



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

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TABLE OF CONTENTS		
		PAGE
	ACRONYMS	2
CHAPTER 1		
1.1	INTRODUCTION	3
1.2	PURPOSE OF THIS GUIDELINE	3
CHAPTER 2		
2.	STANDARDISATION OF FORMAT, TERMINOLOGY AND TECHNICAL INFORMATION	4
2.1	FORMAT, TERMINOLOGY AND GRAMMAR OF SCHEME DOCUMENTS	4
2.2	DEFINITIONS OF THE TSHWANE LAND USE SCHEME, 2024	6
2.3	TECHNICAL INFORMATION	8
2.4	NOTATION AND NUMBERING OF SCHEME DOCUMENTS AND DEVELOPMENT CONTROLS	11
CHAPTER 3		
3.	SECTION 16 APPLICATIONS IN TERMS OF THE LUM BY-LAW	13
3.1	GENERAL	13
3.2	REZONING (SECTION 16(1) OF THE LUM BY-LAW)	16
3.2.1	TABLE B OF THE TSHWANE LAND USE SCHEME, 2024	17
3.2.2	GUIDELINES TO COMPLETE ANNEXURE L	18
3.3	CONSENT USE, PERMISSION AND RELAXATION (SECTION 16(3) OF THE LUM BY-LAW)	30
3.3.1	GENERAL PRINCIPLES	30
3.3.2	GUIDELINES TO COMPLETE CONSENT USE/PERMISSION TEMPLATE	32
3.4	TOWNSHIP ESTABLISHMENT OR EXTENSION OF BOUNDARIES (SECTION 16(4) AND DIVISION OF THE TOWNSHIP (SECTION 16(5))	41
3.5	SUBDIVISION OR CONSOLIDATION (SECTION 16(12) OF THE LUM BY-LAW)	42
3.5.1	GENERAL PRINCIPLES	42
3.5.2	SUBDIVISION AND/OR CONSOLIDATION OF ERVEN	43
LIST OF TABLES		
1	EXPLANATION OF ALPHABETIC LETTERS USED ON ARCGIS/GEOWEB FOR ANNEXURE L NUMBERS	11
2	GUIDELINES TO COMPLETE ANNEXURE L	18
3	NOTES WITH REGARDS TO ANNEXURE L	26
4	GUIDELINES TO COMPLETE CONSENT USE/PERMISSION	32
5	NOTES WITH REGARDS TO CONSENT USE/PERMISSION	39
LIST OF TEMPLATES		
F/1	FORMAT OF A DRAFT ANNEXURE L	
F/2	EXAMPLE OF A DRAFT AMENDMENT SCHEME MAP	
F/3	FORMAT OF DRAFT DEVELOPMENT CONTROLS FOR CONSENT USE	
F/4	FORMAT OF DRAFT DEVELOPMENT CONTROLS FOR PERMISSION	
LIST OF PARTS		
A	TRANSITIONAL ARRANGEMENTS	47

B	CONVERSION TABLES (SCHEDULE 18 OF THE TLUS 2024)	47
C	CATEGORIES OF PERMISSIONS	47
D	LAND DEVELOPMENT APPLICATION TEMPLATES	47

ACRONYMS	
COT	City of Tshwane
EZDB	Electronic Zoning Database
LDA	Land Development Applications
LUMA	Land Use Management and Administration Section
LUM By-law	The City of Tshwane Land Use Management By-law, 2016 (Amended 2024)
MAT	Municipal Appeals Tribunal
MPT	Municipal Planning Tribunal
RSDF	Regionalized Spatial Development Framework
SDF	Spatial Development Framework
SDP	Site Development Plan
SPLUMA	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)
TLUS 2024	Tshwane Land Use Scheme, 2024
TPS	Town-planning Scheme
ZC	Zoning Certificate

CHAPTER 1

1.1 INTRODUCTION

In terms of section 12(3) of the of Tshwane Land Use Management By-law, 2016 (Amended 2024) (LUM By-law) the Municipality may set guidelines regarding the content, form and manner of the inclusion of the conditions of approval of a Land Development Applications (LDA) into the Land Use Scheme.

The Tshwane Land Use Scheme, 2024 (TLUS 2024), hereafter referred to as “the Scheme” or “this Scheme”, was approved by Council on 29 February 2014, Adopted on 8 May 2024 and came into operation on 1 July 2024.

This guideline document shall indicate the process, procedure, form, and format by which the Scheme documents must be prepared, evaluated, approved and adopted.

1.2 PURPOSE OF THIS GUIDELINE

- (1) To provide a standard format for the compilation of Scheme documents for LDA in terms of section 16 of the LUM By-law, using technical information, standardised and legally acceptable terminology and grammar which will eliminate ambiguous and unclear meaning.
- (2) To provide the content, processes and procedures, form, and manner for the compilation of Scheme documents in terms of section 16 of the LUM By-law namely:
 - (a) Rezoning in terms of section 16(1);
 - (b) Consent Use, Permission and relaxation in terms of section 16(3) read with the Scheme;
 - (c) Township establishment applications or extension of boundaries of a promulgated township, in terms of section 16(4);
 - (d) Division of a township in terms of section 16(5);
 - (e) Subdivision and/or consolidation in terms of section 16(12); and
 - (f) Other land development applications in terms of section 16(16).
- (3) To guide the conversion and/or interpretation and subsequent incorporation of pending, approved and Adopted Scheme documentation into the Scheme in terms of the Transitional Arrangements (Clause 4 of the Scheme), refer to PART A.

CHAPTER 2

2. STANDARDISATION OF FORMAT, TERMINOLOGY AND TECHNICAL INFORMATION

2.1 FORMAT, TERMINOLOGY AND GRAMMAR OF SCHEME DOCUMENTS

- (1) The font face (Arial) and font size (11) shall be used.
- (2) The use of **bold** shall only apply to the Use Zone Number, Use Zone and property description, no other text shall be bold, italics or underlined.
- (3) Numbering of conditions and sub-conditions in Annexures L/Consent Uses/ Permissions shall follow the numbering style of the Scheme.
 1. ...
 - (1) ...
 - (a) ...
 - (i) ...
 - (aa) ...
- (4) 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.
- (5) At the end of a sentence, use a full stop. Then one (1) space followed by the new sentence starting with a capital letter.
- (6) A comma is never used before brackets.
- (7) 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%.”
- (8) Use decimal commas and not decimal points, e.g., 1,6 and not 1.6.
- (9) According to the Oxford Online Dictionary, which the Municipality uses as a guideline, the words "provided that ..." should be preceded by a comma, e.g.:

“The erf is subject to the conditions contained in Schedule 4, provided that not more than ...”
- (10) When the abbreviation for metre or square metre is used i.e. “m or m² 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 m².”

