024, promulgated, and came into operation on 30 April 2024.

In terms of section 12(3) of the LUM By-law, the Municipality may set guidelines with regard to the content, form, and manner of the inclusion of the conditions and other processes and procedures as provided for in the LUM By-law for the approval of a land development application into the Land Use Scheme. For the purposes of this document reference to the Scheme or Land Use Scheme (“LUS”) shall be in reference to the Scheme in operation, and for that purpose, the Tshwane Town-planning Scheme, 2008 (revised 2014) and the Land Use Scheme shall have the same meaning (hereafter referred to as the “TTPS” or “LUS” alternatively).

### **1.1 AIM OF THE GUIDELINE DOCUMENT**

- 1.1.1 To provide guidance with regards to the content, processes and procedures, form and manner for the compilation of Land Use Scheme and land development applications related documents for land development applications in terms of section 16 of the LUM By-law namely:
- (1) Rezoning in terms of section 16(1);
  - (2) Consent Use, Permission and Relaxation in terms of section 16(3) read with the TTPS;
  - (3) Township Establishment or Extension of Boundaries of a proclaimed Township in terms of section 16(4);
  - (4) Division of a Township in terms of section 16(5); and
  - (5) Subdivision and/or Consolidation in terms of section 16(12).
- 1.1.2 To guide the incorporation of conditions as authorized by the LUM By-law in terms of section 12(3) read with the provisions of the TTPS or any system of incorporating land use rights in the TTPS or as may have been approved by the City of Tshwane (CoT).
- 1.1.3 To provide guidelines for a standard format and compilation of an amendment scheme and development control documents for land development applications in terms of section 16 of the LUM By-law using standardised and legally acceptable terminology and grammar which will eliminate the ambiguous and unclear meaning of terminology.

### **1.2 PURPOSE OF THE GUIDELINES**

- 1.2.1 For purposes of this guideline document and in terms of the LUM By-law the following is relevant:
- (1) The draft amendment scheme documents shall be submitted by the applicant for land development applications in terms of sections 16(1), 16(4), and 16(5) of the LUM By-

law. During the evaluation and approval phase of the land development application, the Planning Professional of Land Use Management and Administration section (LUMA) drafts the final amendment scheme documents for approval by the Authorised Official, the Municipal Planning Tribunal, and/or the Municipal Appeals Tribunal as part of the application approval. The approval and amendment scheme should indicate the provisions for the Land Use Scheme to be amended and it shall be referred to as an amendment scheme map and annexure.

- (2) This does not preclude the imposition of conditions in terms of the “conditional approval” in terms of section 16 of the LUM By-law read with section 40 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), which conditions shall equally be applicable to the land development area.

- (3) The definition of an annexure or annexure to the Land Use Scheme in terms of the definitions in the Schedules to the LUM By-law is as follows:

*“means a document or set of documents annexed to the Land Use Scheme identified by any symbol or letter or number, in such form as may be prescribed by the Municipality, and shall include documents showing details of land use rights permitted, land use controls, limitations related to the exercising of land use rights and related details including conditions imposed and adopted in relation thereto, applicable on the property(ies) and land, marked with a black number within a black circle on the scheme map, which rights and conditions shall prevail over any other scheme clause or default scheme clauses; except that if land use rights and conditions are not stipulated in the said document(s) the provisions of the default scheme clauses shall apply and includes any adopted annexure or schedule of a former Land Use Scheme applicable in the Tshwane Municipal area.”*

- (4) This guideline document shall indicate the process, procedure, form, and format which scheme documents must be prepared by the applicant for submission of a land development application in terms of sections 16(1), 16(4), 16(5) and 16(16) read with Schedules 3, 6, 7, 29, 30, 31, 32 or other applications in terms of section 23 read with Schedules 15 of the LUM By-law.
- (5) In terms of the TTPS an Annexure T shall contain the details and controls of rights permitted and conditions imposed on a property(ies). These details, controls, and conditions shall prevail over any default Clause or provision of the Land Use Scheme, relating to that specific aspect. Where no controls are contained in the Annexure T or Amendment Scheme the default provisions, rights, or conditions and clauses shall apply as contained in the Land Use Scheme.
- (6) The development controls for Consent Use or Permission approvals containing the rights permitted or conditions imposed on a property shall only be as permitted in terms of the applicable zoning in terms of the TTPS and under no circumstances may it be amended by granting more rights, than permitted in the zoning in terms of the Land Use Scheme and its definitions and/or requirements. It must clearly be understood that these applications are “in terms of the Land Use Scheme” and the zoning as it applies to the property and not for the “amendment of the Land Use Scheme”, provided that an amendment of the land use rights and conditions will be allowed ONLY if it is a deviation for lesser land use rights as permitted in the zoning.
- (7) This guideline document sets out requirements for the submission of a site plan for land development application.

- (8) This guideline document sets out the categorization of Permission applications submitted in terms of section 16(3) of the LUM By-law and processes and procedures that may be determined related thereto.

1.2.2 Although this document is aimed at providing guidance for the incorporation of amendment schemes into the TTPS and how conditions are imposed for land development applications submitted i.t.o. the LUM By-law, the principles contained herein can be applied *mutatis mutandis* to applications submitted in terms of the Town-Planning and Townships Ordinance, 1986 (before and after the enactment of the SPLUMA or any other applicable legislation and for applications lodged i.t.o. the Tshwane Town-planning Scheme, 2008, and the revised TTPS, depending on the provisions of the said legislation.

### 1.3 ACRONYMS USED IN THIS GUIDELINE

CoT	City of Tshwane
LUMA	Land Use Management and Administration section
LUM By-law	The City of Tshwane Land Use Management By-law, 2016 (Amended 2024)
LUS	Land Use Scheme
MSA	Municipal Systems Act, 32 (Act 32 of 2000)
SDF	Spatial Development Framework
SDP	Site Development Plan
SPLUMA	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)
TPS	Town-planning Scheme
TTPS	Tshwane Town-planning Scheme, 2008 (revised 2014)

## CHAPTER 2

### 2. INFORMATION

#### 2.1 GENERAL INFORMATION

##### **Submission, finalisation and amendment of land development applications**

In terms of the transitional arrangements for the finalisation and/or amendment of a land development application, Clause 4: Transitional Clause of the TTPS and the Transitional Arrangements as contemplated in section 3 of the LUM By-law is applicable. The following principle must be applied:

Where any application is on the date of commencement of the TTPS pending before the Municipality in terms of a Scheme substituted by the TTPS, it shall be dealt with as if the TTPS has not been promulgated and shall be finalised and adopted accordingly. For ease of reference refer to Table 1 below.

The LUM By-law prescribes in terms of section 16(3) and in the case of designated areas section 16(3) read with section 16(16) the legislative processes, procedures, and requirements of land development applications for Consent Use, Permission and Relaxations in terms of the LUS. Due to the above, certain Clauses and Schedules of the TTPS will be superseded with the commencement of the LUM By-law, see Table 1B for more information.

**TABLE 1A: IMPORTANT DATES FOR THE PROCESSING OF LAND DEVELOPMENT APPLICATIONS**

<b>TABLE 1A: IMPORTANT DATES FOR THE PROCESSING OF LAND DEVELOPMENT APPLICATIONS</b>			
<b>TITLE OF DOCUMENT</b>	<b>DATE IT CAME INTO OPERATION</b>	<b>SUPERSEDED / APPLICABILITY</b>	<b>COMMENTS</b>
The Akasia-Soshanguve Town-planning Scheme, 1996 ●	1996	<ul style="list-style-type: none"> <li>● Areas that were part of the City of Tshwane in 2008: Replaced by the Tshwane Town-planning Scheme, 2008 on 19 June 2008</li> <li>■ Areas in erstwhile Metsweding where these documents applied were replaced by the Tshwane Town-planning Scheme, 2008</li> </ul>	<p>Finalize all applications submitted until 18 June 2008 i.t.o. the relevant TPS/ Act/ Legislation.</p> <p>All amendments of the application and any further advertisement must be done i.t.o. the TPS that it was submitted in.</p>
The Pretoria Town-planning Scheme, 1974 ●	1974		
The Centurion Town-planning Scheme, 1992 ●	1992		
The Peri-Urban Areas Town-planning Scheme, 1975 ● ■	1975		
The Pretoria Region Town-planning Scheme, 1960 ● ■	1960		

**TABLE 1A: IMPORTANT DATES FOR THE  
PROCESSING OF LAND DEVELOPMENT APPLICATIONS**

<b>TITLE OF DOCUMENT</b>	<b>DATE IT CAME INTO OPERATION</b>	<b>SUPERSEDED / APPLICABILITY</b>	<b>COMMENTS</b>
The Malelane Town-planning Scheme, 1972 ●	1972	(revised 2014) (TTPS).	
The Black Communities Development Act, 1984 ●■	1984		
The Development Facilitation Act, 1995 ●■	1996		
The Less Formal Township Establishment Act, 1991 ●	1991		
The Upgrading of Land Tenure Act, 1991 ● ■	1991		
Conditions of establishment (other legislation) ●			
Bronkhorstspuit Town-planning Scheme, 1980 ■	1980		
The Greater Cullinan Town-planning Scheme, 1999 ■	1999		
The Tshwane Town-planning Scheme, 2008	18 June 2008	This was revised and the amendment of the TTPS came into operation on the 13 <sup>th</sup> of November 2014	Finalize all applications submitted until 12 November 2014 i.t.o. the Tshwane Town-planning Scheme, 2008, with regards to the type of applications and definitions where applicable.  All applications submitted on or after 13 November 2014 must be finalized i.t.o. the TTPS.
Tshwane Town-planning Scheme, 2008 (revised 2014) (TTPS)	13 November 2014	Still applicable	
TTPS	13 November 2014	Still applicable	Applications submitted on or after the 1 <sup>st</sup> July 2015 must be read with the Spatial Planning and Land Use Management Act, 2013.
TTPS	13 November 2014	Still applicable	Applications submitted on or after 2 March 2016 must be done in terms of the TTPS and the LUM By-law (sections 16(1), 16(3) 16(4), 16(5) or 16(12))



<b>TABLE 1A: IMPORTANT DATES FOR THE PROCESSING OF LAND DEVELOPMENT APPLICATIONS</b>			
<b>TITLE OF DOCUMENT</b>	<b>DATE IT CAME INTO OPERATION</b>	<b>SUPERSEDED / APPLICABILITY</b>	<b>COMMENTS</b>
City of Tshwane Land Use Management By-law, 2016 (Amended 2024)	30 April 2024	All processes and procedures in the TTPS has been replaced with the relevant sections and Schedules in the LUM By-law	Consent Use, Permission and applications submitted to section 16(3) or section 16(3) read with section 16(16) regulated by the LUM By-law

**TABLE 1B: SUPERSEDED CLAUSES AND SCHEDULES OF THE TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) PRESCRIBED BY THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 (AMENDED 2024) WITH SPECIFIC REFERENCE TO SECTION 2(4)(a)**

<b>TABLE 1B: SUPERSEDED CLAUSES AND SCHEDULES OF THE TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) PRESCRIBED BY THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 (AMENDED 2024) WITH SPECIFIC REFERENCE TO SECTION 2(4)(a)</b>			
<b>Description in terms of the TTPS</b>	<b>Referred Clauses/Schedules of the TTPS</b>	<b>Reference in the LUM By-law</b>	<b>Superseded with LUM By-law?</b>
Part of Clause 4: Reference to the section 43 of the Town-planning and Townships Ordinance, 1986	Part of Clause 4(1)	Section 3(3)	Yes
Permission of Telecommunication Mast	Clause 14(11)	Section 16(16) – public infrastructure applications but can only be used once the TLUS has come into operation.	No
Requirements for the submission of documents i.t.o. Schedules 25 and 26	Clause 15(1)	Section 16(3)(b); Schedule 31 and 32  And section 16(16) read with section 16(3); Schedule 30	Yes
Prescribe the Advertisement procedure for a Permission application	Clause 15(2)	Section 16(1)(f); Schedule 13	Yes
Municipal decision on the approval or refusal of a Permission application	Clause 15(3)	Section 16(1)(s)(t) and (u) and 17	Yes
Contributing with respect to engineering services	Clause 15(4)	Chapter 7	Yes
Withdrawal of the applications (cancellation)	Clause 15(5)	Section 23(3); Schedule 20	Yes
Permission application for the amendment of the conditions of an approved Permission.	Clause 15(6)	None	No
Regulates that Consent use applications can be brought i.t.o. the Scheme	Clause 16(1)(a), (b), (d), (e), (f)	None	No
Extension of period for existing use in terms of section 43 of Ord 1986	Clause 16(1)(c)	Section 3(5)	Yes



**TABLE 1B: SUPERSEDED CLAUSES AND SCHEDULES OF THE TSHWANE TOWN-PLANNING SCHEME, 2008 (REVISED 2014) PRESCRIBED BY THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 (AMENDED 2024) WITH SPECIFIC REFERENCE TO SECTION 2(4)(a)**

Description in terms of the TTPS	Referred Clauses/Schedules of the TTPS	Reference in the LUM By-law	Superseded with LUM By-law?
Advertisement procedures	Clause 16(2)	Section 16(1)(f), Schedule 13	Yes
Information on Placard	Clause 16(3)	Section 16(1)(f), Schedule 13	Yes
Objections	Clause 16(4)	Section 16(1)(k), Schedule 25; COT: F/31	Yes
Requirements for advertisement and submission of proof	Clause 16(5)	Section 16(1)(o) and Schedule 13	Yes
Timeframes for when the approved Consent Use can be exercised	Clause 16(6)	Section 16(1)(y)	Yes
Municipal decision on the approval or refusal of the Consent use application	Clause 16(7)	Section 16(v)(ii); section 18(3)(n)	Yes
Lapse of consent use if non-compliance with the conditions occurs.	Clause 16(8)	None	No
Permission application for partial or non-compliance with the advertisement requirements.	Clause 16(9)	Section 49; Schedule 24	Yes
Withdrawal of the approved Consent Use application within 60 days of approval	Clause 16(10)	Section 23(3); Schedule 20	Yes
Permission application for the amendment of an approved Consent Use	Clause 16 (11)	None	No
Schedule 25: Requirements for an application for Permission in terms of Clause 15	Schedule 25	Section 16(3); Guideline document i.t.o. section 12(3), and section 16(1)(f)	Yes
Schedule 26 – Requirements for the advertisements for a Dwelling-house in terms of Clause 14(10)	Schedule 26	Section 16(1)(f), Schedule 13.	Yes

## Grammar

2.1.1 TTPS was compiled on the following principle that singular implies plural and *vice versa*. The singular implies the plural, thus the word "a" means one or more of. Where the intention is to specifically restrict the number, it was stated clearly in numbers, e.g. "One Dwelling-house"; "20 Dwelling-units per hectare".

Thus, when referring to a specific land use and the intention is that only singular applies, then the word "one" should be used if it is the intention to allow only one of a specific use.

2.1.2 Singular: Annexure T / Consent Use / Permission.  
Plural: Annexures T / Consent Uses / Permissions.

## Existing land use rights and evaluation of a land development application

- 2.1.3 The zoning certificate and zoning information contained in a land development application shall always be verified with the existing zoning on the Electronic Zoning Database on the GeoWeb platform to ensure that the most recent zoning information is used. This includes approved and adopted Consent Use(s) and Permission(s), in terms of the LUM By-law linked to the property(ies) (see paragraph 2.1.5). This is important when evaluating a land development application.

NOTE: In terms of section 16 (3)(g) of the LUM By-law the following is applicable: -

If a property has an adopted Consent Use(s) and/or Permission(s) linked to the electronic zoning database it shall lapse if not taken into consideration at the time of submission, advertising and approval of a rezoning, township establishment or extension of boundaries of a proclaimed township application. Do not assume it will still be valid after the approval and adoption of the rezoning, township establishment or extension of boundaries of a proclaimed township. The land development application as submitted must address the existing land use rights (including consents and permissions) at the time of submission and must include the uses that should still be applicable with the approval and adoption – taking into consideration that which was applied for and advertised in the new rezoning, township establishment or extension of boundaries in a proclaimed township application.

The rezoning, township establishment, or extension of boundaries of a proclaimed township implies the amendment of the provisions of the LUS as it relates to land and buildings, and therefore it is done in total (i.e. it replaces the rights on the property with those applied for) and those land use rights which were existing must either be considered and re-incorporated into the new land development application or will be discarded or amended through the rezoning, township establishment or extension of boundaries of a proclaimed township application.

(Also see paragraphs 3.2.1.1 (8) and 3.2.2.1 (8).)

## **Notation and numbering of Annexures and Development Controls**

- 2.1.4 If an Annexure T is applicable, the zoning of a property(ies) should refer to it, especially in approval letters and reports, e.g.

... zoned Business 4, subject to Annexure T T1234.

... zoned Special for Business Buildings and Shops, subject to Annexure T A5678.

... zoned Residential 1 with a minimum erf size of 1 000 m<sup>2</sup>, subject to Annexure T S1357.

Use the correct number and if there is a letter applicable it should be used since it is of the utmost importance to avoid confusion. Old Annexures B which was part of the Pretoria Town-planning Scheme, 1974, were incorporated as Annexures T into the TTPS, without the B before the numbers. Thus, you will find on Clauses of promulgated amendment schemes a referral to “By the deletion of Annexure T (B) 98...”

For clarity and information purposes, Table 2 gives an overview of the different combinations for *ANNEXURE T* numbers that are available and still active on the Electronic Zoning Database on the ArcGIS/GeoWeb platform.

- 2.1.5 If Consent Use or Permission land development applications are linked to properties on the Electronic Zoning Database on the ArcGIS (visible and accessible on GeoWeb) platform, it will be indicated with a document code consisting of a combination of alphabetic letters and numbers. A document can consist of more than one Consent Use and/or Permission

approval. The alphabetic letters used with *CONSENT USE DOCUMENTS* linked on the Electronic Zoning Database on the ArcGIS platform are also included in Table 2. Take note that it is just a code for the purposes of linking it and can therefore be amended from time to time. The alphabetic letters refer to sources etc. where Consent Uses were obtained from.

(Please verify if a particular Consent Use is still valid and whether it also needs to be removed from the Electronic Zoning Database on the ArcGIS platform. Verification refers to whether a particular Consent Use is still valid or has lapsed. That could be determined by verifying conditions in the Consent Use or even a site inspection. Also refer to paragraph 2.1.3.)