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

- (11) 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.)
- (12) Abbreviation regarding a Property 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 L/ Consent Use / Permission table should be written in full, e.g., Portion 1 of Erf 13 or the Remainder of Portion 234 or Portion 174 of the Farm Zwavelpoort 373-JR.
- (13) Use the same methodology as contained in the Scheme for referencing to a particular land use and note the use of Capital Letters when referring to terminology or land uses in the Scheme e.g., where a land use is defined in the Scheme, the wording of that land use is capitalised i.e., Lodge must start with a capital; Dwelling Unit – both words begin with a capital letter.
- (14) The Scheme 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. Where the intention is to specifically restrict the number, it stated clearly in numbers, e.g. "One (1) 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.

e.g. **MINI PUBLIC STORAGE**

- (1) *Means Land and Buildings used for the Storage of household goods, vehicles, documents and equipment.*
- (2) *Mini Public Storage may include Ancillary and Subservient Access Control, **one (1)** Caretaker's Flat and **one (1)** Office.*
- (3) *Livestock, perishables, inflammables and explosives, and any items which are temporarily stored as part of a trading process in individual lockable storerooms shall be excluded.*
- (15) The word "shall" or "must" should preferably be used. Refrain from using words such as "may", "can", "will" etc.
- (16) The use of the term "City Council" is incorrect, the correct term is: The City of Tshwane Metropolitan Municipality or in short, the "Municipality". "Municipality" is defined in the Scheme 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.
- (a) Note: It is only necessary to use the complete term once in the beginning of an Annexure L/Consent Use/Permission, thereafter the term "Municipality" can be used. It is not incorrect to use the complete term in every condition.
- (17) There is a difference between, Erf, Land, Agricultural Holding and Property as it relates to the various definitions in the Scheme. Always verify the specific definition as contained in the Scheme before using it.

- (18) 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.
- (19) Use the term "Property" or "Properties" when referring to farm portions and agricultural holdings.
- (20) The word "site" should only be used in certain circumstances and then only in the context of the definitions in the Scheme such as SDP, Camping Site and Parking Site.
- (21) 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 e.g. 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.

2.2 DEFINITIONS OF THE TSHWANE LAND USE SCHEME, 2024

- (1) Clause 5 of the Scheme refers to definitions of terminology and definitions of land use rights. These definitions shall be applicable to all LDA.
- (2) The following principle was used in the compilation of the definitions of land use in the Scheme:
- The primary uses for which Land and Buildings may be used.
 - The uses that may be included but is not limited to the listed uses.
 - The uses that are excluded.
 - The applicable Clause(s).
 - Where necessary, any other specific condition(s).

e.g.: "**CONFERENCE CENTRE**"

- Means Land and Buildings used for congresses, seminars, training, meetings, cultural events and social activities.*
- Conference Centre may include Ancillary and Subservient Cafeteria and Kitchen.*
- Place of Amusement, Place of Refreshment and Place of Public Worship shall be excluded.*
- The Conference Centre shall comply with the noise zone criteria and acoustical screening requirements subject to Clause 18(7), and Clause 30(1)."*

- (3) The principle in (2) was not applied to definitions that do not have any exclusions, Clauses or specific conditions applicable and therefore only one paragraph is used,

e.g.: "**OCCASIONAL USE**"

Means Land and Buildings used once a month for a maximum continuous period of 72 hours within a calendar month for uses as stipulated in Clause 17(2)."

- (4) Where a land use or terminology is defined, the word is capitalised in the Scheme,

e.g.: "**BAKERY**"

Means Land and Buildings where food products are baked and manufactured in bulk for distribution to Shops, Warehouses and for Wholesale Trade."

Note: Shops, Warehouses and Wholesale Trade are also defined in the Scheme hence it is capitalised.

- (5) Definitions may ONLY be altered/amended with rezoning, township establishment or extension of boundaries of a proclaimed township application, provided that they are written out in the Annexure L (see Table 2, condition 6) and were advertised as such.

- (6) Definitions for Consent Uses and Permissions shall not deviate from definitions as defined in Clause 5, except to omit some of the listed land uses if required.
- (7) Refrain from writing new definitions for each land use applied for and refer to the default definitions in Clause 5 that may apply to the specific land use without the need to rewrite the definition.
- (8) “Special Use” is defined under land uses in the Scheme and can be used for land uses that are not defined or included in other definitions.
- (9) Use the correct terminology as defined in the Scheme regarding all land uses.

Examples:

- (i) A “hairdresser” is not defined in the Scheme but is included as a land use in the definition of a Beauty Salon. Therefore, the correct way of addressing this land use should be:

“Beauty Salon for the exclusive use of hairdressing for humans.”

- (ii) A “telecommunication mast” is not defined in the Scheme but is included under Private Infrastructure Services in the definitions of terminology.

In terms of Clause 14(8) the Permission, if determined by the Municipality should be:

“Public Service Infrastructure for a telecommunication mast.”

- (10) “Ancillary and Subservient” does NOT refer to a land use and therefore, it cannot be considered to stand alone and should only be used in conjunction with the main use.
See the definition as follows:

“ANCILLARY AND SUBSERVIENT”

Means the use of Land and Buildings for purposes which, in the opinion of the Municipality, support and compliment the main permitted use on the Property and which shall not be exercised as separate or independent uses on the Property in the event that the main permitted use on the Property is discontinued or is rendered incapable of being exercised.”

- (11) Refrain from using additional descriptive words in any definition which may already be included elsewhere in the Scheme e.g. the definition of a Guest House includes a “Guest” which contains descriptive words for e.g. “short period” or “not permanent” in the definition of a Guest.
- (12) The words “trade or business purposes” should never be used in an Annexure L / Consent Use / Permission. Rather specify which specific land use rights are meant.

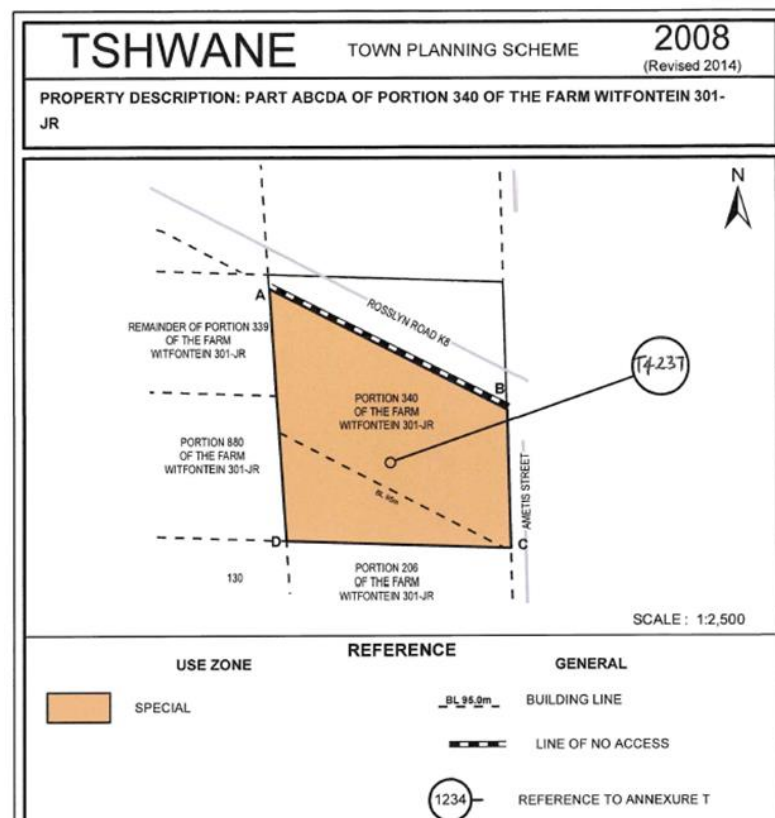
Refer to Clause 14(9)(b) of the Scheme when the term “business purposes” has been used in approved / existing Annexures L / Consent Uses / Permissions:

- (b) *Where it is referred to in documents such as an Annexure L, Consent Use, Deed of Grant as “business purpose” then it means Land and Buildings used for Business Building, Place of Amusement, Place of Refreshment, Retail Industry, Shop and Vehicle Sales Mart or other business enterprises for financial gain, as contemplated in the Scheme.*

2.3 TECHNICAL INFORMATION

- (1) When referring to a specific part of a Property or Road, use the term "Part" e.g., Part ABCDA and not "Portion" or "Figure". The word Portion refers to a registered Property.
- (2) Ensure that the starting point is repeated at the end to close the polygon e.g. Part ABCDA.
- (3) Refrain from using commas in between the description e.g. Part A, B, C, D, E, F, A. – This creates confusion as a comma is considered to be another point on the map.
- (4) 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 of the Property on the Scheme map.

EXAMPLE: Scheme Map indicating Part ABCDA



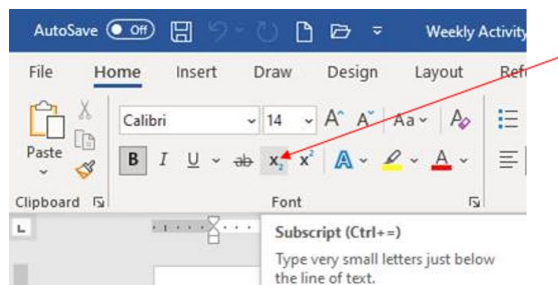
- (5) The reference shall correlate with the relevant condition and shall form part of the approval documents for example:

“No development will be permitted within the ‘no development’ zone as indicated on Part AabCA on the map due to geological conditions.” End with the reference point that you started with i.e. “A.....A”

- (6) The description on the Scheme documents and approval documents should correspond e.g. Part AabCA indicates the right of way servitude

- (11) Make sure that if the part you want to indicate stretches over more than one (1) erf, each erf shall be numbered separately in such a way that the area within a specific erf can be named separately – as in the example above.
- (12) If more letters are needed after using the whole alphabet, repeat the alphabet with a subscript of “₁” and the next round, a subscript of “₂”, for example: xyza₁b₁c₁...x₁y₁z₁a₂b₂...

EXAMPLE: Use the correct sub script tool in the Word menu indicate with the red arrow



- (13) 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.

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:

CO-ORDINATE POINTS		
	<i>LATITUDE (south)</i>	<i>LONGTITUDE (east)</i>
<i>a</i>	<i>25.8529044154</i>	<i>28.1092486855</i>
<i>a₂</i>	<i>25.8526289283</i>	<i>28.1095101017</i>
<i>b</i>	<i>25.8528158447</i>	<i>28.1092293989</i>
<i>b₂</i>	<i>25.8526465997</i>	<i>28.1094481238</i>
<i>c</i>	<i>25.8526832151</i>	<i>28.1092373753</i>
<i>c₂</i>	<i>25.8526753339</i>	<i>28.1094239684</i>

2.4 NOTATION AND NUMBERING OF SCHEME DOCUMENTS AND DEVELOPMENT CONTROLS

For clarity and information purposes, Table 1 gives an overview of the different combinations for ANNEXURE L numbers that are available and still active on the EZDB on the ArcGIS/GeoWeb platform.

TABLE 1: EXPLANATION OF ALPHABETIC LETTERS USED ON ARCGIS/GEOWEB/ZONING CERTIFICATES		
ANNEXURE L NUMBERS		
SCHEME NAME	LETTERS	METSWEDING FINAL DOCUMENTS
Tshwane Land Use Scheme, 2024	L	--
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
CONSENT USE DOCUMENT CODES		
EXPLANATION	ALPHABETIC LETTERS	
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	
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	

TABLE 1: EXPLANATION OF ALPHABETIC LETTERS USED ON ARCGIS/GEOWEB/ZONING CERTIFICATES

Tshwane (COT) consent uses and permissions (regardless of which town-planning scheme)	TCU
Tshwane Consent Uses (other approvals) after 1 July 2024 as the date of coming into operation of TLUS 2024	LUSC
Tshwane Permissions (other approvals) after 1 July 2024 as the date of coming into operation of TLUS 2024	LUSP

- (1) If an Annexure L 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 L T1234.

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

... zoned Residential 1 with a Minimum Erf Size of 1 000 m², subject to Annexure L S1357.

- (2) If Consent Use or Permission applications are linked to properties on the EZDB 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 EZDB on the ArcGIS platform, are also included in Table 1. Take note that it is just a code for 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 EZDB 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.

There is however a Disclaimer at the bottom of each ZC indicating:

Disclaimer:
In the case of any other approval linked to this zoning certificate and numbered in row "I" the validity of this document(s) need to be verified as the rights may have lapsed.

- (3) Annexures L / Consent Uses / Permissions consist of controls and conditions relating to the approval of the LDA and land use rights as contemplated in the LUM By-law, not general information, or statements. These documents 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 these documents.
- (4) Conditions that are capable of being complied with and once complied with no longer need to be complied with should ideally not be included in an Annexure L. An adopted Annexure L is the document based on which building plans are approved and if conditions are included in the Annexure L, 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.

CHAPTER 3

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

3.1 GENERAL

- (1) Draft Scheme documents shall be submitted by the applicant for LDA in terms of sections 16(1), 16(3), 16(4), 16(5) and 16(16) read with Schedules 3, 6, 29, 30, 31 and 32 of the LUM By-law.
- (2) During the evaluation and approval phase of these LDA the Planning Professional of LUMA drafts the final Scheme documents for approval by the Authorised Official, the MPT/or the MAT as part of the application approval.
- (3) Scheme documents referred to in (2) shall consist of the following:
 - (a) A Scheme Map and Annexure L for Rezoning in terms of section 16(1).
 - (b) A Scheme Map and Annexure L for Township Establishment or Extension of boundaries of a proclaimed Township in terms of section 16(4) and Division of a Township in terms of section 16(5).
 - (c) Consent Use Scheme Document, Permission Scheme Document and site plan (if applicable) for Consent Use, Permission and Relaxation in terms of section 16(3).
- (4) In terms of the Scheme, Adopted Scheme documents shall contain those restrictions and development measures intended to control and limit the land use rights permitted and imposed on a Property(ies). These details, controls and conditions shall prevail over any default Clause, Schedule or provision of the Scheme, relating to such restrictions and measures. Where no conditions or development measures are contained in the Scheme documents the default provisions of the Scheme shall apply as read with Clause 4 (See Part A).
- (5) General clauses for the relaxation of Height, Coverage, parking and building lines are included in the Scheme and are applicable to all Annexures L, unless it is specifically excluded in the Annexure L.
- (6) Clause 31 of the Scheme provides that an SDP may be required, even if it was not included in the Annexure L / Consent Use / Permission however, to simplify interpretation, it can be included for legal certainty into the Scheme documents.
- (7) Conditions applicable to other Erven (also called 3rd party conditions) should not be included in an Annexure L / Consent Use / Permission if the erven are not included in the LDA, except with reference to servitudes of right of way and/or notorially tied erven /consolidation where the condition has been agreed upon or the burden on the 3rd party is already binding on them.
- (8) If a Line of No Access is indicated in an existing Scheme document (text or map), it should be addressed when any LDA is evaluated and shall be included in the new proposed Scheme documents. Where the Line of No Access needs to be relaxed or revoked, it shall be addressed by way of a LDA (refer to Clause 7 of the Scheme).