2.1.6 Annexures T / Consent Uses / Permissions consist of controls and conditions relating to the approval of the land development application and land use rights as contemplated in the LUM By-law, not general information, or statements. They are legal documents and conditions must be legally enforceable and would require compliance of the conditions in terms of the provisions of the LUM By-law. Matters that are included that are not capable of compliance become problematic in the interpretation of the documentation.

2.1.6.1 Conditions that are capable of being complied with and once complied with no longer needs to be complied with should ideally not be included in an Annexure T. An Annexure T is the document based on which building plans are approved and if conditions are included in the Annexure T, it means that every single time there is an amendment or alteration on the building plan, proof of having complied with the said condition must be submitted.

**TABLE 2: EXPLANATION OF ALPHABETIC LETTERS USED ON ARCGIS/GEOWEB/ZONING CERTIFICATES**

<b>TABLE 2: EXPLANATION OF ALPHABETIC LETTERS USED ON ARCGIS/GEOWEB/ZONING CERTIFICATES</b>		
<b>ANNEXURE T NUMBERS</b>		
<b>SCHEME NAME</b>	<b>LETTERS</b>	<b>METSWEDING FINAL DOCUMENTS</b>
Tshwane Town-planning Scheme, 2008 (revised 2014)	T	--
Pretoria Town-planning Scheme, 1974	(Null) ( <i>before 2012 only numbers were used</i> )  B ( <i>after 2012</i> )	--
Centurion Town-planning Scheme, 1992 (revised 1999)	S	--
Akasia-Soshanguve Town-planning Scheme, 1996	A	--
Peri-Urban Areas Town-planning Scheme, 1975	PUA	MPUA
Pretoria Region Town-planning Scheme, 1960	PRA	MPRA
Malelane Town-planning Scheme, 1972	MA	--
Bronkhorstspuit Town-planning Scheme, 1980	BRA	MBRA
The Greater Cullinan Town-planning Scheme, 1999	GCA	MCGA
<b>CONSENT USE DOCUMENT CODES</b>		
<b>EXPLANATION</b>	<b>ALPHABETIC LETTERS</b>	
Akasia offices – hard copy documents scanned	AC	
Pretoria office mostly – hard copy documents scanned	C	
Consolidated Consents – more than one source where documents were obtained	CC	
Pretoria office – electronic copies of documents saved on old G drive on network	G	
Consent Uses of Malelane TPS, 1972	MC	

<b>TABLE 2: EXPLANATION OF ALPHABETIC LETTERS USED ON ARCGIS/GEOWEB/ZONING CERTIFICATES</b>	
Consent Uses of Metsweding scanned from old files	MCU
New Consent Uses – hard copies scanned	NC
Consent Uses from APS	P
Consent Uses of Pretoria Region TPS, 1960 – prior 2008	PRC
Consent Uses of Peri-Urban Areas TPS, 1975– prior 2008	PUC
Centurion offices - hard copy documents scanned	T
Tshwane (CoT) consent uses and permissions (regardless of which town-planning scheme)	TCU

## Policies and Spatial Development Frameworks

- 2.1.7 In terms of section 26 to 35 of the Municipal Systems Act, 32 (Act 32 of 2000) (the “MSA”) the Spatial Development Framework (the “SDF”) is a component of the Integrated Development Plan which is a statutory document. Contained therein are various policies that are similarly given status in terms of the SDF. They are compiled and have the objective to guide forward planning and to set criteria for the evaluation of specific land development applications/uses in accordance with the objectives set out in the SDF. It is, however, necessary to note that the proposals contained in the SDF in terms of the land uses that can be supported in terms of control measures should still be translated into enforceable conditions and cannot refer to the document from which it is derived by name or implication. The SDF and any policy contained therein are subject to amendment and reviews and amendment and reviews of the LUM By-law and cannot be used as the basis or in reference to land use controls, i.e. there is no support to enforce these conditions.

### Example of incorrect referencing:

*The development shall adhere to the approved Development Guidelines: Olievenhoutbos X36.*

Or

*All buildings and structures to be erected shall be made subject to the provisions of the Urban Development Framework, Monavoni Extensions 3 and 4, 2004, and any amendments to the said document as may be affected and approved by the homeowner’s association. Building plans shall only be submitted to the Municipality for final approval once the said plans have been evaluated and approved by the Trustees of the association.*

## Departmental comments

- 2.1.8 Comments and conditions from all Municipal and/or National or Provincial departments shall be considered and where applicable be included as conditions (not comments) in approval of the land development application and where capable of being enforced through the Annexure T / Consent Use / Permission. The inclusion of conditions that are not required by the relevant department should be avoided especially conditions that have the purpose of being complied with where after such compliance has no relevance to the exercising of rights. Problems, with comments and/or conditions and differences with the internal and external departments must be resolved by the applicant of the land development application before the compilation of an Annexure T or development controls for a Consent Use / Permission are finalised.

Note that some comments only serve for information purposes and the Planning Professional of LUMA needs to evaluate the implications to include the departmental conditions and comments if it can be translated into conditions or not for purposes of drafting the Annexure T or development controls for approval. Only the updated or latest and applicable comments and conditions from departments must be used and previous or outdated comments and conditions must not be included.

The LUM By-law as well as SPLUMA relies on the issuing of a “conditional approval” in terms of section 16 and section 43 respectively. It is therefore very important to make a distinction between a comment and a condition by the departments. Where comments are offered and it must be included in the approval or Annexure T/Consent Use/Permission as a condition, it must be done carefully.

The comments from the different departments can be included as conditions in the relevant columns/headings or under the General conditions of the amendment scheme or development control template. Make sure that conditions included under General conditions are not already under another paragraph or repeated elsewhere in the Template (also refer to Tables 3 and 4).

It should be noted that the TTPS already provides for the provision and construction of engineering services in terms of Clause 18(18) thereof. Chapter 7 of the LUM By-law also deals with engineering services, having to be provided to the satisfaction of the Municipality for purposes of the adoption of a land development application. Additional requirements for engineering services must therefore be carefully considered. Two types of conditions usually arise out of the comments and conditions for engineering services. The one is where upgrading of services shall be required but once upgraded i.e., 100 mm water pipe, the developer/owner shall not be required to prove compliance every time he deals with the property, this is generally included as a pre-promulgation or adoption condition. These conditions should not be included in the Annexure T if it can be governed either through Clause 18(18), as a pre-adoption condition or a general condition. The second type of condition is of a general nature, which can be included if it can definitively be stated that it shall always apply. E.g. stormwater attenuation shall be dealt with on the property to the satisfaction of the Municipality. Even though this is an engineering services condition, it is a condition that applies in perpetuity.

When imposing a condition specifically with regards to engineering services and other matters extraneously from only land use controls it is important that it be included as to WHEN compliance will be required i.e., before adoption, the exercising of the rights, the approval of an SDP, the approval of a building plan etc.

With the conditional approval of a land development application, several conditions as required by the Engineering Services departments can be dealt with during the pre-promulgation or pre-adoption phase and need not be included in the Annexure T or Development Controls of the Consent Use / Permission.

## **Terminology and Notation**

- 2.1.9 The TTPS defines "Ancillary and Subservient Uses" as uses or activities which support and compliment the main use on the property, and which should not be capable of existing on their own when the main use on the property is discontinued. Therefore, it cannot be considered to stand alone and should only be used in exceptional circumstances; and if so,

be restricted for example to an area. The Ancillary and Subservient Uses should never exceed the primary right.

2.1.10 The word "shall" or "must" should preferably be used. Refrain from using words such as "may", "can", "will" etc.

2.1.11 The words "trade and business purposes" should never be used in an Annexure T /Consent Use / Permission. Rather specify which specific rights are meant.

Refer to Clause 14(9)(b) of the TTPS when the term "business purposes" has been used in approved Annexures T / Consent Uses / Permissions:

*"(b) Where it is referred to in documents such as an Annexure T, Consent Use, Title Deed, Deed of Grant as a business purpose then it means land and buildings used for Business Buildings, Shops, Place of Refreshment, Vehicle Sales Mart, Retail Industries and Place of Amusement of other business enterprises for financial gain."*

2.1.12 The use of the term "City Council" is wrong, the correct term is: The City of Tshwane Metropolitan Municipality or in short, the "Municipality". "Municipality" is defined in the TTPS and the LUM By-law. City Council means the governing body of the Municipality, which implies that the Council as a body must deal with the content referred to and not the Municipality as a Local Government exercising its powers, functions and duties through a Corporate System of Delegations.

(Note: It is only necessary to use the complete term once in the beginning of an Annexure T/Consent Use/Permission, thereafter the term "Municipality" can be used. It is not incorrect to use the complete term in every condition.)

2.1.13 Should there be a reference to a specific town-planning scheme, please note the correct spelling (as promulgated), e.g., Pretoria Town-planning Scheme, 1974; Tshwane Town-planning Scheme, 2008 (revised 2014).

2.1.14 Use the words "erf" (or "erven") when reference is made to a property within a proclaimed township. "Proclaimed township" is defined in the LUM By-law (and has a similar meaning in the Ordinance). If notice of the Township was given that it is a proclaimed township, then properties contained therein are referred to as "erf" or "erven".

Use the term the "property" (or "properties") when referring to farm portions and agricultural holdings. The LUM By-law refers to "property(ies)" rather than land since both the Ordinance and other legislation such as SPLUMA have limited definitions of land.

BUT always verify whatever word is used with the specific definition as contained in the TTPS.

Take note of the difference between, "erf/erven", "land" and "site(s)" as it relates to the various definitions.

2.1.15 The word "site" should only be used in certain circumstances and then only in the context of the definition of the TTPS.

2.1.16 If acronyms are used in documents be sure that it is interpretable and defined in the relevant legislation in terms of which the documents have been drafted. For example, Eskom, SABS



are common, but BRT, RSDF, RF-emissions, PRASA etc. are less common and will be written in full when used for the first time.

2.1.17 Numbering of conditions and sub-conditions in Annexures T/Consent Uses/Permissions should follow the numbering style of the TTPS (and the LUM By-law).

1.       ...  
      (1)       ...  
              (a)       ...  
                      (i)       ...  
                              (aa)       ...

Refrain from using bullets or other special characters. Where conditions relate to specific departments, do not start with a new numbering sequence, please continue with the original series of numbers.

2.1.18. According to the Oxford Online Dictionary that the CoT use as a guideline, where the words "provided that ..." are used, note that they are preceded by a comma, for example:

"The erf is subject to the conditions contained in Schedule 4, provided that not more than ..."

2.1.19 When the % character is used, there should be no spaces between the number and the character, for example:

"The total coverage of buildings shall not exceed 60%."

2.1.20 When the m or m<sup>2</sup> abbreviation is used there should be a space between the number and the abbreviation, for example:

"The minimum width of the panhandle shall be 3 m."

"The erf size shall not be less than 700 m<sup>2</sup>."

(Please note: This rule applies to all International System of Units (SI Units).)

2.1.21 At the end of a sentence, use a full stop. Then one (1) space followed by the new sentence starting with a capital letter.

2.1.22 A comma is never used before brackets.

2.1.23 Do not use "X" in the place of "Extension". Write it out in full. (On ArcGIS and GeoWeb, however, an "X" is used in the *field* of the *Boundary Label* to indicate "Extension" due to limited space.)

2.1.24 Use decimal commas and not decimal points, e.g., 1,6 and not 1.6.

2.1.25 Use the same methodology as contained in the TTPS for referencing to a particular land use and note the use of Capital Letters when referring to uses in the TTPS. E.g., where a land use is defined in the TTPS, the wording of that land use is capitalised i.e., Guest-house must start with a capital; Builder's Yard – both words begin with a capital letter.



## 2.2 TECHNICAL INFORMATION

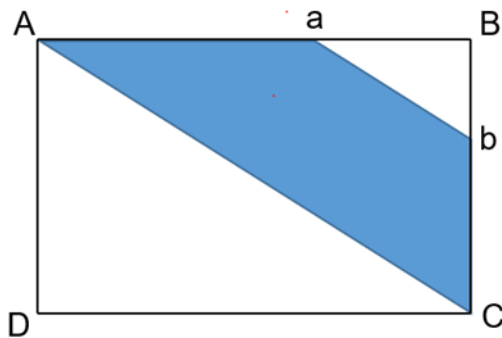
### Part of an erf/property

- 2.2.1 When referring to a specific area of an erf/property (or street portion) use the term "Part" and not "Portion" or "Figure", e.g., Part ABCDA. Ensure that the starting point is repeated at the end to close the polygon.

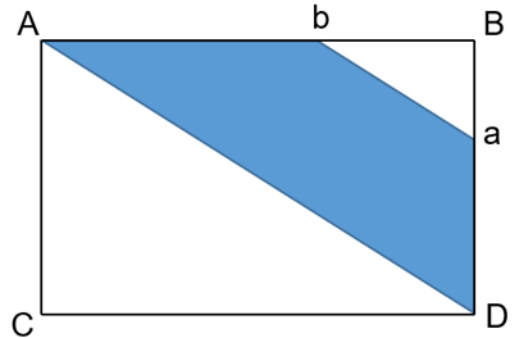
When a Part is applicable it should always be accompanied by a map indicating such a Part. This plan should have proper descriptions, measurement, decimal co-ordinates etc. to be able to identify and plot the Part on the property, and should form part of the approval documents for example:

*"No development will be permitted within the 'no development' zone as indicated by Part ABabcA on the map due to geological conditions."* End with the reference point that you started with i.e. "A.....A"

- 2.2.2 Reference to the Part should make sense. Make sure the lettering in the text and lettering on the Map or Site Plan correlates to describe the coloured area, e.g., "Part AabCA"



**CORRECT**

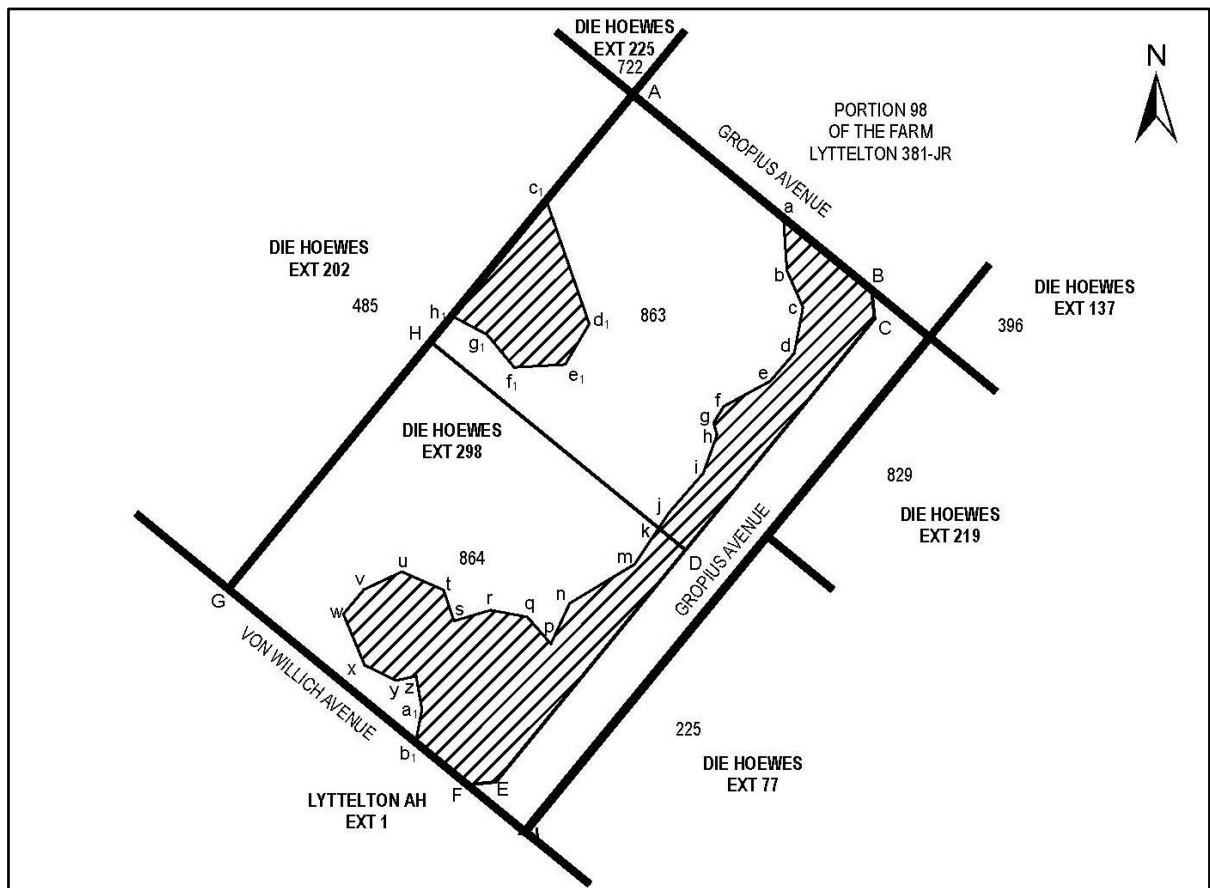


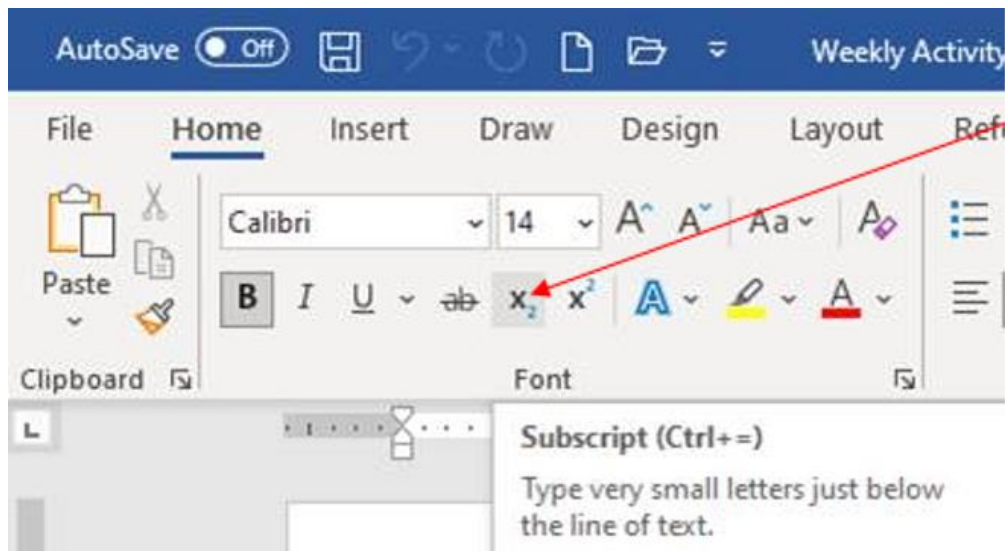
**INCORRECT**

*Note the lettering is not in alphabetical order and the area does not correlate with the "Part" described in the text above.*

- 2.2.3 Correct numbering of erven:-

To illustrate, PART abcdefghijkDCBa OF ERF 863, PART c<sub>1</sub>d<sub>1</sub>e<sub>1</sub>f<sub>1</sub>g<sub>1</sub>h<sub>1</sub>c<sub>1</sub> OF ERF 863 AND PART kmnpqrstuvwxyza<sub>1</sub>b<sub>1</sub>FEDk OF ERF 864, DIE HOEWES EXTENSION 298 are used as an example.