- (9) When evaluating a LDA on a Property, where Schedule 5 is applicable to certain townships and Erven, the additional conditions e.g. access, soil conditions, physical barriers, servitudes, building lines contained in the said Schedule shall be taken into consideration and included in the Scheme documents, where applicable. Clause 18(2) of the Scheme refers to Schedule 5 which is available on request.
- (10) The zoning certificate and zoning information contained in an LDA shall always be verified with the existing zoning on the Electronic Zoning Database (EZDB) on the GeoWeb platform to ensure that the most recent zoning information is used. An official Zoning Certificate (ZC) shall not be older than three months.

This includes approved and adopted Consent Use(s) and Permission(s), in terms of the LUM By-law linked to the property(ies). This is important when evaluating a LDA.

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

- (g) Any adopted consent and/or permission of the Municipality for the use of land and buildings or relaxations, which with the submission of a new land development application on a property(ies), should be dealt with in the proposed land use rights of the new land development application, read with the provisions of the Land Use Scheme, and if not dealt with as part of the new land development application, the land use rights as adopted shall automatically lapse upon the coming into operation of any new land use rights approved subsequently in terms of sections 16(1), 16(4) and/or 16(5) of this By-law.*
- (11) The rezoning, township establishment or extension of boundaries of a proclaimed township implies the amendment of the provisions of the Scheme 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 LDA or will be discarded or amended through the rezoning, township establishment or extension of boundaries of a proclaimed township application.
- (12) In terms of sections 26 to 35 of the Municipal Systems Act, 32 (Act 32 of 2000) the Spatial Development Framework (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 proposed LDA 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, RSDF 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.

- (13) 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 LDA and where capable of being enforced through the Annexure L / Consent Use / Permission. The inclusion of conditions that are not required by the relevant department should be avoided and especially conditions that have the purpose of being complied with where after such compliance has no relevance any longer 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 LDA before the compilation of an Annexure L or development controls for a Consent Use / Permission are finalised. Refrain from using any condition stipulated by an external entity and referring to its reference number e.g.: “Gautrans Plan Number 371 JR/RE/51/2020/11”. It is advisable to include the relevant information in the Scheme documents.
- (a) 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 L 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.
 - (b) 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 L/Consent Use/Permission as a condition, it must be done carefully.
 - (c) 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 (see Tables 2 and 4 and notes in Tables 3 and 5).
 - (d) It should be noted that the Scheme already provides for the provision and construction of engineering services in terms of Clause 18(18) thereof. Chapter 7 of the LUM By-law, 2016 (Amended 2024) also deals with engineering services, having to be provided to the satisfaction of the Municipality for purposes of the adoption of an LDA. 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 e.g. 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 provide proof of compliance with every time he deals with the property, this is generally included as a pre-adoption condition. These conditions should not be included in the Annexure L if it can be governed either through Clause 18(18), as a pre-adoption condition or a general condition.
 - (e) 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.
 - (f) 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.

- (g) With the conditional approval of a LDA, 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 L or Development Controls of the Consent Use / Permission.
- (14) A Consent Use is approved as secondary rights allowed in respect of a specific Use Zone and/or Annexure L. 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 Planning Professional of LUMA must take into consideration that the Consent Use originally granted may be rescinded by means of the approval of the rezoning application.

3.2 REZONING (SECTION 16(1) OF THE LUM BY-LAW)

- (1) The LUM By-law, defines different “stages” of an amendment scheme as listed in Schedule 1 condition 4:

“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.”

- (2) An approved rezoning may be accompanied by an Annexure L which is defined in the Scheme as follows:

“ANNEXURE L”

Means the set of documents showing those restrictions and measures intended to control and limit the exercising of land use rights and related details of the Adopted land use rights permitted, including the conditions imposed on certain Properties marked with a black number within a black circle on the Scheme Map, which rights and conditions shall prevail over any default Clauses or provisions of the Scheme relating to such restrictions and measures, provided that, if land use rights and conditions are not stipulated in such set of documents, the default provisions of the Scheme Clauses shall apply as read with Clause 4 and include any Adopted annexures or schedules of a former town-planning scheme applicable in the Municipal area.”

- (3) The standardised template shall be used for the compilation of an Annexure L (PART D, F/1 and F/2). The standard Template is discussed in Table 2 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 L.) Notes indicated in this information by the symbol **◆** followed by a number **②**, will explain in more detail certain aspects in Table 3.

- (4) If there is no Annexure L applicable to a rezoning application, then the development controls shall 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 L is therefore not always necessary if only the standard or default conditions of the Scheme apply, e.g.:

The rezoning of the erf to Residential 1 with a Minimum Erf Size of 500 m² and the following development controls: FAR Zone 21, Height Zone 10 and Coverage Zone 5 is hereby approved.

The rezoning of the erf to Residential 2, subject to Clause 21(1) is hereby approved.

The rezoning of the erf to Residential 3, subject to Clause 22 (1) is hereby approved.

3.2.1 TABLE B OF THE TSHWANE LAND USE SCHEME, 2024

- (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 Scheme is a land use 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 Scheme.
- (2) Table B indicates different categories of land use zoning and for each of these Use Zones the purposes in:
- Column (3), for which Buildings may be erected and used or Land used (also known as primary land uses);
- Column (4), for which Buildings may be erected and used or Land used only with the Consent Use of the Municipality; and
- Column (5), for which Buildings may not be erected and used, nor Land used.
- (3) In Column (4) the words “All other uses not listed 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.
- (4) In Column (5) the words “All other uses not listed in Columns (3) and (4)” mean ALL the land uses that are defined in Clause 5 that are NOT listed in Columns (3) and (4) of the specific Use Zone, are NOT permitted in this Use Zone.
- (5) When applying Table B for the purposes of rezoning, township establishment and extension of boundaries it is important to note the following:
- (a) Use the specific 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 LDA. Land uses in Column (5) will then be listed according to whatever is included in Columns (3) and (4).

- (b) An Annexure L must clearly indicate the Use Zone number and the Use Zone. The correct wording of the Use Zone number and Use Zones must be used and under no circumstances can a deviation of the Use Zone numbers and Use Zones be included.
- (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 3, 4 and 5 in the Annexure L. Make use of words for example: “None” for Condition 4 which means no land uses are listed for Consent Uses; “All other uses” for Condition 5 which means that all land uses not listed under Condition 3 and 4, are not permitted.
- (d) If a specific land use is added that is not defined in Clause 5 of the Scheme, or that is amended to what is included in Clause 5, a definition needs to be added in Condition 6 (Definitions) of the Annexure L.

3.2.2 GUIDELINES TO COMPLETE ANNEXURE L

- (1) The standard template format needs to be used (PART D, F/1) for the submission and evaluation. Use Table B as a guide to complete the first 5 rows of the Annexure L template i.e., Conditions 1 up to and including 5.
- (2) The LDA Templates shall not be amended or altered to fit the needs of the user. Any additional conditions that do not fit in the headings of the template shall be included under “condition 24: General conditions” e.g.: Business hours.
- (3) The standard Template (Part D, F/1) must be completed IN FULL and no column(s) must be left open as it might lead to fraud and corruption.

Table 2 aims to guide the author step by step on how to complete the Annexure L, followed by Table 3 which informs the Notes applicable to the Annexure L.

TABLE 2: GUIDELINES TO COMPLETE ANNEXURE L TEMPLATE F/1

Format of the document ◆①

PROPERTY DESCRIPTION: ERF/ERVEN, TOWNSHIP, AGRICULTURAL HOLDINGS OR FARMS ◆②

EXAMPLES:

Township:

ERF 3804, FAERIE GLEN EXTENSION 62

ERVEN 3804 AND 3805, FAERIE GLEN EXTENSION 62

REMAINDER OF ERF 230 AND ERF 231, WAPADRAND EXTENSION 1

ERVEN 537 UP TO AND INCLUDING 576, EQUESTRIA EXTENSION 26

PART ABCDA OF ERF 961, MORELETAPARK EXTENSION 2**PART ABCDA OF PRETORIUS STREET, HATFIELD**

Only use the registered Property description and refer to the proposed consolidated Property description if it is reserved at the Surveyor General, NEVER use the unregistered proposed Property on its own:

ERVEN 3804 AND 3805 (proposed consolidated Erf 3806), FAERIE GLEN EXTENSION 62**PART ABCDA OF ERF 540 AND ERF 897 (proposed consolidated Erf 906), FAERIE GLEN EXTENSION 62**

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**

1	Use Zone number	◆② 1 up to 28
2	Use Zone	◆② RESIDENTIAL 1 up to SPECIAL
3	Uses permitted	◆②A Table B, Column (3) or Table B, Column (3), including/excluding... (<i>list land uses</i>) or <i>List each land use</i>
4	Uses with Consent Use	◆②B Table B, Column (4) or Table B, Column (4), including/excluding... (<i>list land uses</i>) or <i>List each land use</i> or None
5	Uses not permitted	◆②C Table B, Column (5) or Table B, Column (5), including/excluding... (<i>list land uses</i>) or <i>List each land use</i>

		<p>or All other land uses</p>
6	Definitions	<p>◆②D Clause 5 or <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> or For the purposes of this Scheme (<i>including land use</i>) shall mean (<i>include the custom-made definition</i>).</p>
7	Density	<p>◆③ Minimum Erf Size: ...m² or One Dwelling House per erf or Two Dwelling Houses per erf or ... Dwelling Units per hectare or ... Dwelling Units per hectare (maximum of ... dwelling Units on the erf.) or Not applicable.</p>
8	Floor Area Ratio	<p>Clause 25, Table C, FAR Zone... ◆④ or 0,4 (<i>example</i>) ◆⑦ or 0,..., provided that ... ◆⑤ ◆⑧ or ...m² gross floor area or In accordance with the Site Development Plan ◆④A or Not applicable ◆④B</p>
9	Height	<p>Clause 26, Table D, Height Zone... ◆④ or ...metres ◆⑤ ◆⑥ or ...metres, provided that the number of Storeys shall be restricted to ... (<i>include the number of Storeys</i>) or In accordance with the Site Development Plan. ◆④A or 10 metres, provided that more than one (1) Storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of the adjoining property owners. or</p>

		Not applicable ♦ ④B
10	Coverage	<p>Clause 27, Table E: Coverage Zone... ♦ ④</p> <p>or</p> <p>... %, provided that ... ♦ ⑤</p> <p>or</p> <p>...% (... included/excluded)</p> <p>or</p> <p>In accordance with the Site Development Plan. ♦ ④A</p> <p>or</p> <p>Not applicable ♦ ④B</p>
11	Parking requirements	<p>Clause 28, Table G ♦ ⑤</p> <p>or</p> <p>Demarcated Parking Spaces with a permanent dust-free surface, together with the necessary manoeuvring space, shall be provided and maintained on the Property to the satisfaction of the Municipality as follows:</p> <p><i>...(include use): ... (Parking Spaces to be provided on the Property)</i></p> <p><i>e.g. Backpackers: one (1) of Parking Space per two (2) beds</i></p> <p>or</p> <p>In accordance with the Site Development Plan. ♦ ④A</p> <p>or</p> <p>To the satisfaction of the Municipality. ♦ ④C</p> <p>or</p> <p>Not required.</p>
12	Street Building Lines	<p>Clause 9</p> <p>or</p> <p>Street Building Lines: Schedules 1 and 5 ♦ ⑨</p> <p>or</p> <p>Street Boundary: ... m.</p> <p>or</p> <p>... Street: ... m.</p>
13	Side Building Line and Rear Building Line	<p>Clause 12, Table A ♦ ⑤</p> <p>or</p> <p>Side Boundary: ...m.</p> <p>Rear Boundary: ...m.</p> <p>or</p> <p>In accordance with the Site Development Plan. ♦ ④A</p> <p>or</p> <p>Northern boundary: ...m.</p>
14	Children's playground	<p>♦ ① ⑥</p> <p>Clause 14(11).</p> <p><i>(Not applicable to Residential 1 and Residential 5)</i></p> <p>or</p> <p>The Owner of any Property in any Use Zone that is used for Dwelling Units registered as a sectional title scheme—and Blocks of Flats, shall provide, develop and maintain children's</p>