- 2.2.4 Often in comments of Geology reference is made to boreholes or areas where buildings cannot be erected. Such co-ordinate points and areas should be clearly indicated in the conditions by using decimal co-ordinates.

For example:

*The decimal co-ordinates for the different figures/zones as referred to in conditions 9 and 20(2) as indicated on the map of this document are:*

<b>CO-ORDINATE POINTS</b>		
	<b><i>LATITUDE (south)</i></b>	<b><i>LONGTITUDE (east)</i></b>
<b><i>a</i></b>	25.8529044154	28.1092486855
<b><i>a<sub>2</sub></i></b>	25.8526289283	28.1095101017
<b><i>b</i></b>	25.8528158447	28.1092293989
<b><i>b<sub>2</sub></i></b>	25.8526465997	28.1094481238
<b><i>c</i></b>	25.8526832151	28.1092373753
<b><i>c<sub>2</sub></i></b>	25.8526753339	28.1094239684

## Abbreviations and editing

- 2.2.5 Abbreviation regarding a land description is ONLY allowed on the drawing (such as Erf 13/1 or Portion 234/R (of a farm). Property descriptions used in an Annexure T / Consent Use / Permission should be written in full, e.g., Portion 1 of Erf 13 or the Remainder of Portion 234.

- 2.2.6 The font face and font size to be used is: Arial (font), 11 (size).

- 2.2.7 No text in **bold**, *italics* or underlined shall be used, except for the following:

Only the **USE ZONE** in an Annexure T or Development Controls for Consent Uses / Permissions shall be in capital letters and in Bold (refer to Table 3).

Only the PROPERTY DESCRIPTION in an Annexure T or Development Controls for Consent Uses / Permissions shall be in capital letters (refer to Table 3).

### **Consolidated and notarial tied erven**

- 2.2.8 If consolidation / notarial tie is necessary before the land use rights can be adopted, a pre-promulgation or pre-adoption condition must be added in the conditional approval for compliance before promulgation /adoption of the land use rights.

A consolidation / notarial tie condition shall also be added to the Annexure T. A consolidation condition on the Annexure T will assist in understanding the change in property description after consolidation e.g. for the evaluation of the Site Development Plan/Building plan.

The implication of the inclusion of the consolidation / notarial tie condition in the Annexure T can result in the land use rights cannot be exercised if the consolidation / notarial tie has not been registered and/or if the consolidation / notarial tie is cancelled. It is thus better to include the condition of consolidation / notarial tie in the pre-promulgation or pre-adoption conditions, but should also be included in the Annexure T.

The condition of consolidation / notarial tie must be included in the Annexure T if it is the intension that the different properties that formed part of the land development application shall be developed as one development and not have the possibility for subdivision in the future.

By including this condition, it makes it clear that unless the properties are consolidated / notarial tie it cannot be exercised and also prevents an interpretation that the rights can be exercised (thereby duplicating the rights) on each individual property forming the subject of the Annexure T, Consent Use or Permission.

Take cognisance that the original zonings are applicable on all properties separately, unless such Annexure T specifies that a uniform zoning shall be applicable over all the properties so tied. Note that notarially tied properties cannot move or give more land use rights than that which is linked to the land parcel or property on which the scheme applies.

The term "consolidated Erf" can be used in the Annexure T, Consent Use or Permission as a collective noun when several erven are involved where the same rights will be applicable after consolidation and where consolidation is a prerequisite before the rights can be exercised.

e.g. Pre-promulgation / pre-adoption condition to be included in the approval letter:

The properties shall be consolidated / notarial tie and the consolidation / notarial tie shall be registered prior to promulgation / adoption.

e.g. General condition to be included in the Annexure T:

The properties shall be consolidated / notarial tie and the adopted land use rights shall only be exercised on the consolidated / notarial tie property. The Site Development Plan (where applicable) and building plan shall not be approved prior to the registration of the consolidation / notarial tie.

Note: The Property description indicated in the Annexure T is the registered Property description at the time of submission of the land development application. Reference to the

new Property description(s) will be indicated on the new approved SG Diagrams and will differ from the Property description on the Annexure T.

## **Standardised conditions and definitions**

- 2.2.9 Use the standard conditions for example paving, access, etc. and only elaborate with the specific requirements of departments (see paragraphs 2.1.8 and 3.1.8).
- 2.2.10 Definitions are included in Clause 5 of the TTPS. These definitions should be used for Consent Uses and Permissions (see paragraph 3.2.1.1(3)) and cannot be deviated from except to omit some of the listed land uses if required. The definitions may be used or altered/amended with rezoning, township establishment or extension of boundaries of a proclaimed township application, provided that they are written out in the Annexure T (see paragraph 3.1.8, Table 3, paragraph 5) and were advertised as such. "Special Use" is defined in the TTPS and can be used for uses that is not defined or included in other definitions. Avoid writing new definitions for each and every land use applied for and look at the default definitions in the TTPS that may apply to the specific land use without the need to rewrite the definitions.
- 2.2.11 Use the correct terminology as defined in the TTPS regarding all land uses. For example:
- A "hairdresser" is not defined in the TTPS but is included as a land use in the definition of a Business Building. Therefore, the correct way of addressing this land use should be:
- ...for a Business Building for the exclusive use of a hairdresser...*
- 2.2.12 General clauses for the relaxation of height, coverage, parking and building lines are included in the TTPS and are applicable to all Annexures T, unless it is specifically excluded in the Annexure T.
- 2.2.13 Clause 31 of the TTPS provides that a Site Development Plan may be required, even if it was not included in the Annexure T / Consent Use / Permission however, to simplify interpretation, it can be included for legal certainty into these documents.
- 2.2.14 Conditions applicable to other erven (also called 3<sup>rd</sup> party conditions) should not be included in an Annexure T / Consent Use / Permission if the erven are not included in the land development application, except with reference to servitudes of right of way and/or notarially tied erven where the condition has been agreed upon or the burden on the 3<sup>rd</sup> party is already binding on them.
- 2.2.15 The correct way of referring to the zones for the different control measures are:
- Table C, FAR Zone ...  
Table E, Coverage Zone ...  
Table D, Height Zone ....
- (Also refer to paragraph 3.1.8.)
- 2.2.16 If there is no Annexure T applicable to a rezoning application, then the control measures mentioned in paragraph 2.2.15 should be included in the approval letter. Should the new approved zoning in this case be Residential 1 then the density should also be included. An

Annexure T is therefore not always necessary if only the standard or default conditions of the TTPS apply.

Examples are:

*The rezoning of the erf to Residential 1 with a minimum erf size of 500 m<sup>2</sup> and the following control measures: FAR Zone 21, Height Zone 10 and Coverage Zone 5 is hereby approved.*

*The rezoning of the erf to Residential 2, subject to Schedule 4 is hereby approved.*

*The rezoning of the erf to Residential 3, subject to Schedule 3 is hereby approved.*

- 2.2.17 If a “line of no access” is indicated in an existing Annexure T, either in text or on a map, this should be addressed when a rezoning application is evaluated. It should be included in the new proposed Annexure T, unless other arrangements have been made or the intention of the rezoning is to have it removed. This is also important with Consent Use and Permission applications. A condition regarding a line of no access will be imposed with a township establishment application (refer to Clause 7 of the TTPS).
- 2.2.18 Certain townships and erven have further/special conditions, regarding access, soil conditions, physical barriers, servitudes, building lines, etc. Clauses 18(3) and 18(4) of the TTPS refer to Schedule 5. This document is not updated by new townships and such conditions should therefore be included in Annexures T.
- 2.2.19 Refrain from using terminology in conditions such as “As per Scheme” or “In accordance with Scheme” or “In terms of the Scheme”. Use Table 3 of this document as guidance to locate the correct clauses etc. in the TTPS.

Also be careful to use “Not applicable”, because the conditions in the Annexure T overwrite the provisions of the TTPS and therefore the Clauses cannot be applied.



## CHAPTER 3

### 3. SECTION 16 APPLICATIONS IN TERMS OF THE LUM BY-LAW

#### 3.1 REZONING (SECTION 16(1))

- 3.1.1 Refer to paragraph 2 for general and technical information.
- 3.1.2 A rezoning application in terms of section 16(1) of the LUM By-law when approved may be accompanied by an Annexure T which is defined in the TTPS as follows:

**“ANNEXURE T**

*Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black number within a black circle on the Map 3 which rights and conditions shall prevail over any other Clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses shall apply as read with Clause 4(2) and includes any approved Annexure B, Annexure or Schedule of a former Town-planning Scheme applicable in the Tshwane municipal area.”*

- 3.1.3 The definition in paragraph 3.1.2 is clear with regard to what is meant by an Annexure T. The question always arises whether an Annexure T should only contain conditions additional to what is in the TTPS or whether it should also serve as an instrument of presenting a document in a condensed form of a set of conditions for ease of reference.

Forms GD: F/1 and GD: F/2 of this guideline document are seen as a compromise to standardise the Annexure T for all types of applications where it may be necessary to compile an Annexure T.

An Annexure T will in some cases not be necessary since there are no additional conditions required by other departments and/or spatial planning frameworks, etc. that are not contained in the TTPS. Then paragraphs 2.2.15 and 2.2.16 are important to adhere to.

- 3.1.4 The LUM By-law, defines different “stages” of an amendment scheme with specific reference to Schedule 1 to the LUM By-law.

In terms of Schedule 1 the following is relevant:

(Unaltered)

“4. The scheme map and annexure of:

- (1) a draft amendment scheme as contemplated in this By-law, is an amendment scheme that has not been approved in terms of section 12 or 16 of this By-law and is submitted for purposes of indicating the provisions of the Land Use Scheme to be amended and shall be referred to as a draft amendment scheme map and annexure;
- (2) an approved amendment scheme is an amendment scheme which has been approved by the Municipal Planning Tribunal, Municipal Appeals Tribunal or Authorised Official of an application brought in terms of Chapters 5 and 6 of this By-law as part of the conditional approval indicating the provisions of the Land Use Scheme to be amended, and shall be referred to as an approved amendment scheme



*map and annexure; and*

- (3) *an adopted amendment scheme as contemplated in this By-law, is an amendment scheme that has been published in the Provincial Gazette and has come into operation, shall be referred to as an adopted amendment scheme map and annexure.*

*read with the definitions and provisions of this By-law mutatis mutandis.”*

- 3.1.5 There are different Templates available for different scenarios when compiling an Annexure T which is part of the approved amendment scheme and will after promulgation be transferred into the format for the adopted amendment scheme. Refer to Chapter 4 of these guidelines.
- 3.1.6 The standard Template is discussed in Table 3 of paragraph 3.1.8 by means of options in the relevant sections/conditions. *(Words in italics refer to information/instruction and not actual words to be put into the Annexure T.)* Notes indicated in this information by the symbol ♦ followed by a number ②, will explain in more detail certain aspects in Table 4.

### 3.1.7 **TABLE B OF THE TTPS**

When dealing with Table B of the TTPS, it is important to note the following:

- (1) Table B consists of 28 different Use Zones. Each Use Zone has unique land uses and may also share land uses with other Use Zones. The vision was to create Use Zones that had a hierarchy of land uses. However, what is important is to remember that the TTPS is a town-planning scheme that had to incorporate historical land uses and Use Zones of the other town-planning schemes and land use legislation that were replaced or partially replaced by the TTPS.
- (2) For each Use Zone (except Use Zone 28: Special) there are land use rights listed in Column (3), i.e., “Purposes for which buildings may be erected or used or land used”.
- (3) For each Use Zone (except Use Zone 28: Special) there are other land use rights listed in Column (4), i.e., “Purposes for which buildings may be erected or used or land used only with the consent of the Municipality” (Also refer to paragraph 3.2.1 of this document for a discussion on Consent Uses).
- (4) For each Use Zone (except Use Zone 28: Special) there are other land use rights listed in Column (5), i.e., “Purposes for which buildings may not be erected or used or land used”.
- (5) For Use Zone 28: Special, all the land uses for the 3 categories mentioned above should be specified in the Annexure T.
- (6) All the land uses listed in Table B are defined in Clause 5 of the TTPS (Also refer to paragraph 2.2.10 regarding “Special Use”).
- (7) In Column (4) the words “Uses not in Columns (3) and (5)” mean all the land uses that are defined in Clause 5 and that are not listed in Columns (3) and (5) of the specific Use Zone, can be applied for by means of a Consent Use application.

- (8) In Column (5) the words “Uses not in Columns (3) and (4)” mean all the land uses that are defined in Clause 5 and that are not listed in the Columns (3) and (4) of the specific Use Zone, are not permitted in this particular Use Zone.
- (9) When applying Table B of the TTPS for the purposes of rezoning, township establishment and extension of boundaries of a proclaimed township applications (refer to paragraphs 3.1 and 3.3 of this document) it is important to note the following:
- (a) The standard template format needs to be used (GD: F/1) for the submission and evaluation. To complete the Annexure T template, it is necessary to complete the first 4 rows, i.e., Conditions 1 up to and including 4 and for this Table B needs to be used.
  - (b) Use the particular Use Zone in Table B that fits the application the best. Land uses in Columns (3) and (4) may be amended, by adding (“...including ...”) or deleting (“... excluding....”) land uses. The rule of thumb to apply is to add land uses that are compatible with the land uses listed in the relevant Use Zone and to delete land uses that is undesirable for the application. Land uses in Column (5) will then be listed according to whatever is included in Columns (3) and (4).
  - (c) Use the Use Zone 28: Special for any application that does not fit into one of the other 27 Use Zones. List the land uses in Conditions 2, 3 and 4 in the Annexure T. Make use of words for example: “None” for Condition 3 which means no land uses are listed for Consent Uses; “All other uses” for Condition 4 which means that all land uses not listed under Condition 2 and 3, are not permitted.
  - (d) If a specific land use is added that is not defined in Clause 5 of the TTPS, or that is amended to what is included in Clause 5, a definition needs to be added in Condition 5 (Definitions) of the Annexure T.
  - (e) All changes to the standard Table B that is included in an application and Annexure T need to be motivated and advertised.

### 3.1.7.1 Table B, Column (1)

1	Use Zone	<b>1: RESIDENTIAL 1</b>  <i>up to</i>  <b>28: SPECIAL</b>
---	----------	---

An Annexure T must clearly indicate the USE ZONE. Only the USE ZONES as indicated in the Table B of the TTPS can be used. The correct wording and numbering of the USE ZONES must be used and under no circumstances can a deviation of the Use Zones be included.

Refer to the above-mentioned paragraph 3.1.7 (1) up to and including (13), as well as Tables 3 and 4.

### 3.1.7.2 Table B, Column (3)

2	Uses permitted	Table B, Column (3) <b>or</b> Table B, Column (3), including/excluding .....( <i>list land uses</i> ) <b>or</b> <i>List each land use</i> (especially for Use Zone 28: Special)
---	----------------	--

In the 2<sup>nd</sup> (second) condition in the Annexure T lists the land uses as indicated in Table B, Column (3) in the TTPS – “purposes for which buildings may be erected or used or land used”; the so-called “primary” land uses.

All the land uses in Column (3) of the relevant Use Zone (Use Zones 1 up to and including 27) can be listed or some of the land uses can be omitted or others added or only reference to Table B, Column (3) can be made.

List land uses for Use Zone 28: Special.

Refer to the above-mentioned paragraph 3.1.7 (1) up to and including (13), as well as Tables 3 and 4.

### 3.1.7.3 Table B, Column (4)

3	Uses with consent	Table B, Column (4) <b>or</b> Table B, Column (4), including/excluding .....( <i>list land uses</i> ) <b>or</b> <i>List each land use</i> (especially for Use Zone 28: Special) <b>or</b> None
---	-------------------	---

In the 3<sup>rd</sup> (third) condition in the Annexure T lists the land uses that can be approved by means of a Consent Use application in terms of section 16(3) of the LUM By-law read with Clause 16 of the TTPS.

All the land uses in Column (4) in the relevant Use Zone (Use Zones 1 up to and including 27) can be listed or some of the land uses can be omitted or others added or only reference to Table B, Column (4) can be made.

List land uses for Use Zone 28: Special.

Refer to the above-mentioned paragraph 3.1.7 (1) up to and including (13), as well as Tables 3 and 4.

### 3.1.7.4 Table B, Column (5)

4	Uses not permitted	<p>Table B, Column (5)</p> <p><b>or</b></p> <p>Table B, Column (5), including/excluding .....(<i>list land uses</i>)</p> <p><b>or</b></p> <p><i>List each land use</i></p> <p><b>or</b></p> <p>None</p> <p><b>or</b></p> <p>All other uses</p>
---	--------------------	--

In the 4<sup>th</sup> (fourth) condition in the Annexure T lists the land uses that cannot be exercised nor applied for.

All the land uses in Column (5) of the relevant Use Zone (Use Zones 1 up to and including 27) can be listed or some of the land uses can be omitted or others added or only reference to Table B, Column (5) can be made.

List land uses for Use Zone 28: Special.

Refer to the above-mentioned paragraph 3.1.7 (1) up to and including (13), as well as Tables 3 and 4.

### 3.1.8 GUIDELINE TO COMPLETE ANNEXURE T (TEMPLATE GD: F/1)

Table 3 aims to guide the author step by step on how to complete the Annexure T followed by Table 4 which informs the Notes applicable to Annexure T, Consent Use and Permission Templates.

#### **TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1**

<b><u>TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1</u></b>
<p>PROPERTY DESCRIPTION: ERF/ERVEN, TOWNSHIP, AGRICULTURAL HOLDINGS OR FARMS</p> <p>◆①</p>
<p><u>EXAMPLES:</u></p> <p>Township:</p> <p>ERF 3804, FAERIE GLEN EXTENSION 62</p> <p>ERVEN 3804 AND 3805, FAERIE GLEN EXTENSION 62</p> <p>REMAINDER OF ERF 230 AND ERF 231, WAPADRAND EXTENSION 1</p> <p>ERVEN 537 UP TO AND INCLUDING 576, EQUESTRIA EXTENSION 26</p>

**TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1**

PART ABCDA OF ERF 961, MORELETAPARK EXTENSION 2

PART ABCDA OF BOUNDARY LANE, HATFIELD

Agricultural Holding:

HOLDING 53, WATERKLOOF AGRICULTURAL HOLDINGS

PART ABCDA OF HOLDING 17, WILLOW GLEN AGRICULTURAL HOLDINGS

Farm portion:

PORTION 512 OF THE FARM GARSTFONTEIN 374-JR

PORTION 104 (A PORTION OF PORTION 81) OF THE FARM THE WILLOWS 340-JR

Consolidated properties (ONLY to be used where a consolidated property number is reserved at Surveyor General):

ERVEN 3804 AND 3805 (consolidated Erf 3806), FAERIE GLEN EXTENSION 62

1	Use Zone	<b>6: BUSINESS 1 ♦ ②</b>
2	Uses permitted	<b>♦ ②A</b> Table B, Column (3) <b>or</b> Table B, Column (3), including/excluding ..... <i>(list land uses)</i> <b>or</b> <i>List each land use</i>
3	Uses with consent	<b>♦ ②B</b> Table B, Column (4) <b>or</b> Table B, Column (4), including/excluding ..... <i>(list land uses)</i> <b>or</b> <i>List each land use</i> <b>or</b> None
4	Uses not permitted	<b>♦ ②C</b> Table B, Column (5) <b>or</b> Table B, Column (5), including/excluding ..... <i>(list land uses)</i> <b>or</b> <i>List each land use</i> <b>or</b> None <b>or</b>

**TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1**

		All other uses
5	Definitions	<p>Clause 5  <b>or</b>  <i>Custom-made definitions (in accordance with application and advertisements) if the land use is not defined in the Scheme it should read as follows:</i></p> <p>For the purposes of this scheme (<i>include land use</i>) shall mean (<i>include the custom-made definition</i>).</p>
6	Density	<p>◆③  Minimum erf size:     m<sup>2</sup>  <b>or</b>  One Dwelling-house per erf  <b>or</b>  Two Dwelling-houses per erf  <b>or</b>  ..... Dwelling-units per hectare  <b>or</b>  ..... Dwelling-units per hectare (maximum of ... dwelling-units on the erf.  <b>or</b>  Schedule .....</p> <p><b>or</b>  Not applicable.</p>
7	Coverage	<p>◆④  Table E: Coverage Zone.....  <b>or</b>  ..... %, provided that .....◆⑤  <b>or</b>  ..... % (..... included/excluded)  <b>or</b>  <del>In accordance with the Site Development Plan.</del> ◆④A  <b>or</b>  Schedule.....  <b>or</b>  <del>Not applicable</del> ◆④B</p>
8	Height	<p>◆④  Table D, Height Zone....  <b>or</b>  ..... meter ◆⑥  ..... storeys  ..... storeys, provided that .....◆⑤</p>

**TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1**

		<p>or</p> <p><del>In accordance with the Site Development Plan.</del> ♦ ④A</p> <p>or</p> <p>2 storeys, provided that a second storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of the adjoining property owners.</p> <p>or</p> <p>Schedule.....</p> <p>or</p> <p><del>Not applicable</del> ♦ ④B</p>
9	Floor area ratio	<p>♦ ④</p> <p>Table C, FAR Zone.....</p> <p>or</p> <p>0,4 (<i>example</i>) ♦ ⑦</p> <p>or</p> <p>0,4, provided that ... ♦ ⑤ ♦ ⑧</p> <p>or</p> <p>.... m<sup>2</sup> gross floor area</p> <p>or</p> <p>Schedule.....</p> <p>or</p> <p><del>In accordance with the site development plan</del> ♦ ⑧</p> <p>or</p> <p><del>Not applicable</del> ♦ ④B</p>
10	Site Development Plan and Landscape Development Plan	<p>Clause 31</p> <p>or</p> <p>(1) In addition to Clause 31 of the Scheme a Site Development Plan and a Landscape Development Plan, unless otherwise determined by the City of Tshwane Metropolitan Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.</p> <p>(2) In addition to Clause 31 of the Scheme, special attention shall be given to the following elements such as, privacy of adjacent residential erven (overlooking, balconies and open passages), solar access to adjacent structures situated to the south (overshadowing), road reserve development (pedestrian walkways) and exterior finishes.</p> <p>(3) The approved Site Development Plan may only be amended with the Permission of the Municipality and no</p>



**TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1**

		<p>building plan which does not comply with the conditions as set out in the approved Site Development Plan, will be approved by the Municipality.</p> <p><b>or</b></p> <p>Not required.</p>
11	Street Building Lines	<p>Clause 9</p> <p><b>or</b></p> <p>Street Building Lines: <del>Schedule 4</del> ♦ ⑨</p> <p><b>or</b></p> <p>Street Boundary: ..... m.</p> <p><b>or</b></p> <p>..... Street: ..... m.</p>
12	Building Restriction Areas	<p>Clause 12, Table A ♦ ⑤</p> <p><b>or</b></p> <p>Side Boundary: .....m</p> <p>Rear Boundary: ..... m.</p> <p><b>or</b></p> <p><del>In accordance with the Site Development Plan.</del> ♦ ④ A</p> <p><b>or</b></p> <p>Northern boundary: .....m.</p>
13	Parking requirements	<p>Clause 28, Table G ♦ ⑤</p> <p><b>or</b></p> <p>Demarcated parking spaces with a permanent dust-free surface, together with the necessary manoeuvring space, shall be provided and maintained on the erf to the satisfaction of the Municipality as follows:</p> <p>(1) ....</p> <p>(2) ....</p> <p><b>or</b></p> <p><del>In accordance with the Site Development Plan.</del> ♦ ④ A</p> <p><b>or</b></p> <p>To the satisfaction of the Municipality.</p>
14	Paving of traffic areas	<p>Clause 28(6)</p> <p><b>or</b></p> <p>All parts of the property upon which motor vehicles are allowed to move or park shall be provided with a permanent dust free surface, which shall be drained and maintained, to the satisfaction of the Municipality.</p> <p><b>or</b></p>

**TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1**

		<del>In accordance with the Site Development Plan.</del> ♦④A
15	Access to the property	<p>Clause 7(1) (Not applicable to Residential 1 and Residential 5)</p> <p><b>or</b></p> <p><del>In accordance with the Site Development Plan.</del> ♦④A</p> <p><b>or</b></p> <p>Entrances to and exits from the erf shall be located, constructed, and maintained to the satisfaction of the Municipality.</p> <p><b>or</b></p> <p>Entrances to and exits from the erf shall be located, constructed and maintained to the satisfaction of the Municipality, provided that no ingress to and egress from the erf shall be permitted along the boundary thereof abutting (street name)..... Road/Street/Drive.</p> <p><b>or</b></p> <p>No ingress to or egress from (street name) Road/Street/ Drive shall be allowed.</p> <p><b>or</b></p> <p>No ingress to or egress from shall be allowed along line .... as indicated on the map. ♦①①</p>
16	Loading and off-loading facilities	<p>Clause 29, Table H ♦①①</p> <p><b>or</b></p> <p><del>In accordance with the Site Development Plan.</del> ♦④A</p> <p><b>or</b></p> <p>Shall be provided on the erf to the satisfaction of the Municipality.</p> <p><b>or</b></p> <p>Not required.</p> <p><b>or</b></p> <p>All loading and off-loading activities shall take place on the erf.</p> <p><b>or</b></p> <p>The loading and off-loading of goods shall only take place within the boundaries of the erf.</p>
17	Turning facilities	<p><del>In accordance with the Site Development Plan.</del> ♦④A</p> <p><b>or</b></p>

**TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1**

		<p>Shall be provided on the erf to the satisfaction of the Municipality.</p> <p><b>or</b></p> <p>Not applicable.</p>
18	Physical barriers	<p>Clause 18(8). ♦ ① ②</p> <p><b>or</b></p> <p><del>In accordance with the approved Site Development Plan.</del></p> <p>♦ ④ A</p> <p><b>or</b></p> <p>Physical barrier/s shall be erected and maintained on the street boundary/ies of the erf (approved entrances and exits excluded) to the satisfaction of the Municipality.</p> <p><b>or</b></p> <p>A permanent non-removable physical barrier (1,8 m high), which restricts pedestrian- and vehicle movement, shall be erected and maintained on all street boundaries of the erf (approved entrances and exits excluded) to the satisfaction of the Municipality.</p> <p><b>or</b></p> <p>The registered owner of the erf shall erect a physical barrier consisting of a 2 m high brick wall, or a fence of such other material as may be approved by the Municipality in accordance with the most recent standards of the Chief Executive: Department of Public Transport, Roads and Works before or during development of the erf along the boundary thereof abutting on Provincial Road ..... to the satisfaction of the Municipality and shall maintain such fence to the satisfaction of the Municipality, provided that if the said road has not yet been declared, the relevant physical barrier shall be erected within a period of six months after declaration of such road.</p> <p><b>or</b></p> <p>A non-transparent screen wall with a minimum height of 2,5 m shall be erected on the erf boundaries adjacent to residential erven prior to the development taking place. The materials, design, height, and finish of the screen wall shall be to the satisfaction of the Municipality.</p> <p><b>or</b></p> <p>Not applicable.</p>
19	Health measures	<p>Clause 18(14). ♦ ① ③</p>

**TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1**

		<p><b>or</b></p> <p>(1) Any requirements for air pollution-, noise abatement- or health measures set by the Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.</p> <p>(2) Air conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior approval of the Municipality.</p> <p><b>and/or</b></p> <p><i>Include other conditions as set by the relevant department and/or that is necessitated by the types of land uses approved, such as Place of Child Care.</i></p>
20	Outdoor advertising	<p>Clause 30(2). ♦ ① ④</p> <p><b>or</b></p> <p>Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of municipal by-laws for outdoor advertising.</p>
21	Detrimental soil conditions	<p>♦ ① ⑤</p> <p>Clause 19</p> <p><b>or</b></p> <p>(1) Before approval of the Site Development Plan, the engineering geologist and the Council for Geoscience must certify that the final layout of structures and wet services are in accordance with the geological findings and recommendations.</p> <p>(2) The footprint drilling results and Council for Geoscience comments must accompany the Site Development Plan.</p> <p>(3) An engineer must be appointed before building plans are submitted, who must submit, together with the building plans, a certificate that states that an engineer has studied the relevant geological report and that the engineer has established the necessary measures with regard to building work, drainage of the buildings and the site and the installation of wet services so that the whole development is safe as far as possible from a geological point of view. On completion he must certify that all his specifications have been met.</p>

**TABLE 3: GUIDELINES TO COMPLETE ANNEXURE T TEMPLATE GD: F/1**

		<p>(4) A detailed site-specific dolomite risk management program must be submitted to the Municipality before the approval of building plans.</p> <p><b>or</b></p> <p>(1) No structures shall be erected on the erven prior to the appointment of a professional Structural or Geo-technical Engineer, who shall design, specify, and supervise structural measures for foundations of all structures according to the soil classification for each specific zone as described in the report.</p> <p>(2) Proposals to overcome detrimental soil conditions to the satisfaction of Municipality shall be contained in all building plans submitted for approval, and all buildings shall be erected in accordance with the precautionary measures accepted by the Municipality.</p> <p><b>or</b></p> <p>The erven lie in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the Municipality shall show measures to be taken, in accordance with recommendations contained in the geotechnical report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions, unless it is proved to the Municipality that such measures are unnecessary or that the same purpose can be achieved by other more effective means.</p>
22	Open Space	<p>◆ ① ⑥ Clause 14(3)(a).</p> <p><b>or</b></p> <p>The owner of the erf shall develop and maintain at least 4 m<sup>2</sup> per Dwelling-unit with a minimum of 50 m<sup>2</sup> on the property as children's playground.</p> <p><b>or</b> Not applicable.</p>
23	<p>General:</p> <p>(1) ?? ◆ ① ⑦</p> <p>(2) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the Tshwane Town-planning Scheme, 2008 (revised 2014).</p>	

**TABLE 4: NOTES WITH REGARDS TO ANNEXURE T/ CONSENT USE/ PERMISSION TEMPLATES**

<b>TABLE 4: NOTES WITH REGARDS TO ANNEXURE T/ CONSENT USE/ PERMISSION TEMPLATES</b>	
<b>NR</b>	<b>NOTES</b>
◆ ①	The font face and font size to be used is: Arial (font), 11 (size) for the whole document. Also stick to Left Justification as it can become untidy with full justification.
◆ ②	No text in <b>bold</b> , <i>italics</i> or <u>underlined</u> shall be used for the entire document, except here. <u>Only the PROPERTY DESCRIPTION and the <b>USE ZONE</b> in an Annexure T shall be in capital letters and only the latter in Bold.</u>  Refer to paragraph 3.1.7.1 of this guideline document.
◆ ②A	Refer to the discussion in paragraph 3.1.7.2 of this this guideline document.
◆ ②B	Refer to the discussion in paragraph 3.1.7.3 of this this guideline document.
◆ ②C	Refer to the discussion in paragraph 3.1.7.4 of this this guideline document.
◆ ③	<p><b><u>RESIDENTIAL 1</u></b></p> <p><u>Residential 1 ERVEN should always have a minimum erf size or a density.</u></p> <p>Farm portions and Agricultural Holdings (AH) zoned Residential 1 have no minimum erf size or a density. Only the density implied by Table B and Clause 14(10) are applicable. The <i>subdivision of an AH and a farm portion can be done in terms of section 16(12)(a)(iii) of the LUM By-law.</i></p> <p>(1) <b><u>MINIMUM ERF SIZE</u></b></p> <p>For erven zoned Residential 1, Clause 20 of the TTPS applies. Take especially note of Clause 20(4) and how the size of an erf is calculated, i.e. excluding the size of a panhandle/servitude of right-of-way. (The minimum erf size does not include the area of a panhandle except when it is specifically included in the Annexure T – that is by the words “<i>The provisions of Clauses 20(1)(a) and 20(2)(a)(iii) excluded.</i>”</p> <p>Minimum erf sizes are necessary for the subdivision of erven and are indicated according to Schedule 6 of the TTPS on the electronic database, namely ArcGIS.</p> <p><i>Minimum erf size: ..... m<sup>2</sup>. (This is the preferred way to describe minimum erf size.</i></p> <p>* <u>Don't refer to a density of "One Dwelling-house per 500 m<sup>2</sup>",</u> because this means literally that a Dwelling-house can be erected on every 500 m<sup>2</sup>. The technical correct way is “<i>Minimum erf size: 500 m<sup>2</sup></i>” or “<i>A minimum erf size of 500 m<sup>2</sup></i>”. (500 m<sup>2</sup> is only used here as an example.)</p> <p>* <i>One Dwelling-house per 400 m<sup>2</sup> does not imply 4 Dwelling-houses</i> on a property of an area of 1 600 m<sup>2</sup>, because Table B, Use Zone 1, Column 3, only make provision for One Dwelling-house.</p>

**TABLE 4: NOTES WITH REGARDS TO ANNEXURE T/  
CONSENT USE/ PERMISSION TEMPLATES**

NR	NOTES
	<p>* <i>One Dwelling-house per 1 000 m<sup>2</sup></i> <u>refers to the minimum erf size.</u> (This will sometimes be in old Annexures T, deriving of erstwhile town-planning schemes incorporated into the TTPS).</p> <p><u>One Additional Dwelling-house</u></p> <p>* Note the definition in the TTPS. It is <u>NOT</u> a Second Dwelling-house.</p> <p>* This land use is <u>NOT</u> included in Table B of the TTPS, but can be found in Clause 14(10) as a Permission application.</p> <p>* If the intention is that no Additional Dwelling-house shall be approved by means of a Permission application, then it <u>should be excluded in Condition 23 under the General heading.</u> For example:</p> <p>“The provisions of Clause 14(10) shall not apply.”</p> <p>(2) <u>DENSITY</u></p> <p>(a) <u>One Dwelling-house per erf</u></p> <p>* Should a density of one Dwelling-house be supported, without the specification of a minimum erf size, it will mean that <u>no subdivision will be permitted as per Clause 20(4) of the TTPS,</u> because there is no minimum erf size applicable. The correct procedure is to set a minimum erf size. Refer to Clause 20(4) of the TTPS.</p> <p><u>One Additional Dwelling-house</u></p> <p>* A zoning of Residential 1 with a density of “One Dwelling-house per erf” does not mean that an application for Permission for the erection of “One additional Dwelling-house” in terms of section 16(3) of the LUM By-law read with Clause 14(10) of the TTPS cannot be submitted.</p> <p>* If the intention is that no Additional Dwelling-house shall be approved by means of a Permission application, then Clause 14(10) <u>should be excluded in Condition 23 under the General heading,</u> for example:</p> <p>“The provisions of Clause 14(10) shall not apply.”</p> <p>(b) <u>Two Dwelling-houses per erf</u></p> <p>* Table B, Use Zone 1, Column (3), of the TTPS only allows the erection of One Dwelling-house. Should the aim be to award the Additional Dwelling-house as a <u>primary right</u> then Column (3) should be changed accordingly. Therefore, both the uses permitted (Condition 2 of the Annexure T) as well as the density (Condition 6 of the Annexure T) should refer to “Two Dwelling-houses”.</p>