		<p>playground on the Property with the requirement of four (4) m² per Dwelling Unit with a minimum of 50 m² on the Property, provided that the Municipality may grant Permission to reduce the area.</p> <p>or</p> <p>Not applicable.</p>
15	Paving of traffic areas	<p>Clause 28(6)</p> <p>or</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 maintained, to the satisfaction of the Municipality.</p> <p>or</p> <p>In accordance with the Site Development Plan. ♦④A</p>
16	Access to the Property	<p>Clause 7(1) (<i>Not applicable to Residential 1 and Residential 5</i>)</p> <p>or</p> <p>In accordance with the Site Development Plan. ♦④A</p> <p>or</p> <p>Entrances to and exits from the Property shall be sited, constructed and maintained to the satisfaction of the Municipality.</p> <p>or</p> <p>Entrances to and exits from the Property 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 (<i>street name</i>) ...Road/Street/Drive.</p> <p>or</p> <p>No ingress to or egress from (<i>street name</i>) Road/Street/ Drive shall be allowed.</p> <p>or</p> <p>No ingress to or egress from (<i>street name</i>) Road/Street/ Drive shall be allowed along the Line of No Access as indicated on the map. ♦①①</p>
17	Loading and off-loading facilities	<p>Clause 29, Table H ♦①①</p> <p>or</p> <p>In accordance with the Site Development Plan. ♦④A</p> <p>or</p> <p>Sufficient manoeuvring space, entrances to and exits from the Property, internal driveways, and, where required, waiting bays, receiving points and turning facilities shall be provided on the Property.</p> <p>or</p> <p>If required, fuelling spaces, with sufficient manoeuvring space, shall also be provided on the Property. The number, layout and construction of the loading and fuelling spaces shall be to the satisfaction of the Municipality.</p> <p>or</p>

		<p>Shall be provided on the Property to the satisfaction of the Municipality.</p> <p>or</p> <p>Not required.</p> <p>or</p> <p>All loading and off-loading activities shall take place on the Property.</p> <p>or</p> <p>Goods shall only be loaded or off-loaded within the boundaries of the Property.</p> <p>or</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 or Place of Instruction.</i></p>
18	Physical Barrier and screen wall	<p>Clause 18(3). ♦ ① ②</p> <p>or</p> <p>In accordance with the approved Site Development Plan.</p> <p>♦ ④ A</p> <p>or</p> <p>Physical barrier/s shall be erected and maintained on the street boundary/ies of the Property (approved entrances and exits excluded) to the satisfaction of the Municipality.</p> <p>or</p> <p>A permanent non-removable physical barrier (1,8 m high or a specified height), which restricts pedestrian- and vehicle movement, shall be erected and maintained on all street boundaries of the Property (approved entrances and exits excluded) to the satisfaction of the Municipality.</p> <p>or</p> <p>A non-transparent screen wall with a minimum height of 2,5 m shall be erected on the Property 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>or</p> <p>Not applicable.</p>
19	Health measures	<p>Clause 18(7). ♦ ① ③</p> <p>or</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>and/or</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>or Advertisements and/or sign boards shall not be erected or displayed on the Property without the approval of the Municipality first being obtained in terms of Municipal By-laws for outdoor advertising.</p>
21	Site Development Plan and Landscape Development Plan	<p>Clause 31 or (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. (2) In addition to Clause 31 of the Scheme, special attention shall be given to the following elements such as, privacy of adjacent residential properties (overlooking, balconies and open passages), solar access to adjacent structures situated to the south (overshadowing), road reserve development (pedestrian walkways) and exterior finishes. (3) The approved Site Development Plan may only be amended with the Permission of the Municipality and no 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>or Not required.</p>
22	Geological conditions	<p>◆ ① ⑤ Clause 19(1) or Clause 19(2) or Specify as per department comments or Detrimental soil conditions as indicated on the map ◆ ① ② or <u>Dolomite Areas</u></p> <p>1. The following information must be submitted prior to approval of the Site Development Plan:</p> <p>(a) The final detailed geological footprint investigation report and comments from the Council for Geoscience on the report. (b) The final foundation design, wet engineering services design, ground improvement measures and geological precautionary measures as certified by the engineer. (c) The engineering geologist and the Council for Geoscience must certify that the final layout of</p>

		<p>structures and wet services are in accordance with the geological findings and recommendations.</p> <p>(d) The final detailed site specific Dolomite Risk Management Program. If there are existing structures and services to be retained, an audit report of the existing structures, wet services and stormwater management must accompany the dolomite risk management program.</p> <p>(e) No structures, wet services, water-bearing features, or children's play areas shall be permitted on the following portions of the following erven as indicated on the Scheme map, due to geological conditions. The high risk geological zones must be coordinated and indicated as figures on each affected erf. The co-ordinates of each figure must be indicated in a Table.</p> <p>2. The following information must be submitted prior to approval of building plans:</p> <p>(a) An engineer must be appointed before building plans are submitted, who must submit a certificate with the building plans, which states that he/she has studied the relevant geological report and that he/she 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 of the buildings, said engineer must certify that all his/her specifications have been met.</p> <p>or</p> <p><u>Non Dolomite Areas</u></p> <p>1. The following information must be submitted prior to approval of the Site Development Plan:</p> <p>(a) The final detailed geological investigation report.</p> <p>(b) The final foundation design, wet engineering services design, ground improvement measures and geological precautionary measures as certified by the engineer.</p> <p>(c) The engineering geologist must certify that the final layout of structures and wet services are in accordance with the geological findings and recommendations.</p> <p>2. The following information must be submitted prior to approval of the building plans:</p> <p>(a) An engineer must be appointed before the approval of building plans, who must design, specify and supervise structural measures for the foundations of all structures, according to the soil classification for each zone as described in the geological report. On completion of the</p>
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		structures, said engineer must certify that all his/her specifications have been met.
23	Open Space	◆①⑦ Specify as per department comments or Not applicable
24	General conditions: (1) ?? ◆①⑧ (2) In addition to the above conditions the Land and Buildings thereon are further subject to the general provisions of the Tshwane Land Use Scheme, 2024.	

TABLE 3: NOTES WITH REGARDS TO ANNEXURE L TEMPLATES

NR	NOTES
◆①	<ul style="list-style-type: none"> The font face and font size to be used is: Arial (font), 11 (size) for the entire document. Use Left Justification. The text of the entire document should not be in bold, <i>italics</i> or <u>underlined</u>, except as indicated at ◆②
◆②	<ul style="list-style-type: none"> Only the PROPERTY DESCRIPTION, USE ZONE NUMBER and the USE ZONE shall be in capital letters and in Bold. Use a comma between the Erf / Agricultural Holding number and the township/ Agricultural Holding respectively. Only the Use Zone numbers and Use Zones as indicated in the Table B of the Scheme can be used.
◆②A	<ul style="list-style-type: none"> List the land uses as indicated in Table B, Column (3) in the Scheme – Uses Permitted; also known as 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 refer to Table B, Column (3). List land uses for Use Zone 28: Special and refrain from including “Table B, Column (3)”.
◆②B	<ul style="list-style-type: none"> List 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 Scheme. 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 refer to Table B, Column (4).
◆②C	<ul style="list-style-type: none"> List the land uses that cannot be exercised and need to be 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 refer to Table B, Column (5). In Use Zone 28: Special, “All other land uses” means that all other uses shall be subject to another LDA.
◆②D	<ul style="list-style-type: none"> Refer to paragraph 2.2.
◆③	<u>RESIDENTIAL 1</u>