**TABLE 4: NOTES WITH REGARDS TO ANNEXURE T/  
CONSENT USE/ PERMISSION TEMPLATES**

NR	NOTES
	<p>* Consider and evaluate the application whether subdivision will be permitted or not. Apply the above-mentioned principles for subdivision or <u>prohibit subdivision if the possibility of subdivision could create an increase in the number of Dwelling-houses which was not the intention of the application or advertisements.</u></p> <p>Schedule 11, Schedule 12, Schedule 13 and Schedule 14 of the TTPS (applicable in certain areas) allow an Additional Dwelling-house as a primary right subject to a maximum prescribed density. Refer to Table B, Column 3 of Use Zone 1: Residential 1, where “One Additional Dwelling-house” is included as a primary right in the areas of Schedules 11 up to and including 14. Also refer to Clause 14(10)(c) – <u>no Permission application for an Additional Dwelling-house i.t.o. Clause 14(10) is permitted. This means by implication that if the erf cannot comply with the prescribed densities of these Schedules for the additional dwelling-house, then the property needs to be rezoned.</u></p> <p><b><u>RESIDENTIAL 2</u></b></p> <p>Describe density by means of units per hectare, see Schedule 4 of the TTPS.</p> <p>e.g. 25 Dwelling-units per hectare of gross erf area (i.e. prior to any part of the erf being cut off for a public street or communal open space).</p> <p>e.g. A maximum of 21 Dwelling-units shall be erected on the erf.</p> <p><b><u>RESIDENTIAL 3</u></b></p> <p>Density not applicable – see Schedule 3 of the TTPS.</p> <p><i>(It should be noted that there is a difference in the land uses envisaged between Residential 1 up to and including Residential 5 when the TTPS was drafted. Dwelling-unit per ha may be included in an Annexure T due to the calculations for external contributions. Ensure that the correct terminology is used.)</i></p> <p><b><u>RESIDENTIAL 4</u></b></p> <p>An FAR should be included for this Use Zone.</p> <p>Careful consideration to the type of land uses envisaged/applied for under the definition of Residential Buildings should be of utmost importance. This will also guide the specific parking ratios etc. Keep the terminology throughout the Annexure T the same.</p> <p><i>(It should be noted that there is a difference in the land uses envisaged between Residential 1 up to and including Residential 5 when the TTPS was drafted. Dwelling-unit per ha may be included in an Annexure T due to the calculations for external contributions. Ensure that the correct terminology is used.)</i></p>

**TABLE 4: NOTES WITH REGARDS TO ANNEXURE T/  
CONSENT USE/ PERMISSION TEMPLATES**

NR	NOTES
	<p><b><u>RESIDENTIAL 5</u></b></p> <p>Schedule 15, applicable to Use Zone 5: Residential 5 limits the number of dwelling-units only by the height and coverage provisions.</p> <p><b><u>NUMBER OF ROOMS</u></b></p> <p>Reference to the number of rooms is NOT DENSITY but should be included in the DEFINITION where the Definition makes provision for such; if not provided for in the Definition it should be included under GENERAL CONDITIONS.</p>
◆ ④	Refer to the relevant Tables in the TTPS.
◆ ④A	The TTPS makes provision for relaxation. These Permission applications have certain benefits such as required public participation and it is proposed that these provisions as contained in the TTPS rather be used than “In accordance with the Site Development Plan”.
◆ ④B	Be careful to use the option “Not applicable” because of the implication it could have on Consent Uses and Permission applications. Tables C and E of the TTPS have the words “not applicable” in certain Zones for FAR and Coverage, respectively, and should rather be used.
◆ ⑤	<p>Relaxation clauses and/or certain Permissions are always applicable unless it is specifically excluded (<u>See Table 5 of this document for discussion on Permission applications</u>).</p> <p>For example:</p> <ul style="list-style-type: none"> <li>* Clause 26(1)(b); (1)(c); (1)(d); (2)(b); (4) – Height Permissions.</li> <li>* Clause 27(1)(j); (1)(k); (1)(l) – Coverage Permissions.</li> <li>* Clause 28(3); 28(4) – Parking Permissions.</li> <li>* Schedule 7, Conditions 2(10); 2(11) – Gross Floor Area Permission.</li> </ul>
◆ ⑥	Use preferably meters, also see how the TTPS was drafted. Refer to Clause 26(4).
◆ ⑦	Use decimal commas not decimal points, e.g. 1,6 and not 1.6.
◆ ⑧	FAR cannot be increased by a Site Development Plan or any other relaxation clause. Only Schedule 7 governs the calculations for gross floor area for buildings. Engineering departments are not keen on an option for FAR of “ <i>In accordance with Site Development Plan</i> ” due to difficulty with calculating contributions.
◆ ⑨	Do NOT refer to Schedule 1. Look up the information in Schedule 1 and write it out on the scheme documents. Content of Schedule 1 is available on the zoning certificate or is obtainable from <a href="mailto:GeoInfoService@tshwane.gov.za">GeoInfoService@tshwane.gov.za</a> .
◆ ①②	Any area, line, borehole etc. should be indicated on a map accompanying the approval of an application. Refer to paragraphs 2.2.1, 2.2.2, 2.2.3 and 2.2.4.
◆ ①①	Read Clause 29 before applying this option.

**TABLE 4: NOTES WITH REGARDS TO ANNEXURE T/  
CONSENT USE/ PERMISSION TEMPLATES**

NR	NOTES
	Also refer to Clause 18(6).
◆ ① ②	Read Clause 18(7) and 18(8) before applying this option.
◆ ① ③	Read Clause 18(14) before applying this option.
◆ ① ④	Read Clause 30(2) before applying this option. Also note that the word is “approval” in the other option. Do not use words such as “consent” or “permission” as this will imply certain types of applications.
◆ ① ⑤	Clause 19 deals with detrimental soil conditions. If applicable, use this clause. Or use other options from comments of Geology etc.
◆ ① ⑥	Include conditions requested by Environmental Management.
◆ ① ⑦	Include other conditions which need to be part of the Annexure T but do not fall under one of conditions 5-19.

## **3.2 CONSENT USE, PERMISSION AND RELAXATION (SECTION 16(3) OF THE LUM BY-LAW)**

### **3.2.1. CONSENT USE**

#### **3.2.1.1 GENERAL**

- (1) Application for Consent Use is in terms of Clause 16 of the TTPS read with section 16(3) of the LUM By-law.
- (2) Only uses listed in an Annexure T or in Table B, Column (4) can be applied for with a Consent Use (also refer to paragraph 3.1.7.3) as well as those contained in Clause 16(1) of the TTPS.
- (3) The LUM By-law prescribes in terms of section 16(3) and in the case of designated areas section 16(3) read with section 16(16)(1)(b) the legislative processes, procedures, and requirements of land development applications for Consent Use, Permission and Relaxations in terms of the LUS.
- (4) Only land uses that are defined in Clause 5 can be approved. If the application deviates from the TTPS definition and attempts to amend permitting more rights than what is intended by the definition, the Consent Use application cannot be approved, and a rezoning or township establishment application may have to be submitted. The definition may, however, be scaled down, thus permitting less rights than what is intended by the definition.
- (5) Note importantly that a Consent Use is not an amendment of the TTPS; therefore, all land uses and conditions approved shall be in terms of the TTPS, i.e., definitions, Coverage, FAR, Height and other controls shall apply.
- (6) The development conditions i.e. Coverage, FAR and Height as indicated on the Electronic Zoning Database on the ArcGIS platform or the Zoning Certificate for a specific property and/or of the relevant Use Zone shall prevail. The Consent Use cannot give consent for an increase of rights contrary to the existing primary rights. The total Coverage, FAR and Height should be calculated respectively before rights are granted for the Consent Use.

Should the zoning of a property be amended by means of the approval of a rezoning, township establishment or extension of boundaries of a proclaimed township application, the applicant upon submission of the application and the LUMA Planning Professional shall take into consideration that the Consent Use(s) originally granted shall be rescinded by means of the approval of such amendment (see paragraph 2.1.3) and subsequently be removed from the Electronic Zoning Database.

The rezoning of a property in terms of section 16(1) of the LUM By-law amends the land use scheme as it relates to the property or properties. This means that the Consent Use(s) must be considered and can only survive if included in the new zoning. This is even more so where the Consent Use(s) is dependent on the Use Zone, for it to be submitted and if changed to a different Use Zone does not allow for the same type of Consent Use(s) to be submitted. This is applicable *mutatis mutandis* to township establishment or extension of boundaries of a proclaimed township applications in terms of sections 16(4) and 16(5) of the LUM By-law.

- (7) The site plan that accompanies the approval of the Consent Use application, forms part of the application. The site plan (should it be required) is the detailed plan that is part of the conditional approval.

In terms of section 16(3)(f) of the LUM By-law the site plan shall comply with the requirements as set out in this guideline document. The site plan shall comply with the following minimum requirements:

- (a) the property description of the application site;
  - (b) property description of adjacent properties;
  - (c) the scale;
  - (d) the true north;
  - (e) entrances to and exits from the erf/property to any public street and the name of the road/street;
  - (f) lines of no access (if applicable);
  - (g) existing and proposed buildings - the siting, FAR and coverage of all buildings and structures (proposed extensions included) – if applicable;
  - (h) proposed use of the buildings – especially the areas to be used by the proposed Consent Use;
  - (i) existing building lines;
  - (j) parking spaces;
  - (k) if a part of the erf/property is to be used for the Consent Use, the part must be clearly indicated;
  - (l) the terminology used on the site plan must be in accordance with the TTPS; and
  - (m) elements that form part of a specific application, such as an outside bar and entertainment area with a Guest-house; drop-off zone for a Place of Child Care; etc.
- (8) Attention should be given to the proposed building lines in relation to the TTPS. (Refer to paragraph 3.1.8; Table 3, paragraphs 11 and 12.) A condition relating to a Building Line relaxation should for instance be part of the conditional approval.
- (9) A Consent Use is approved as secondary rights allowed in respect of a specific Use Zone and/or Annexure T. Should the zoning of a property be amended by means of the approval of a rezoning, township establishment or extension of boundaries of a proclaimed township application, the applicant and the LUMA Planning Professional must take into consideration that the Consent Use originally granted may be rescinded by means of the approval of the rezoning application (see paragraph 2.1.3).

(Also see paragraphs 2.1.3 and 3.2.2.1 (8).)

- (10) Multiple Consent Uses are permissible on one property; therefore, the applicant must indicate all other approvals and the LUMA Planning Professional evaluating the application must consider all previous approvals and determine whether the new approval replaces any of the existing approvals or whether it is an additional Consent Use that needs to be combined with existing Consent Uses for linking purposes.

If the Consent Use application intends to amend the conditions of an approval, the amended conditions should indicate the status of the original approval. This is to avoid unintentional increase in land uses as the rights could be interpreted individually.

NOTE:

Ensure that the cumulative land use rights (i.e., for example, Coverage for Guest-house = 30% + Institution = 25% in total = 55%) being granted by means of the Consent Use applications do not exceed the primary land use rights (see paragraph (5) above), or renders the primary land use rights un-executable.

- (11) The approval letter should clearly indicate the status of any existing Consent Use(s) and specify which Consent Use approvals are still applicable after the adoption of the proposed land development application e.g.,

This Consent Use shall replace previous Consent Use TCU xxx dated YY/MM/DD

OR

Consent Use TCU xxx shall be replaced by this Consent Use

OR

This Consent Use does not replace TCU xxx and shall be combined as one document.

- (12) Multiple Consent Uses and/or a Consent Use and Permission cannot be approved on an Agricultural Holding or Farm Portion if it may constitute an illegal township and the definition of an illegal township must be considered in this regard. Use the definitions of a “township” and “illegal Township” as contained in the LUM By-law and the approved policy: “Policy Document on the granting of Land Use Rights on Farm Portions” to determine if it can be approved.
- (13) When considering and evaluating applications specific policies and RSDFs should be taken into consideration (see paragraph 2.1.7). The comments of the departments should also be included as conditions (see paragraphs 2.1.8 and 2.2.9). Certain Consent Uses require conditions to regulate the use e.g. Place of Amusement, Place of Public Worship, Commune, Wall of Remembrance, Motor Workshop, Veterinary Hospital, etc. Such conditions should be included as well.
- (14) Consent use and Permission controls should be specific in order for development charges to be calculated e.g. a Boarding House should include the number of rooms that will be used so that the use is clearly indicated for the approval of building plans as well.
- (15) When a property on which a consent use application has been approved is subdivided it does not mean that the consent use may now individually be exercised on the subdivided portions. The subdivision of a property amends the subject property, considerations, and circumstances under which the consent use was granted and therefore lapses as contemplated in section 16(12)(j) and (k) of the LUM By-law.

### 3.2.1.2 CONSENT USE FOR A GUEST-HOUSE

- (1) The definition i.t.o. Clause 5 of the TTPS must be used.
- (2) The number of guests as determined in Clause 5 can be deviated from. The definition in the approval must include the definition (write out) and e.g. replace “16 bedrooms” with “5 bedrooms” and/or “32 guests” with “10 guests” – using the evaluation and the specifics of the application. Note – the number of guests and/or bedrooms cannot exceed the number as indicated in the definition as per Clause 5 of the TTPS; meaning that 16 bedrooms with 32 guests are the absolute maximum under this definition.
- (3) A “Guest” is defined in the TTPS therefore no reference needs to be made to an “overnight” stay or “short period” or “temporary” conditions.
- (4) The Site Plan as discussed in paragraph 3.2.1.1 (7) that accompanies the approval of the Consent Use application should also indicate specific elements regarding a Guest-house, e.g. parking and outside bar or entertainment area (which are important in a residential area).
- (5) Attention should be given to the proposed building lines in relation to the TTPS, refer to paragraph 3.1.8; Table 3, paragraphs 11 and 12.
- (6) The standard Consent Use Template (GD: F/3) must be completed IN FULL and no column(s) must be left open as it might lead to fraud and corruption.
- (7) If operational hours and staff composition are included, include these conditions under general.

### 3.2.1.3 CONSENT USE FOR A PLACE OF CHILD CARE

- (1) The definition i.t.o. Clause 5 of the TTPS must be used.
- (2) A deviation in the number of children as determined in Clause 5 can be allowed using the evaluation and the specifics of the application within the parameters of more than six children up to the age of 18 years.

The definition in the approval must then include the definition (write out) and state the number of children, e.g. Replace “*of more than six children up to the age of 18 years*” with e.g. “*20 children up to the age of 14 years*”.

Depending on the application a restriction can also be placed on the type of Place of Child Care facility referring to the separate entities or a combination thereof, e.g., “*babies*” and/or “*toddlers*” and/or “*pre-school children*”.

- (3) If operational hours and staff composition are included, include these conditions under general.
- (4) The Site Plan as discussed in paragraph 3.2.1.1(7) that accompanies the approval of the Consent Use application should also indicate specific elements regarding a Place of Child Care, e.g. parking and drop-off zone, outside play areas (which are important for instance in a residential area).



- (5) Attention should be given to the proposed building lines in relation to the TTPS, refer to paragraph 3.1.8; Table 3, paragraphs 11 and 12.
- (6) The standard Consent Use Template (GD: F/3) must be completed IN FULL and no column(s) must be left open as it might lead to fraud and corruption.
- (7) A condition in addition to the general condition regarding outdoor advertising needs to be included on the request of the relevant Department/Section:

“No more than one signboard per street front may be displayed on the premises and shall be subject to the specific approval of the Municipality in accordance with by-laws for the control of outdoor advertising.”

### **3.2.2. PERMISSION AND RELAXATION**

#### **3.2.2.1 GENERAL**

- (1) NOT all Permissions that are allowed in terms of the TTPS relate to land uses or a land development application with a set of development conditions. Some Permissions are only approved by means of a letter which is issued by the Building Control Office, e.g. Clause 10.
- (2) In terms of section 16(3)(c)(A)(ii) this guideline document as contemplated in terms of section 12(3) of the LUM By-law can determine the submission arrangements as well as the processes relating to the notification and public participation of the Permission applications.
- (3) No Permission application is lodged for land uses as listed in terms of Table B but it is a land development application in terms of section 16(3) of the LUM By-law read with Clause 15 of the TTPS to use land and buildings for a specific use or to relax certain conditions applicable for the use of land and buildings. See Table 5 herewith for guidance.
- (4) Reference to the correct Clause/Schedule for a Permission application must be done and is very important as it determines the way in which the application will be dealt with, and the development conditions imposed.
- (5) A Permission application can only be considered and approved if the existing rights provide for such Permission in respect of a specific Use Zone / Annexure T / Scheme Clauses (e.g. increase of Height or Coverage, Additional Dwelling-house, etc.).
- (6) Should the zoning of a property be amended by means of the approval of a rezoning, township establishment or extension of boundaries application, the applicant upon submission and the LUMA Planning Professional shall take into consideration that the Permission originally granted shall be rescinded by means of the approval of such amendment (see paragraph 2.1.3) and subsequently be removed from the electronic zoning database.
- (7) The rezoning of a property in terms of section 16(1) of the By-law amends the town-planning scheme or land use scheme as it relates to “land”. This means that the Permission must be considered and can only survive if included in the new zoning. This is even more so where the Permission is dependent on the Use Zone and if changed to a different Use Zone does not allow for the same type of Permission.



(Also see paragraphs 2.1.3 and 3.2.1.1 (8))

- (8) The site plan that accompanies the approval of the Permission application forms part of the application. In terms of section 16(3) of the LUM By-law, this guideline document can prescribe the requirements of a site plan. The site plan (should it be required) is the detailed plan that is part of the conditional approval.

The site plan shall comply with the following minimum requirements (also depending on the type of Permission application – refer to Table 5):

- (a) the property description of the application site;
  - (b) property description of adjacent properties;
  - (c) the scale;
  - (d) the true north;
  - (e) entrances to and exits from the erf/property to any public street and the name of the road/street;
  - (f) lines of no access (if applicable);
  - (g) existing and proposed buildings - the siting, FAR and coverage of all buildings and structures (proposed extensions included) – if applicable;
  - (h) proposed use of the buildings – especially the areas to be used by the proposed Permission;
  - (i) existing building lines;
  - (j) parking spaces;
  - (k) if a part of the erf/property is to be used for the Permission, the part must be clearly indicated;
  - (l) the terminology used on the site plan must be in accordance with the TTPS; and
  - (m) elements that form part of a specific application.
- (9) Attention should be given to the proposed building lines in relation to the TTPS. (Refer to paragraph 3.1.8; Table 3, paragraphs 11 and 12.) A condition relating to a Building Line relaxation should for instance be part of the conditional approval.
- (10) The Permission approves the locality of structures in terms of the site plan. If a site plan indicates a 5 m building line contrary to the building lines prescribed in the TTPS, a building line Permission for relaxation in terms of section 16(3) of the LUM By-law read with Clause 12 of the TTPS has to be approved before the rights approved with the Permission can be exercised and should be included as a condition in the conditional approval as a pre-adoption condition.
- (11) For ease of reference Table 5 has been included and aims to assist with the correct terminology to be used in approval letters and Templates. Reference is given to the Clauses/Schedules and provisos that relate to the specific Permission in the TTPS.
- (12) Categories of Permission applications

In terms of section 16(3)(c)(A) of the LUM By-law the categorisation and the processes relating to the notification and public participation for the Permission land development applications may be determined by the Municipality in this guideline document.

Kindly refer to “**Manual for the submission of land development and other applications**” for information to obtain the information of the adjacent owners. The document can be obtained from the following link: <https://www.e-tshwane.co.za/eTshwane/legal-documents>.

### **Category A:**

Category A applications must be submitted to the Building Control section and will be finalised by the Building Control section.

With the submission of a Category A application, the applicant must prove that the Permission application will not have a negative impact on the surrounding areas and properties and for that purpose, the applicant will *inter alia*, obtain signatures from the affected and adjacent owner(s). The positive comments from the services departments will further inform the decision for approval or refusal of the application. The process of obtaining signatures from the affected and adjacent owners shall be regarded as public participation for purposes of the submission of the application. Refer to the provisions in section 50 read with Schedule 13 to the LUM By-law for the identification of the adjacent owner.

Upon receipt of the application the Building Control section will consider the public participation done and the waiving of the full public participation in terms of Schedule 13 to the LUM By-law, grant or refuse the Permission application, and then consider the building plan in terms of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977).

The Building Control section may grant Permission to waive the full advertisement procedure contemplated in Schedule 13 to the LUM By-law if it is satisfied that –

- (a) such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally;
- (b) such proposed building does not constitute one Additional Dwelling-house;
- (c) the area in which it is to be erected will probably not or in fact be disfigured thereby;
- (d) it will probably not or in fact be unsightly or objectionable; and
- (e) it will probably not or in fact derogate from the value of adjoining or neighbouring properties.

### **Category B:**

Applications must be submitted to the Building Control section as a Category A application (i.e. with the inclusion of limited public participation to affected and adjacent owners) and shall be finalised by the Building Control section. However, the Building Control section will send the application to the section LUMA for comments.

Should the section LUMA be of the opinion that the application must be subject to full public participation contemplated in section 16(1)(f)(ii) and (iii) of the LUM By-law it shall notify the applicant that these provisions apply read with section 27(1) of the LUM By-law. This Category B application, e.g. such as a building line relaxation shall become a Category C application (land development application) in the following instances:

- (a) Where the adjoining owner(s) refuses to sign off the building plan;
- (b) Where somebody (e.g. adjacent owner) objects to the building plan as part of the building line relaxation; and/or
- (c) Where the section LUMA decides that the building line relaxation must be subject to public participation as contemplated in section 16(1)(ii) and (iii) of the LUM By-law as contemplated above.

The LUMA section must consider the limited public participation applicable to Category A and B Permission applications and grant Permission to waive the full public participation procedure. If the full public participation procedure contemplated in Schedule 13 is not waived, the application must be advertised subject to Schedule 13 to the LUM By-law.

### **Category C:**

Applications must be submitted on the e-Tshwane Portal, "Land Development" (<https://e-tshwane.gov.za>) as a Permission land development application in terms of section 16(3) read with Schedule 31 to the LUM By-law and shall be processed by the section LUMA.

All the requirements for the submission in terms of the LUM By-law shall be complied with.

**TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS**

<b>TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS</b>		
<b>CATEGORY</b>	<b>PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)</b>	<b>PURPOSE OF PERMISSION</b>
<b>A</b>	<p><b>CLAUSE 5: DEFINITIONS DWELLING-UNIT:</b></p> <p><i>“Means a self-contained suite of rooms internally and mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and <b>not more than one kitchen without the Permission of the Municipality</b> for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the dwelling-unit and may include a Home Enterprise subject to Schedule 9.”</i></p>	<b>PERMISSION: For more than one kitchen in a Dwelling-unit.</b>
<b>C</b>	<p><b>CLAUSE 5: DEFINITIONS EQUESTRIAN SCHOOL</b></p> <p><i>“Means a place where horses are stabled and horse riders and horses are trained including a cafeteria for patrons to such school and may include <b>horse competitions with the Permission of the Municipality.</b>”</i></p>	<b>PERMISSION: For horse competitions at an Equestrian School.</b>
<b>C</b>	<p><b>CLAUSE 5: DEFINITIONS OUTBUILDING:</b></p> <p><i>“Means a building(s) which has its own entrance or door and no inter leading door to the main building, but which is attached to or free standing from the main building on the same property and which may contain:</i></p> <p><i>(1) inter alia garages, storerooms, studios, exercise rooms, hobby rooms, music room, washrooms and a Home Enterprise;</i></p> <p><i>(2) <b>one squash court only with the Permission of the Municipality; and</b></i></p>	<b>PERMISSION: For a Squash court as an Outbuilding.</b>

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	<b>PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE</b>  <i>(Can also be i.t.o. the conditions of an Annexure T / Consent Use)</i>	PURPOSE OF PERMISSION
	<p>(3) residential accommodation, which shall not exceed 20% of the gross floor area of the main building up to a maximum of 50 m<sup>2</sup> and which may consist of habitable rooms, bathroom(s) and only one kitchen:</p> <p><i>Provided that: the maximum of 50 m<sup>2</sup> of residential accommodation <b>may be increased with the Permission of the Municipality up to the maximum of 20% of the floor area of the main building</b> and provided that such outbuilding has a common vehicular access with the main building and it is for the purposes of only the occupants of the main building and their staff."</i></p>	<p><b>PERMISSION: For an increase of the area of residential accommodation as an Outbuilding.</b></p>
C	<p><b>CLAUSE 5: DEFINITIONS SHOP</b></p> <p><i>"Means land and buildings used for the purpose of Retail Trade or renting of household equipment/tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive thru restaurant and may include[s] a Retail Industry ancillary and subservient to the main use and with the <b>Permission of the Municipality a Builders Yard ancillary and subservient to a hardware shop.</b>"</i></p>	<p><b>PERMISSION: For a Builder's Yard ancillary and subservient to a hardware shop.</b></p>
C	<p><b>CLAUSE 5: DEFINITIONS TERTIARY INSTITUTION:</b></p> <p><i>"Means land and buildings used for tertiary education, related research, related sports management and sport coaching including a high performance centre, agricultural education and related research and farming activities, medical and psychological care of students and employees, Hostels, sport fields, swimming pools and pavilions, fitness centres, multi- purpose halls, administration offices, staff accommodation and may include ancillary and subservient Shops , ATM's, places of refreshment , overnight</i></p>	<p><b>PERMISSION: For a biogas plant or alternative energy production.</b></p>

**TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS**


CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	accommodation for guests and visiting sport teams and, <b>with the Permission of the Municipality, a biogas plant or alternative energy production.</b> "	
C	<p><b>PROHIBITION OF ACCESS: Clause 7(2)</b></p> <p>"Entry to or exit from any property to or from a public street shall be subject to the following conditions:</p> <p>(2) The Municipality may prohibit the entrance to or exit from a property to a public street from any boundary of such property, this boundary is indicated by the following symbol on the map:</p> <p style="text-align: center;"></p> <p><b>With the proviso that the Municipality may revoke such access prohibition on receipt of a written application for its Permission, subject to any conditions that the Municipality may impose, except in the case of access restrictions in respect of national or provincial roads."</b></p>	<b>PERMISSION: To revoke prohibition of access.</b>
B	<p><b>Building lines relative to streets: Clause 9(2)(a)</b></p> <p>"Where a building line or a set-back on any street boundary or proposed street boundary or other boundary is indicated in Schedules 1, 3, 4 and/or on the Map or Annexure T or is determined in terms of Clause 9 hereof, no building or structure, other than those not prohibited in Clause 12(2) below, shall be erected on the land between the building line and the street boundary or proposed street boundary and between a building line and any other boundary:</p> <p>Provided that:</p> <p>(a) <b>the Municipality may grant its Permission to relax any such building line or set-back."</b></p>	<b>PERMISSION: To relax a Building Line in Schedule 1, 3, 4 or the Map or Annexure T or in Clause 9 read with Clause 12(2).</b>

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
C	<p><b>Clause 9(4)</b></p> <p><i>"In "Business 1", "Business 2", "Business 3" and "Business 4" Use Zones the parking of motor vehicles shall be permitted in the area between the building line and the street boundary and the Municipality may give its Permission to the afore-mentioned area or part thereof being used for other purposes:</i></p> <p><i>Provided that:</i></p> <p>(a) <i>the area may be used for serving and consuming meals and refreshments only if used in conjunction with a Place of Refreshment and subject to an approved site development plan;</i></p> <p>(b) <i>the area shall not be used for the storage of goods, wares, merchandise or for advertisement;</i></p> <p>(c) <i>the area shall, if used as permitted in the afore-mentioned paragraph (a), be included in the floor area ratio and in the coverage,</i></p> <p>(d) <i>should the Municipality require additional ground for street widening, any structure shall be removed at no cost to the Municipality and the Municipality shall not be liable for any compensation other than for the ground so acquired."</i></p>	<p><b>PERMISSION: To use the area between the Building Line and the street boundary for other purposes.</b></p>
B	<p><b>Building lines relative to Streets: Clause 9(5)</b></p> <p><i>"Except with the Permission of the Municipality no basement shall be permitted in the area between the street boundary and the street building line."</i></p>	<p><b>PERMISSION: For a Basement in the area between the street boundary and the street building line.</b></p>
A	<p><b>Clause 10: Canopies in front of building lines</b></p> <p><i>"Subject to Permission being granted by the Municipality in terms of the by-laws, canopies</i></p>	<p><b>PERMISSION: For Canopies to project in front of the street building line.</b></p>



TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	<i>shall be permitted to project in front of the street building line: Provided that canopies of public garages, excluding the columns, may encroach over the building line by a maximum of 3,0 m."</i>	
A	<p><b>Clause 12: Building restriction areas</b></p> <p><i>"(2)(d)(v) any car-port, shelter, which is built on any boundary other than a street boundary, shall be completely open on two sides, and the length thereof shall not exceed 7,50 metres without the Permission of the Municipality."</i></p>	<p><b>PERMISSION:</b> For a car-port and shelter to exceed a length of 7,50 metres.</p>
B	<p><b>Clause 12: Building restriction areas</b></p> <p><b>(2)(e) the Municipality may, subject to such conditions as it may deem fit, give Permission that –</b></p> <p><b>(i) any building including a basement to encroach on any of the building restriction areas specified in Table A.</b></p> <p><b>(ii) any other wooden and/or metal structure designed and used exclusively as a doll's house, poultry-house, aviary, pigeon loft, potting-shed, tool-shed, coal-shed, cycle-shed, summer-house, pump-house, water tank, guard house, reservoir or dog kennel to be erected within a building restriction area, provided it is screened off behind a wall of at least 2,0 m high and not visible from a street and adjacent properties and it shall not be used for residential purposes or a home enterprise; and</b></p> <p><b>(iii) the maximum height of 3 metres, as required by Proviso (ii) of Sub-clause (2)(d), and the maximum height of 2,1 meters of a wall, as required by Sub-clause (2)(a), to be exceeded.</b></p>	<p><b>PERMISSION:</b> Clause (2)(e)(i) For any building including a basement to encroach on any of the building restriction areas specified in Table A.</p> <p><b>PERMISSION:</b> Clause 2(e)(ii) For any other wooden and/or metal structure designed and used exclusively as a doll's house, poultry-house, aviary, pigeon loft, potting-shed, tool-shed, coal-shed, cycle-shed, summer-house, pump-house, water tank, guard house, reservoir or dog kennel to be erected within a building restriction area.</p> <p><b>PERMISSION:</b> Clause 2(e)(iii) For the increase of the maximum height of a wall.</p>

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
A	<p><b>Building Restriction Areas: Clause 12(4)</b></p> <p>(4) <i>The building restriction areas on southern boundaries shall be maintained to prevent winter over shadowing onto the adjacent properties, except where special circumstances will allow an encroachment with Permission of the Municipality but shall not apply where such boundaries are common with a street or road.</i></p>	<p><b>PERMISSION:</b> To relax the Building Restriction Areas on the southern boundary.</p>
A	<p><b>Building Restriction Areas: Clause 12(5)</b></p> <p>(5) <i>The percentage of the area of the property to be kept open as specified in Table A shall be maintained as a unified open space which may form not more than two separate open spaces for outdoor living areas: Provided that this may be relaxed with the Permission of the Municipality.</i></p>	<p><b>PERMISSION:</b> To relax the percentage of the area of the property to be kept open as specified in Table A.</p>
C	<p><b>Use of buildings and land: Clause 14(3)(a)</b></p> <p>“(a) The owner of any property in any use zone, excluding “Residential 1” and “Residential 5”, that is used for sectional title Dwelling-units or blocks of flats <b>shall develop and maintain at least 4 square metres per Dwelling-unit with a minimum of 50 square metres on the property as a children’s playground: Provided that the Municipality may grant Permission to reduce this requirement;</b> and</p> <p>(b) <i>the Premier may, notwithstanding anything to the contrary contained in the provisions of this Scheme after reference to the Municipality, give Permission to any use in terms of the Title of any agricultural holding laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).”</i></p>	<p><b>PERMISSION:</b> (a) To reduce the square metres used for children’s playground.</p> <p><b>PERMISSION:</b> (b) For any use in terms of the Title of any agricultural holding laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919).</p>

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
B	<p><b>Use of buildings and land: Clause 14(8)(a)</b></p> <p><i>“Notwithstanding any contrary stipulation contained in this Scheme, the Municipality may grant <b>Permission for the temporary use of any building or land within any use zone for any of the following:</b></i></p> <p>(a) <i>The erection and the use of temporary buildings or the use of existing buildings or sites for site offices, storage rooms, workshops or such other uses that are in the opinion of the Municipality necessary for the erection of any permanent building or structure on the land or the installation of engineering services shall be to the satisfaction of the Municipality: Provided that such Permission shall lapse, ipso facto, on completion of the permanent building or structure or the completion of the engineering contract.”</i></p>	<p><b>PERMISSION: For the Temporary Use of any building or land within any use zone for uses as mentioned in Clause 14(8)(a).</b></p>
C	<p><b>Clause 14(8)(b)</b></p> <p><i>“Notwithstanding any contrary stipulation contained in this Scheme, <b>the Municipality may grant Permission for the temporary use of any building or land within any use zone for any of the following:</b></i></p> <p>(b) <i>The temporary use of land or buildings for another purpose, such as, inter alia, concerts, fairs, circuses, bazaars, street vendors, parking, place of amusement, place of public worship, public gatherings or meetings, social halls and any other use, which the Municipality deems fit in the interest of the community, but excluding a guesthouse and subject to such conditions which the Municipality may impose and further subject to the condition that such Permission –</i></p> <p>(i) <i>may be withdrawn after 30 days’ written notice to the owner if any conditions of the Permission are not met, malpractice occurs or the amenity of the area is prejudiced; and</i></p>	<p><b>PERMISSION: For the Temporary Use of any building or land within any use zone for uses as mentioned in Clause 14(8)(b)</b></p>

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	(ii) expires 3 months from the date on which Permission was granted unless the Municipality extends it in writing for a further period not exceeding 3 months after receiving a written request from the applicant."	
C	<p><b>Use of buildings and land: Clause 14(10)</b></p> <p><b>(10) Notwithstanding any stipulation in this Scheme, the Municipality may grant Permission for the erection of one Additional Dwelling-house on property zoned "Residential 1", "Agricultural" or "Undetermined": Provided that:</b></p> <p>(a) A contribution in respect of engineering services and open spaces or parks is payable in terms of Section 20 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as and when required by the Municipality;</p> <p>(b) Clause 15, Clause 18(12), Clause 18(13) and Clause 19 shall be applicable; and</p> <p>(c) the properties in the areas stipulated in Schedules 11, 12, 13 and 14 shall be excluded from the provision of Sub-clause (10);</p>	<b>PERMISSION: For the erection of one Additional Dwelling-house.</b>
C	<p><b>Use of buildings and land: Clause 14(11)</b></p> <p><i>"The Municipality may grant <b>Permission to erect a telecommunication mast</b> on any property subject to Clause 15 and Schedule 25."</i></p>	<b>PERMISSION: To erect a Telecommunication Mast.</b>
B C	<p><b>ADVERTISEMENT PROCEDURES FOR PERMISSION APPLICATIONS Clause 15(2)</b></p> <p><i>"(2) the prescribed advertisement procedure that is required in terms of any Permission as indicated in the Schedules to the Scheme read with Schedule 25, and read with</i></p>	<b>PERMISSION: To waive the prescribed advertisement procedure.</b>

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	<i>Paragraph 4(2), shall be complied with and the Municipality may grant its Permission to waive this requisite wholly or partly if it's satisfied that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally;"</i>	
A B C	<b>Permission of the Municipality Clause 15(6)</b>  <i>"(6) the Municipality may grant its Permission to amend the conditions of approval provided this amendment does not substantially change the rights and conditions approved and provided that there were no objections to the initial application subject to the prescribed fee."</i>	<b>PERMISSION:</b> To amend the conditions of approval.
C	<b>ADVERTISEMENT PROCEDURES FOR CONSENT USE APPLICATIONS Clause 16(9)</b>  <i>"(9) The Municipality may, at the written request of the applicant, grant Permission for the partial or total non-compliance with the provisions of Clauses 16(2), 16(3) and 16(5) if it is of the opinion that another way of giving the notice as prescribed by the Municipality, will inform the public in a better way, or that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally."</i>	<b>PERMISSION:</b> For the partial or total non-compliance with the provisions of Clauses 16(2), 16(3) and 16(5) (advertisement procedure).
C	<b>CONDITIONS OF APPROVAL Clause 16(11)</b>  <i>"(11) The Municipality may grant its Permission to amend the conditions of approval provided that this amendment does not substantially change the rights and conditions approved and provided that there were no objections to the initial application subject to the prescribed fee."</i>	<b>PERMISSION:</b> To amend the conditions of approval.
C	<b>Clause 18(2)</b>  <i>"(b) No material may be excavated from</i>	<b>PERMISSION:</b> To excavate material from any erf other than to prepare the erf for building purposes.