TABLE 3: NOTES WITH REGARDS TO ANNEXURE L TEMPLATES

NR	NOTES
	<ul style="list-style-type: none"> • Farm portions and Agricultural Holdings (AH) zoned Residential 1 have no Minimum Erf Size and no density is specified other than what is indicated in the definition of a Dwelling House, therefore Density shall be indicated as “Not applicable”. • Residential 1 Erven shall always have a Minimum Erf Size or a Density. <p>(1) <u>MINIMUM ERF SIZE</u></p> <p>For erven zoned Residential 1, Clause 20 of the Scheme applies.</p> <p>Minimum Erf Sizes are necessary for the subdivision of erven and are indicated according to Schedule 6 of the Scheme on the EZDB, namely ArcGIS.</p> <p><i>Minimum Erf Size: m².</i></p> <p>* The technical correct way to refer to the Minimum Erf Size is “<i>Minimum Erf Size: 500 m²” or “A Minimum Erf Size of 500 m²” (500 m² is only used here as an example).</i> <u>Don't refer</u> to a density of “<i>One Dwelling House per 500 m²”</i>, because this implies that on an Erf size of 1000 m² a Dwelling House can be erected on every 500 m². The Definition of a Dwelling House only makes provision for one (1) Dwelling Unit.</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 per Erf” be supported, without the specification of a Minimum Erf Size, it will mean that <u>no subdivision will be permitted as per Clause 20(3)(b) of the Scheme</u>, because there is no Minimum Erf Size applicable. The correct procedure is to set a Minimum Erf Size.</p> <p>(b) <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 Scheme cannot be submitted.</p> <p>* If the intension is that no Additional Dwelling House shall be approved by means of a Permission application, then the provisions of Clause 14(10) <u>should be excluded in Condition 24 under the General conditions</u>, e.g.: “The provisions of Clause 14(10) shall not apply.”</p> <p>(c) <u>Two Dwelling Houses per Erf</u></p>

TABLE 3: NOTES WITH REGARDS TO ANNEXURE L TEMPLATES

NR	NOTES
	<p>* The definition of a Dwelling House in the Scheme only allows the erection of one Dwelling House. Should the aim be to grant the Additional Dwelling House as a <u>primary right</u> then Column (3) should be changed to read Dwelling Houses. Therefore, the density should refer to “Two Dwelling Houses per Erf”.</p> <p>* Consider and evaluate the application whether subdivision will be permitted or not. Apply 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 Scheme 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 “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)(b) – <u>no Permission application for an Additional Dwelling House i.t.o. Clause 14(10) is permitted. This means by implication that if the Property cannot comply with the prescribed densities of these Schedules for the Additional Dwelling House, then the Property needs to be rezoned.</u></p> <p><u>RESIDENTIAL 2</u></p> <ul style="list-style-type: none"> Specify the Density by means of units per hectare - see Clause 21 of the Scheme. <p><u>RESIDENTIAL 3</u></p> <ul style="list-style-type: none"> Density not applicable – see Clause 22 of the Scheme. Dwelling Units per hectare may be specified in an Annexure L only for the purposes of calculation of contributions for engineering services. <p><u>RESIDENTIAL 4</u></p> <ul style="list-style-type: none"> Density not applicable – see Clause 23 of the Scheme. Dwelling Units per hectare may be specified in an Annexure L only for the purposes of calculation of contributions for engineering services. 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><u>RESIDENTIAL 5</u></p> <ul style="list-style-type: none"> Density not applicable – see Schedule 15 of the Scheme.
◆ ④	Refer to the relevant Tables in the Scheme.
◆ ④A	<ul style="list-style-type: none"> Refrain from using “In accordance with the Site Development Plan / As per SDP” as this is open for interpretation. Rather use the specific Clauses of the Scheme that makes provision for the relaxation of the development controls. 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.

TABLE 3: NOTES WITH REGARDS TO ANNEXURE L TEMPLATES

NR	NOTES
◆ ④B	<ul style="list-style-type: none"> • “Not applicable” implies the absence of any development controls and conditions for the listed primary land uses or for any future development by way of LDA e.g. Consent Uses or Permission. • Should the option “Not applicable” be given under Residential 1, it implies that all possible land uses that can be applied for as a Consent Use will have no development controls. Therefore, use the Zones for FAR, Coverage and Height e.g. Clause 25, Table C, FAR Zone 21 implies that in terms of column (4) FAR will not be applicable for a Dwelling House but in column (3) for Guest House the FAR will be 1,5.
◆ ④C	This condition is only for the land uses as stipulated in Table G that refers “To the satisfaction of the Municipality”.
◆ ⑤	Relaxation clauses and/or certain Permissions (refer to Part C) are always applicable unless it is specifically excluded, e.g.: Height: 10 metres, provided that Clause 26(5)(a) shall be excluded.
◆ ⑥	Preferably use metres, Clause 26, Table D specifies Height in metres and not Storeys.
◆ ⑦	Use decimal commas not decimal points, e.g. <u>1,6</u> and not 1.6.
◆ ⑧	<ul style="list-style-type: none"> • FAR cannot be increased by a Site Development Plan or any other relaxation clause. • Schedule 7 is ONLY applicable in the calculations for Buildings where FAR is applicable.
◆ ⑨	Do NOT refer to Schedules 1 and 5. Verify the information in Schedules 1 and 5 and write out the Building Lines on the Scheme documents. Schedules 1 and 5, where applicable, will be issued with the relevant Property’s zoning certificate.
◆ ①⑩	Any areas where there is reference to a figure e.g. Line of No Access, access, detrimental soil conditions, etc. should be indicated on a Scheme map accompanying the approval of an application. (Refer to paragraphs 2.3. Technical information)
◆ ①①	Verify Clause 29, Table H and include the applicable condition.
◆ ①②	Verify Clause 18(3)(a) and 18(3)(b) and include the applicable condition.
◆ ①③	Verify Clause 18(7)(a) and include the applicable condition.
◆ ①④	Verify Clause 30(2) and include the applicable condition.
◆ ①⑤	Clause 19(1) deals with the development of Property on dolomite ground and Clause 19(2) deals with the development of Property on non-dolomite ground, verify and include the applicable condition or use other options from comments of Geology.
◆ ①⑥	This condition is ONLY applicable to children’s playground and NOT for the provision of Open Space as contemplated in section 47 of the LUM By-law. The provision of Open Space shall be included in condition 23 of the Annexure L.
◆ ①⑦	Specify the m ² (square meters) of land required for the provision of Open Space and parks over and above the provision of the Children’s playground as per the department’s comments/requirements.
◆ ①⑧	Include other conditions which need to be part of the Annexure L but do not fall under one of conditions 7-23.