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	<b>any erf except to prepare the erf for building purposes, nor may any existing use be continued without the Permission of the Municipality."</b>	<b>PERMISSION:</b> To continue with any existing use on any erf
<b>C</b>	<b>Clause 18(5)</b>  <i>"Rooftop Antennas or dishes for telecommunication purposes may be fixed to any building except Dwelling-units on property zoned "Residential 1", "Residential 5", and "Special" for one of the afore-mentioned use zones: Provided the top of the antenna or dish is not higher than 5,0 meters above the maximum height of the building as stipulated in Clause 26(2) and (3) and it does not have a diameter of more than 2,0 meters and a building plan for such has been approved. This will not apply to household television antenna or dishes. Rooftop Antenna or dishes not complying with these conditions shall be subject to the Municipality's Permission before being fixed to a building."</i>	<b>PERMISSION:</b> For a Rooftop Antenna or dishes not complying with the conditions of Clause 18(5).
<b>C</b>	<b>SUBDIVISION</b> <b>Clause 20(2)(a)(ii)</b>  2) <i>Notwithstanding the provisions of Sub-clause (1), the following further conditions are applicable to the subdivision approval:</i>  (a) <i>such erf shall have an acceptable shape and street frontage for vehicular access; or if such resultant erf is an erf with a panhandle or a servitude of right of way and the size of such resultant erf, exclusive of the panhandle or a servitude of right of way, complies with the applicable minimum erf size: Provided that:</i>  (ii) <b><i>the panhandle shall be not less than 3 m wide along its whole length and not wider than 8 m, except with the written Permission of the Municipality;</i></b>	<b>PERMISSION:</b> To amend the minimum and maximum width of the panhandle along its whole length.
<b>C</b>	<b>SUBDIVISION</b> <b>Clause 20(2)(a)(iv)</b>  <i>"(2) Notwithstanding the provisions of Sub-</i>	<b>PERMISSION:</b> To relax the 1:8 slope of the panhandle.



TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	<p>clause (1), the following further conditions are applicable to the subdivision approval:</p> <p>(a) such erf shall have an acceptable shape and street frontage for vehicular access; or if such resultant erf is an erf with a panhandle or a servitude of right of way and the size of such resultant erf, exclusive of the panhandle or a servitude of right of way, complies with the applicable minimum erf size: Provided that:</p> <p>(iv) <b>the slope of the panhandle shall not exceed 1:8: Provided that it may be relaxed with the Permission of the Municipality in special circumstances; “</b></p>	
C	<p><b>SUBDIVISION</b> <b>Clause 20(2)(b)(ii)</b></p> <p>“(b) Waive the requisite of a street frontage or a panhandle to such erf, on condition that:</p> <p>(ii) <b>such servitude shall have a width of not less than 3,0 meters and not more than 8,0 meters, except with the written Permission of the Municipality; “</b></p>	<b>PERMISSION: To waive the prescribed width of the servitude.</b>
B	<p><b>HEIGHT:</b> <b>Clause 26(1)(b)</b></p> <p>“(b) In an "Industrial 2" and "Commercial" use zones the <b>Municipality may grant Permission to an increase in height in respect of any building, which requires additional height for a manufacturing process or storage purposes.</b>”</p>	<b>PERMISSION: To increase the height in respect of any building which requires additional height for a manufacturing process or storage purposes.</b>
B	<p><b>HEIGHT:</b> <b>Clause 26(1)(c)</b></p> <p>“(c) No Dwelling-unit in Use Zones “Residential 1”, "Residential 2", "Agricultural" and</p>	



TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	<p>"Undetermined" shall exceed 10,0 m in height above natural ground level and such Dwelling-unit shall not contain more than 2 storeys one above the other as indicated in Diagram 4 below and such height shall include the basement or part of the basement protruding above natural ground level:</p> <p><b>Provided that the Municipality may in special circumstances</b>, excluding where it is laid down in an Annexure T or approved Consent Use, <b>grant its Permission to relax the afore-mentioned restrictions</b> if it is satisfied that the privacy of the adjacent residents shall not be negatively affected and that it would result in a better development and to grant its Permission that the height of each storey may vary from the minimum specified in the National Building Regulations to a maximum of 6,0 m measured from floor to ceiling depending on the design of the Dwelling-unit."</p>	<p><b>PERMISSION:</b> To relax the height restriction above 10,0 m / allow more than 2 storeys / basement vs natural ground level / that the height of each storey may vary from the minimum specified in the National Building Regulations. (Choose which is applicable)</p>
<b>B</b>	<p><b>HEIGHT</b> <b>Clause 26(1)(d):</b></p> <p><b>"The Municipality may in its discretion grant Permission or approval for an increased height in any use zone in the case of –</b></p> <p>(i) a building erected by the Municipality itself or any tertiary education institute established by law;</p> <p>(ii) a building where, owing to the imposition of a building line or coverage restriction, the applicable floor area ratio and/or maximum coverage cannot otherwise be attained;</p> <p>(iii) a building which requires additional height in order to improve the architectural treatment thereof or to provide amenities solely for the occupants of the building, on condition that not more than 10% of the roof area is covered by that portion of the building for which additional height is required;</p> <p>(iv) a building to be erected after compliance with the provisions of Clause 16, to a</p>	<p><b>PERMISSION OR APPROVAL:</b> For an increased height in any Use Zone.</p>

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	<p>height greater than that permitted in Table D, Annexure T or a condition imposed in terms of a Consent Use approval can:</p> <p>(aa) on condition that such building, in the opinion of the Municipality embodies in its design special features; and</p> <p>(bb) which in the opinion of the Municipality add to the general amenity of the area; and</p> <p>(cc) provided that provision shall be made for parking in accordance with Clause 28, or as required by the Municipality.</p> <p>(v) a building after compliance with Clause 16 where such height is laid down in an Annexure T or approved Consent Use."</p>	
C	<p><b>HEIGHT:</b> <b>Clause 26(2)(b)</b></p> <p>"For the purposes of this Clause the following, shall not be calculated as height:</p> <p><b>With the Permission of the Municipality one or part of one storey of a building excluding a Dwelling-house or Dwelling-unit, which is used for the parking of vehicles:</b></p> <p>Provided that,</p> <p>(i) <b>the Municipality may grant Permission for a maximum of three storeys to be used for the parking of motor vehicles except in the area bounded by Walker Street, the railway line and Mears Street, in Muckleneuk, where only one storey for the parking of motor vehicles shall be permitted;</b></p> <p>(ii) <b>if the parking storey is above the ground floor, an area of not less than 85% of such storey shall be used for parking purposes and access ramps; and</b></p> <p>(iii) <b>if the parking storey is on the ground floor,</b></p>	<p><b>PERMISSION:</b> That one or part of one storey of a building to a maximum of three storeys used for the parking of motor vehicles, to not be calculated as height.</p>

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	accommodation may also be provided on this floor for an entrance hall, lifts, stairs, accommodation for the employees necessary for the servicing of the building, facilities for the servicing and maintenance of the building and amenities for the occupants of the building, but excluding a Caretaker's Flat, on condition that the combined area of the afore-mentioned uses may not exceed 20% of the area of the erf which may be covered by the building".	
A	<p><b>Clause 26(4)</b></p> <p><b><i>"Where the height of a building is specified in storeys only, then a storey shall be equivalent to a maximum height of 4,5 meters measured from the floor to the ceiling above; except where a single storey building or the first storey of a multiple storey building is designed as a double volume, in which case the height of such storey shall not be more than 6,0 meters floor to ceiling for Dwelling-units and Residential Buildings and 9,0 meters for Non-residential Buildings except with the Permission of the Municipality."</i></b></p>	<p><b>PERMISSION:</b> To increase the maximum Height specified for Storeys only.</p>
B	<p><b>COVERAGE:</b> <b>Clause 27(1)(j)</b></p> <p><b><i>"In Coverage Zones 1, 2, 3 and 4 on erven zoned "Business 1", where existing Business Buildings are converted to Residential Buildings, the coverage for Residential Buildings may be increased with the Permission of the Municipality to the maximum coverage for Business Buildings."</i></b></p>	<p><b>PERMISSION:</b> To increase the coverage for converted Residential Buildings to the maximum coverage for Business Buildings.</p>
B	<p><b>COVERAGE</b> <b>Clause 27(1)(k)</b></p> <p><b><i>"The Municipality may grant Permission for an additional 10% coverage, which shall be calculated as a percentage (%) of the entire area of the property, for any building in any Use Zone;"</i></b></p>	<p><b>PERMISSION:</b> To increase coverage for an additional 10%.</p>
B	<p><b>COVERAGE</b> <b>Clause 27(1)(l)</b></p>	<p><b>PERMISSION:</b> To increase coverage as provided for in an Annexure T or Consent Use.</p>

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	<i>"The Municipality may grant <b>Permission for an increase in coverage as provided for in an Annexure T or Consent Use.</b>"</i>	
C	<p><b>Clause 28: Parking requirements</b></p> <p><i>"Parking spaces together with enough manoeuvring space shall be provided on the property in accordance with the following Tables F and G and the layout and construction thereof, shall be subject to the approval of the Municipality.</i></p> <p><i>Provided that:</i></p> <p>(3) <i>the Municipality may in its opinion in special circumstances grant its <b>Permission for the provision of parking spaces elsewhere than on the property</b>, provided that:</i></p> <p>(a) <i>the use zone of such property allows a parking site as a primary right or as a Consent Use subject to Clause 16; or</i></p> <p>(b) <i>The Municipality may accept a monetary contribution in lieu thereof, which contribution shall be used solely for the provision of public parking facilities in the vicinity of the property; and</i></p> <p>(c) <i>the Municipality may require that a servitude over the property with reference to (a) above, consolidation or notarial tie between the properties be registered to the satisfaction to the Municipality."</i></p>	<b>PERMISSION:</b> For the provision of parking spaces elsewhere than on the property.
C	<p><b>PARKING REQUIREMENTS</b> <b>Clause 28(4)</b></p> <p>(4) <b><i>"the requirements with regard to the number of parking spaces, prescribed in the above Table G or an Annexure T or a Consent Use, that shall be provided on the site, may be relaxed with the Permission of the Municipality."</i></b></p>	<b>PERMISSION:</b> To relax the requirements with regard to the number of parking spaces.
B	<p><b>SITE DEVELOPMENT PLAN AND LANDSCAPE DEVELOPMENT PLAN</b> <b>Clause 31(1)(a)(ii)</b></p>	

TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	<i>“(ii) An approved site development plan shall only be amended with the Permission of the Municipality and no building plan which does not comply with the proposals and conditions as set out in the approved site development plan, will be approved by the Municipality.”</i>	<b>PERMISSION:</b> To amend an approved Site Development Plan.
<b>B</b>	<b>SITE DEVELOPMENT PLAN AND LANDSCAPE DEVELOPMENT PLAN</b> <b>Clause 31(1)(a)(iii)</b>  <i>“(iii) No individual Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the Dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto.”</i>	<b>PERMISSION:</b> To occupy a Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding before the relevant building of which the Dwelling-unit forms part, is completely developed.
<b>A</b>	<b>RESIDENTIAL 3</b> <b>Schedule 3; 10(4)</b>  <i>“10(4) An approved site development plan shall only be amended with the Permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved site development plan, will not be approved by the Municipality.”</i>	<b>PERMISSION:</b> To amend an approved Site Development Plan.
<b>A</b>	<b>RESIDENTIAL 3</b> <b>Schedule 3; 20(3)</b>  <i>“20(3) No individual Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the Dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto.”</i>	<b>PERMISSION:</b> To occupy a Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding before the relevant building, of which the Dwelling-unit forms part, is completely developed.
<b>B</b>	<b>RESIDENTIAL 2</b> <b>Schedule 4; 10(4)</b>	

<b>TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS</b>		
<b>CATEGORY</b>	<b>PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)</b>	<b>PURPOSE OF PERMISSION</b>
	<b>"10(4) An approved Site Development Plan shall only be amended with the Permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved Site Development Plan, will not be approved by the Municipality."</b>	<b>PERMISSION: To amend an approved Site Development Plan.</b>
<b>B</b>	<b>RESIDENTIAL 2 Schedule 4; 20(6)  "20(6) No individual Dwelling-unit which is linked to another Dwelling-unit and/or ancillary outbuilding, shall be occupied before the relevant building of which the Dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant Permission thereto."</b>	<b>PERMISSION: To occupy a Dwelling-unit before the relevant building of which the Dwelling-unit forms part, is completely developed.</b>
<b>B</b>	<b>METHOD OF CALCULATING GROSS FLOOR AREA Schedule 7; 2(10)  "2. Only the following areas of a building may be measured and expressed as a percentage for the purposes as contemplated in Condition 1(3) hereof:  (10) Such other areas as may be granted with the Permission of the Municipality;"</b>	<b>PERMISSION: To measure and express the area of a building (include the type of building) for the purposes as contemplated in Condition 1(3) of Schedule 7.</b>
<b>B</b>	<b>GROSS FLOOR AREA Schedule 7; 2(11)  2". Only the following areas of a building may be measured and expressed as a percentage for the purposes as contemplated in Condition 1(3) hereof: (11) Balconies with the Permission of the Municipality"</b>	<b>PERMISSION: To measure and express Balconies for the purposes as contemplated in Condition 1(3) of Schedule 7.</b>
<b>C</b>	<b>HOME ENTERPRISE Schedule 9; 1.(2)</b>	



TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS		
CATEGORY	PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)	PURPOSE OF PERMISSION
	“(2) A maximum of 30% of the gross floor area of the Dwelling-unit and its outbuildings: <b>Provided that without the written Permission of the Municipality such area shall not exceed 60 m<sup>2</sup></b> and further that such area shall not include an open air or a roofed over swimming pool used as a Place of Instruction.”	<b>PERMISSION: To exceed 60 m<sup>2</sup> for a Home Enterprise.</b>
C	<b>HOME ENTERPRISE</b> <b>Schedule 9; 3.</b>  “Only in the case of a Dwelling-house on a property zoned “Residential 1”, “Agricultural”; or “Undetermined” may a maximum of two persons be employed with or without remuneration on the same property or off the property by the person exercising the Home Enterprise to assist in the operation of the Home Enterprise: <b>Provided that a further two persons may be employed with the Permission of the Municipality subject to Clause 15 and Schedule 25”.</b>	<b>PERMISSION: To employ a further two persons at the Home Enterprise.</b>
C	<b>HOME ENTERPRISE</b> <b>Schedule 9; 6(3)</b>  “6. The following uses shall not be permitted as a Home Enterprise in any Dwelling unit:  (3) <b>Spaza Shops except with the Permission of the Municipality, subject to Clause 15 provided that the definition of a Spaza Shop shall be applicable.”</b>	<b>PERMISSION: For a Spaza Shop as a Home Enterprise in a Dwelling-unit.</b>
C	<b>LIGHT INDUSTRIES</b> <b>Schedule 10, 2(1)(a)</b>  “2. The following light industries are permitted on “Business 2” and Business 1” zones, subject to the following conditions:  (1) Dry-cleaner and carpet-cleaner:  (a) Steam and hot water shall be provided by means of electric boilers only or, <b>with the Municipality's</b>	<b>Permission: To provide steam and hot water by means of gas or automatic oil operated boilers.</b>



<b>TABLE 5: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND APPLICABLE CATEGORY AND PURPOSE OF PERMISSIONS AND RELAXATIONS</b>		
<b>CATEGORY</b>	<b>PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE <i>(Can also be i.t.o. the conditions of an Annexure T / Consent Use)</i></b>	<b>PURPOSE OF PERMISSION</b>
	<b><i>Permission, by means of gas or automatic oil operated boilers."</i></b>	
<b>C</b>	<b>VEHICLE SALES MARTS Schedule 10, 6(2)</b>  <b><i>"(2) Vehicles may only be displayed on the natural ground level of the site, and no podium or platform shall be erected or used for display purposes, without the written Permission of the Municipality."</i></b>	<b>PERMISSION: To erect or use a Podium or Platform for the display purposes of vehicles.</b>
<b>C</b>	<b>RESIDENTIAL 5 Schedule 15; 20(1)(b)</b>  <b><i>20(1) The occupants of a Dwelling-unit or residential building may practise, inter alia, their social and religious activities and their occupations, professions or trades, including retail trade, on the property on which such Dwelling-unit or Residential Building is erected: Provided that:</i></b>  <b><i>(b) the occupation, trade or profession or other business shall not be noxious and it shall not occupy more than 60m<sup>2</sup> gross floor area of the buildings without the Permission of the Municipality.</i></b>	<b>PERMISSION: For a Gross Floor Area more than 60 m<sup>2</sup> of a Home Enterprise.</b>
<b>C</b>	<b>MINING RIGHTS AND MINING OPERATIONS Schedule 28(4)</b>  <b><i>"The Holder of a Permit for Existing Mining Rights granted in terms of the Petroleum Resources and Development Act, 2002 (Act 28 of 2002) before the fixed date must apply for Permission of the Municipality, subject to Schedule 25."</i></b>	<b>PERMISSION: Mining for the Holder of a Permit for Existing Mining Rights granted in terms of the Petroleum Resources and Development Act, 2002 (Act 28 of 2002) before the fixed date (as defined in Clause 5).</b>

**TABLE 6: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND PURPOSE OF PERMISSIONS AND RELAXATIONS AT OTHER DEPARTMENT/DIVISION**

<b>TABLE 6: REFERENCE TO THE CLAUSES / DEFINITIONS / SCHEDULES AND PURPOSE OF PERMISSIONS AND RELAXATIONS AT OTHER DEPARTMENT/DIVISION</b>		
<b>DEPARTMENT/ DIVISION</b>	<b>PERMISSION IN TERMS OF CLAUSE/DEFINITION/SCHEDULE  (Can also be i.t.o. the conditions of an Annexure T / Consent Use)</b>	<b>PURPOSE OF PERMISSION</b>
Group Legal and Secretariat Services	<p><b>Clause 18: General conditions applicable to all properties</b></p> <p><i>“(1) All erven are subject to the following conditions:</i></p> <p><i>(b) No building or other structure or any part of its foundations may be erected in the servitude area referred to in the afore-mentioned Sub-clause (a) and no tree with a potentially large root system may be planted within the afore-mentioned servitude area or within 2,0 metres thereof except with the Permission of the Municipality.</i></p>	<b>PERMISSION: To plant trees within the Municipal servitude area</b>
Environment and Agriculture Management Department	<p><b>Clause 18(2)</b></p> <p><i>“(c) No animal as defined in the Municipal By-laws: Keeping of Animals, Birds and Poultry and to Businesses involving the Keeping of Animals, Birds and Poultry and Pets as published in terms of Notice No 432/2004 on 26 May 2004 may be kept on any erf except with the Permission of the Municipality.”</i></p>	<b>PERMISSION: For businesses involving the keeping of animals, birds and poultry and pets on any erf.</b>
Water and Sanitation Infrastructure Planning and Implementation	<p><b>Clause 18(2)</b></p> <p><i>“(d) No wells or boreholes may be sunk on any erf, except with the Permission of the Municipality and subject to such conditions as the Municipality may impose.”</i></p>	<b>PERMISSION: To sink wells or boreholes on any erf</b>
Economic Development Division	<p><b>Clause 18(11)</b></p> <p><i>“Informal trade shall not be conducted in any street or road without the Permission of the Municipality and subject to its By-laws and other legislation regulating such trade.”</i></p>	<b>PERMISSION: To conduct informal trade in any street or road</b>

### 3.2.2.2 PERMISSION FOR ONE ADDITIONAL DWELLING-HOUSE

- (1) This land use is ONLY allowed on Use Zones “Residential 1”, “Agricultural” or “Undetermined” or unless stipulated otherwise in an Annexure T or Consent Use.
- (2) Application for Permission for one Additional Dwelling-house is in terms of section 16(3) of the LUM By-law read with Clauses 14(10) and 15 of the TTPS.
- (3) Table B, Column (4) makes no provision for a Consent Use application for one “Additional Dwelling-house”. (Please note that the Tshwane TPS, 2008, as well as the revised version of 2014 stipulates the same. Only other town-planning schemes that have been replaced by these 2 versions of the TTPS could have been determined differently.)
- (4) The correct terminology is “one Additional Dwelling-house” NOT a Second Dwelling-house.
- (5) **Schedules 11, 12, 13 and 14 of the TTPS**

In terms of Schedules 11, 12, 13, 14 of the TTPS the land use rights have already been granted to erect one Additional Dwelling-house for the listed erven, provided a Site Development Plan and Building Plan are submitted and approved and the prescribed minimum erf sizes are adhered to.

Refer to Table B, Column 3 of Use Zone 1: Residential 1, where “one Additional Dwelling-house” is included as a primary right in the areas of Schedules 11 up to and including 14. Also refer to Clause 14(10)(c) – no Permission application for one Additional Dwelling-house in terms of Clause 14(10) is needed. This means by implication that if the erf cannot comply with the prescribed densities of these Schedules for the Additional Dwelling-house, then the property needs to be rezoned.

- (6) The Site Plan shall be part of the approval and must indicate the specific location of the one Additional Dwelling-house.
- (7) Attention should be given to the proposed building lines in relation to the TTPS. (Refer to paragraph 3.1.8; Table 3, paragraphs 11 and 12.) A condition relating to a Building Line relaxation should for instance be part of the conditional approval.

### 3.2.2.3 PERMISSION FOR TELECOMMUNICATION MAST

- (1) Application for Permission for a Telecommunication Mast is in terms of section 16(3) of the LUM By-law read with Clauses 14(11) and 15 of the TTPS.
- (2) Previously it was a rezoning or a Consent Use application in terms of the Tshwane TPS, 2008, depending on the relevant zoning of a property. Other town-planning schemes that have been replaced by the 2 versions of the TTPS could have been determined differently. (Make certain of the date of submission to determine which is applicable)
- (3) A Telecommunication Mast is deemed to be INFRASTRUCTURE in terms of the TTPS and not a LAND USE, unless it is listed and defined as a land use in an Annexure T. See the Definition in Clause 5 of the TTPS:

**TELECOMMUNICATION MAST**

Means a structure in the form of a tower and a base station, which is designed for telecommunication purposes, which includes inter alia radio and or microwave technology or other technology as may be permitted in terms of the relevant legislation. Telecommunication Masts are regarded as infrastructure and not as a land use.

- (4) Use the correct terminology and definition. The Permission is only for the “Telecommunication Mast” and NOT a “Cellular Telephone Mast tower and base station” nor a “cellular tower and base structures”. Note: A base station is included in the definition of a Telecommunication Mast; the approval must therefore NOT be for a Telecommunication Mast and base station.
- (5) Use the definition in terms of the TTPS and not the policy or any other foreign definition.
- (6) The Site Plan shall be part of the approval and must indicate the specific location of the Telecommunication Mast. The Permission cannot attach to the whole of the property i.e., for example on Erf 25, Monavoni Extension 5. There must be a point-by-point description as to where it will be located. If the Building Plan is submitted, the location must be checked. If the Permission is granted on the whole property, it means the Telecommunication Mast can be located anywhere which will affect the rights and obligations of the adjoining properties and may make the decision subject to a review. See point (7) hereunder.
- (7) The Permission is given on the property description. The locality of the Telecommunication Mast is indicated on the Site Plan, referred to as a “Part” which needs to be clearly labeled e.g. “Part ABCDA”. Also refer to paragraphs 2.2.1 to 2.2.4.
- (8) Attention should be given to the proposed building lines in relation to the TTPS. A condition relating to a Building Line relaxation should for instance be part of the conditional approval.
- (9) The standard heading in the template for Permission applications shall not be applicable for Telecommunication Mast approvals.

USE ZONE 1: RESIDENTIAL 1		
<del>This Permission is subject to the provisions and development controls of this USE ZONE.</del>		
1	Permission	Telecommunication Mast.
2	Definitions	Clause 5.

(For example, the height of a Telecommunication Mast is seldom within the height restriction of the development controls as per the zoning certificate.)

- (10) With reference to paragraphs 3.2.2.1(8) and 3.2.2.3(3), should the zoning of a property be amended by means of a land development application, the applicant upon submission of said application, and the LUMA Planning Professional shall take into consideration any adopted Telecommunication Mast to be included in the new conditions of approval or it shall be rescinded by means of the approval of such amendment (see paragraph 2.1.3)- even if it is considered to be infrastructure and not a land use.

### **3.3 TOWNSHIP ESTABLISHMENT OR EXTENSION OF BOUNDARIES OF A PROCLAIMED TOWNSHIP (SECTION 16(4)) AND DIVISION OF A TOWNSHIP (SECTION 16(5)) IN TERMS OF THE LUM BY-LAW**

- 3.3.1 In terms of section 16(4)(d) and Schedule 6 to the LUM By-law it is required that a draft amendment scheme (Annexure and map) be submitted by the applicant together with an application for township establishment and/or the extension of boundaries. Upon consideration of the application the Authorised Official, Municipal Planning Tribunal or Municipal Appeals Tribunal will, simultaneous with the approval of the township application, approve the amendment scheme documents. The same principle applies to the Division of a Township.

A township establishment application must adhere to the requirements as set out in Schedule 6 of the LUM By-law with specific reference to the submission of the *draft amendment scheme documents*. With approval of the application, a draft amendment scheme is approved, *which upon approval becomes an approved amendment scheme. The approved amendment scheme forms part of the approved Land Development Application – one decision.* Therefore, all the subparagraphs under 3.1 as well as Tables 3 and 4 shall also apply to paragraph 3.3.

- 3.3.2 A township establishment application when approved will consist inter alia of a *statement of township establishment conditions*. The *approved amendment scheme* will have to correspond EXACTLY to a specific paragraph that will refer to the land use rights in this *statement* (that is the conditions of township establishment). The approval is one land development application approval which consists of the above documents and signed accordingly in terms of section 16(4)(d) of the LUM By-law and it is regarded as one development application (also refer to section 16(9)(a) of the LUM By-law).
- 3.3.3 Refer to paragraph 2.1.3 regarding existing land use rights.

### 3.4 SUBDIVISION OR CONSOLIDATION (SECTION 16(12)) OF THE LUM BY-LAW

3.4.1 Refer to paragraph 2 for general and technical information.

3.4.2 The LUM By-law, makes provision for the following:

3.4.2.1 Subdivision of erven in a proclaimed township (section 16(12)(a)(i)).

3.4.2.2 Consolidation of two or more erven in a proclaimed township or of two or more registered farm portions or agricultural holdings (section 16(12)(a)(ii)), not the consolidation of land use rights.

3.4.2.3 Simultaneous subdivision and consolidation (as mentioned in 3.4.2.1 and 3.4.2.2) in terms of section 15(7) of the LUM By-law. Also see Schedule 9, paragraph (11) to the LUM By-law.

3.4.2.4 Subdivision of farm portions and agricultural holdings (section 16(12)(a)(iii)).

3.4.3 Section 16(12)(h) of the LUM By-law refers to conflicting results of the approval of a subdivision and/or consolidation versus the land use rights applicable on the application properties. The applicant as well as the LUMA Planning Professional must adhere to the following:

*“(h) The Municipality shall not exercise any power conferred by subsections (d), (e) or (g) if it will bring about a result which is in conflict with:*

*(i) any condition set out in the Conditions of Establishment of a proclaimed township;*

*(ii) a condition of title imposed in terms of any law; and/or*

*(iii) a provision of a Land Use Scheme or Amendment Scheme applicable to the erf / erven or farm portions or Agricultural Holdings contemplated in subsection (a)(iii).”*

In terms of the definition of a “Consolidation” in terms of the LUM By-law the following is important to note during the submission and evaluation of a consolidation application:

*“(b) not mean or result in an amendment of the existing land use rights which attached to one or all of the component properties so consolidated; and*

*(c) not mean that the existing land use rights of such component properties shall be added together or spread, so as to apply generically to the consolidated property area, except in the event that the component erven have uniform land use rights in which case the land use rights may not be so concentrated or located on the consolidated erf that it shall bring about a result which, in the opinion of the Municipality, shall require a change in land use rights through a land development application;”*

3.4.4 Section 16(12)(d) refers to the refusal and approval of these applications. Please note that applications can indeed be refused.

3.4.5 Section 16(12)(e) refers to the approval of the layout plan and the imposition of conditions.

**3.4.6 Discussion of the relevance of the TTPS to the different types of applications:**

**3.4.6.1 SUBDIVISION AND/OR CONSOLIDATION OF ERVEN**

This discussion is relevant to subdivision, consolidation and simultaneous subdivision and consolidation applications.

(1) Zoning and density

In paragraph 3.1.8, Table 4, Note nr ♦③, a comprehensive discussion was included regarding density and subdivision.

When a subdivision and/or consolidation application does not comply with the provisions/stipulations in the TTPS, then it should not be submitted by the applicant, or be refused once submitted.

When a subdivision and/or consolidation application complies with the provisions/stipulations in the TTPS, then it can be approved subject to conditions.

(2) Zoning and development control measures

All properties within the boundaries of the CoT and included in the TTPS will have either a zoning on the property or split zonings (meaning for example more than one Use Zone is applicable on the property) on the Electronic Zoning Database on the ArcGIS platform. Further rights could be included in an Annexure T or even a Consent Use document. The latter may consist of Consent Uses and Permissions and should also be verified regarding the conditions and land uses and whether it still is valid.

Also accompanying the zoning, there shall always be development controls applicable for FAR, Coverage and Height.



**All this information should be captured in the zoning certificate accompanying the application BUT should also be verified by LUMA on GeoWeb and APS.**

Upon the submission of a land development application and when considering and evaluating the said application for subdivision and/or consolidation of erven, the zoning, as well as the development control measures, should be adhered to and still be complied with after the application is approved, implemented and adopted (see paragraph 3.4.3).

When an application does not or cannot comply with the provisions of the TTPS, then it should be refused.

When an application complies with the provisions of the TTPS, then it can be approved subject to conditions.

(3) Conditions under General of Annexure 1 to the approval letter:

Conditions should be numbered.

For subdivisions of erven zoned Residential 1, a condition should be included regarding the minimum erf size. For example:

*After subdivision (and consolidation) no portion shall be less than 500 m<sup>2</sup> (the area of the panhandle/servitude of right of way excluded).*

Also, conditions that have not been addressed by the internal departments of the CoT, but are essential to the approval, should be included.

### 3.4.6.2 SUBDIVISION OF FARM PORTIONS AND AGRICULTURAL HOLDINGS

This discussion is relevant to subdivision applications only.

(1) Policies, legislation, Spatial Development Frameworks (SDF)

When considering and evaluating an application for subdivision of farm portions and agricultural holdings (AHs) then all relevant policies, legislation, Spatial Development Frameworks, etc. as determined by National and Provincial departments, SPLUMA and the LUM By-law and the Municipality should apply. The relevance is determined by LUMA. Applications may be approved or refused.

The LUM By-law has a provision which also shall be adhered to: "...provided that such subdivision shall not constitute a township in the opinion of the Municipality;..." (section 16(12)(a)(iii)).

(2) Zoning

All farm portions and AHs are not necessarily zoned Undetermined or Agricultural. Historically numerous properties have other zonings as they were previously captured in erstwhile town-planning schemes with other zonings and then converted i.t.o. the conversion tables (Schedules 16 up to and including 24) in the TTPS.

**Farm portions and AHs with other zonings:**

Residential 1: If this zoning applies, there should be no density applicable, as described in paragraph 3.1.8, Table 4, Note nr ♦③, ..... only the density that is mentioned in Use Zone 1, Table B, Column 3, shall apply and also Clause 14(10) of the TTPS for the erection of one Additional Dwelling-house applies.

Residential 2, 3 and 4: Adhere to prescriptions of the applicable Use Zone and development controls.

Undetermined and Agricultural: Only the density that is mentioned in Use Zones 17 and 19 (respectively), Table B, Column 3, shall apply and also Clause 14(10) of the TTPS for the erection of one Additional Dwelling-house applies.

All other Use Zones: Adhere to the applicable development control measures.

(3) Conditions for approval

No specific conditions are proposed i.t.o. the TTPS, unless the relevant zoning and development control measures should require so.

(4) Conditions under General of Annexure 1 to the approval letter:

Conditions should be numbered.

## **CHAPTER 4**

### **4. DRAFT FORMAT OF DEVELOPMENT CONDITIONS**

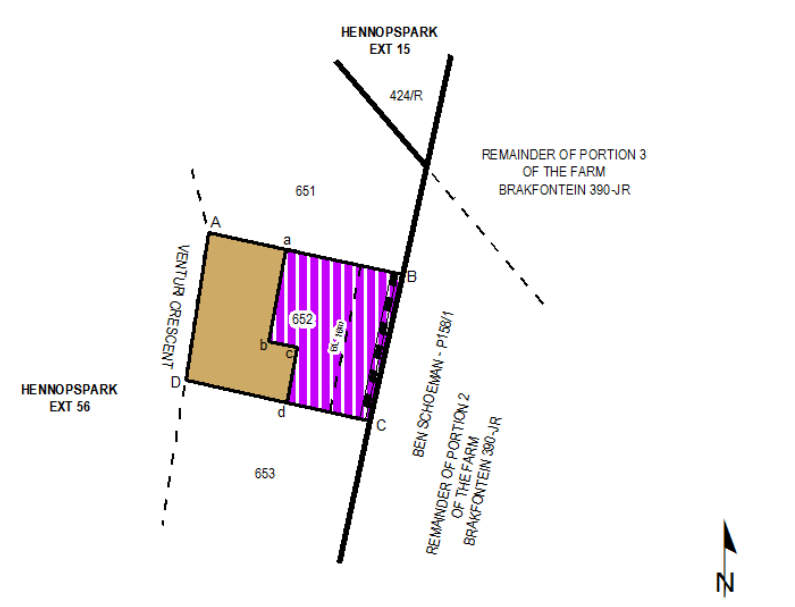





**GD: F/1**

**FORMAT OF THE DRAFT ANNEXURE READ WITH SECTION 12(3) OF THE CITY OF TSHWANE  
LAND USE MANAGEMENT BY-LAW, 2016 (AMENDED 2024)**

<b>PROPERTY DESCRIPTION:</b>		
1	Use Zone	
2	Uses permitted	
3	Uses with consent	
4	Uses not permitted	
5	Definitions	
6	Density	
7	Coverage	
8	Height	
9	Floor Area Ratio	
10	Site Development Plan and Landscape Development Plan	
11	Street Building Lines	
12	Building Restriction Areas	
13	Parking requirements	
14	Paving of traffic areas	
15	Access to the property	
16	Loading and off-loading facilities	
17	Turning facilities	
18	Physical barriers	
19	Health measures	
20	Outdoor advertising	
21	Detrimental soil conditions	
22	Open Space	
23	General:  1) 2) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the (indicate the applicable Land Use Scheme)	

GD: F/2

EXAMPLE OF A DRAFT AMENDMENT SCHEME MAP, READ WITH  
SECTION 12(3) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-  
LAW, 2016 (AMENDED 2024)

<h2 style="margin: 0;">TSHWANE TOWN PLANNING SCHEME 2008</h2> <p style="margin: 0;">(Revised 2014)</p>	
<h3 style="margin: 0;">DRAFT AMENDMENT SCHEME MAP</h3>	
DRAFT AMENDMENT SCHEME NUMBER	X001T
SHEET	1 OF 1 SHEETS
ERF 652, HENNOSPARK EXTENSION 56	
 <p style="text-align: right;">SCALE : 1:2 000</p>	
<u>USE ZONE</u>	<u>REFERENCE</u>
 INDUSTRIAL 2	 BUILDING LINE
 SPECIAL	 LINE OF NO ACCESS
	 TOWNSHIP BOUNDARY
<p>_____ SIGNED BY THE APPLICANT _____</p> <p>_____ DATE _____</p>	

**FORMAT OF A DRAFT CONSENT USE ANNEXURE, READ WITH SECTION 12(3) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 (AMENDED 2024)**

<b>PROPERTY DESCRIPTION:</b>		
<b>USE ZONE XX: XXXX</b>		
<b>This consent use is subject to the provisions and development controls of this USE ZONE.</b>		
1	Consent Use	
2	Definitions	
3	Coverage	
4	Height	
5	Floor Area Ratio	
6	Site Development Plan and Landscape Development Plan	
7	Street Building Lines	
8	Building Restriction Areas	
9	Parking requirements	
10	Paving of traffic areas	
11	Access to the property	
12	Loading and off-loading facilities	
13	Turning facilities	
14	Physical barriers	
15	Health measures	
16	Outdoor advertising	
17	Detrimental soil conditions	
18	Open Space	

19	<p>General:</p> <ol style="list-style-type: none"> <li>1)</li> <li>2) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the (indicate the applicable Land Use Scheme)</li> </ol>
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**FORMAT OF A DRAFT PERMISSION ANNEXURE, READ WITH SECTION 12(3) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 (AMENDED 2024)**

<b>PROPERTY DESCRIPTION:</b>		
<b>USE ZONE XX: XXXX</b>		
<b>This Permission is subject to the provisions and development controls of this USE ZONE.</b>		
1	Permission	
2	Definitions	
3	Coverage	
4	Height	
5	Floor Area Ratio	
6	Street Building Lines	
7	Building Restriction Areas	
8	Parking requirements	
9	Paving of traffic areas	
10	Access to the property	
11	Loading and off-loading facilities	
12	Turning facilities	
13	Physical barriers	
14	Health measures	
15	Outdoor advertising	
16	Detrimental soil conditions	
17	General: 1) 2) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the (indicate the applicable Land Use Scheme)	