3.3 CONSENT USE, PERMISSION AND RELAXATION: SECTION 16(3) OF THE LUM BY-LAW

3.3.1 GENERAL PRINCIPLES

- (1) Application for Consent Use is in terms of section 16(3) of the LUM By-law read with Clause 15 or 16 of the Scheme. 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 LDA for Consent Use, Permission and Relaxation applications in terms of the Scheme.
- (2) Land uses listed in an Annexure L, conditions contained in Clause 16(2) of the Scheme, or land uses in Table B, Column (4) can be applied for with a Consent Use.
- (3) Permission applications are not lodged for land uses as listed in terms of Table B of the Scheme, but it is an LDA in terms of section 16(3) of the LUM By-law read with Clause 15 of the Scheme to use Land and Buildings for a specific use or to relax certain conditions applicable for the use of Land and Buildings. See PART C herewith for guidance.
- (4) NOT all Permissions which are allowed in terms of the Scheme relate to land uses or an LDA 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 of the Scheme. See PART C herewith for guidance.
- (5) Reference to the correct Clause for a Permission application must be done and it is very important as it determines how the application will be dealt with and the development conditions imposed. See PART C herewith for guidance.
- (6) A Consent Use is not an amendment of the Scheme; therefore, all land uses and conditions approved shall be in terms of the Scheme, i.e., definitions, Coverage, FAR, Height, and other development controls shall apply. Only land uses that are defined in Clause 5 of the Scheme, can be approved as a Consent Use. The definition may, however, be scaled down, thus permitting fewer rights than what is intended by the definition.
- (7) 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 L / Scheme Clauses e.g. increase of Height or Coverage, One (1) Additional Dwelling House.
- (8) The development controls and conditions i.e. Coverage, FAR and Height as indicated on the EZDB 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.

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

does not exceed the primary land use rights or renders the primary land use rights un-executable.

- (9) A Consent Use is approved as secondary rights allowed in respect of a specific Use Zone and/or Annexure L. 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 Planning Professional of LUMA must take into consideration that the Consent Use originally granted may be rescinded by means of the approval of the rezoning application.
- (10) Multiple Consent Uses and Permissions are permissible on one Property, therefore the applicant must indicate all other approvals, and the Planning Professional of LUMA evaluating the application must consider all previous land development approvals and determine whether the new approval replaces any of the existing approvals or whether it is an additional Consent Use or Permission which will be combined with existing Consent Uses. If the Consent Use or Permission 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 increases in land uses as the rights could be interpreted individually (also refer to (8)).
- (11) The approval letter should clearly indicate the status of any existing Consent Use or Permission and specify which Consent Use or Permission approvals will be applicable after the Adoption of the proposed LDA, e.g.:

This Consent Use/Permission shall replace previous Consent Use/ Permission (*insert Document Code*) dated YY/MM/DD

OR

Consent Use/ Permission (*insert Document Code*) shall be replaced by this Consent Use or Permission.

OR

This Consent Use/ Permission does not replace (*insert Document Code*) and shall be combined as one document.

- (12) Multiple Consent Uses and/or 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 on the granting of Land Use Rights on Farm Portions and Agricultural Holdings” (Council resolution dated 25 May 2023) to determine if it can be approved.
- (13) 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.
- (14) In terms of section 16(3)(f)(A)(ii) of the LUM By-law a site plan, if required, is the detailed plan that is part of the conditional approval and 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/ Permission;
- (i) existing building lines;
- (j) parking spaces;
- (k) if a part of the erf/property is to be used for the Consent Use/Permission, the part must be clearly indicated;
- (l) the terminology used on the site plan must be in accordance with the Scheme; 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 or Public Service Infrastructure; etc.

3.3.2 GUIDELINES TO COMPLETE CONSENT USE/PERMISSION TEMPLATE

- (1) The standard template format needs to be used (PART D, F/3 and F/4) for the submission and evaluation. Use Table B as a guide to complete the first 5 rows of the Annexure L template i.e., Conditions 1 up to and including 5.
- (2) The standard template F/3 and F/4 must be completed IN FULL and no column(s) must be left open as it might lead to fraud and corruption.

Table 4 aims to guide the author step by step on how to complete the Consent Use and Permission Table, followed by Table 5 which informs the Notes applicable to the Consent Use and Permission Table.

TABLE 4: GUIDELINES TO COMPLETE CONSENT USE/PERMISSION TABLE
Format of the document ♦ ①
CPD XX/XX/XX ♦ ② ITEM NUMBER (XXXXX) ♦ ②
PROPERTY DESCRIPTION: ERF/ERVEN, TOWNSHIP, AGRICULTURAL HOLDINGS OR FARMS ♦ ②A
<u>EXAMPLES:</u>
Township:
ERF 3804, FAERIE GLEN EXTENSION 62

ERVEN 3804 AND 3805, FAERIE GLEN EXTENSION 62

REMAINDER OF ERF 230 AND ERF 231, WAPADRAND EXTENSION 1

ERVEN 537 UP TO AND INCLUDING 576, EQUESTRIA EXTENSION 26

PART ABCDA OF ERF 961, MORELETAPARK EXTENSION 2

PART ABCDA OF PRETORIUS STREET, HATFIELD

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

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

CONSENT USE: ♦②B

OR PERMISSION: ♦②B

**This Consent Use is subject to the provisions and development controls of this USE ZONE
OR This Permission is subject to the provisions and development controls of this USE
ZONE. ♦②B**

1	Use Zone number	♦②A ♦②C 1 up to 28
2	Use Zone	♦②A ♦②D RESIDENTIAL 1 up to SPECIAL
6	Definitions	♦③ Clause 5 or For the purposes of this Scheme ... <i>(include land use)</i> shall mean ... <i>(omit some of the listed land uses if required)</i>
8	Floor Area Ratio	Clause 25, Table C, FAR Zone ... ♦④ or ... m ² gross floor area or

		In accordance with the Site Development Plan ♦ ④A or Not applicable ♦ ④B
9	Height	Clause 26, Table D, Height Zone ... ♦ ④ or ... metre ♦ ⑥ or In accordance with the Site Development Plan. ♦ ④A or 10 metres, provided that more than one (1) Storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of the adjoining property owners or Not applicable ♦ ④B
10	Coverage	Clause 27, Table E: Coverage Zone ... ♦ ④ or ...%, provided that ... ♦ ⑤ or In accordance with the Site Development Plan. ♦ ④A or Not applicable ♦ ④B
11	Parking requirements	Clause 28, Table G or Demarcated parking spaces with a permanent dust-free surface, together with the necessary manoeuvring space, shall be provided and maintained on the Property to the satisfaction of the Municipality as follows: <i>... (include use): ... (Number of Parking Spaces to be provided on the Property)</i> <i>e.g. Guest House Two (2) Parking Space for the manager; plus one (1) Parking Space per bedroom for Guests.</i> or In accordance with the Site Development Plan. ♦ ④A or To the satisfaction of the Municipality. ♦ ④C
12	Street Building Lines	Clause 9 or Street Building Lines: Schedules 1 and 5 ♦ ⑦ or Street Boundary: ... m. or ...Street: ... m.
13	Side Building Line and Rear Building Line	♦ ⑤

		<p>Clause 12, Table A</p> <p>or</p> <p>Side Boundary: ...m.</p> <p>Rear Boundary: ... m.</p> <p>or</p> <p>In accordance with the Site Development Plan. ♦④A</p> <p>or</p> <p>Northern boundary: ...m.</p>
14	Children's playground	<p>♦①④</p> <p>Clause 14(11).</p> <p><i>(Not applicable to Residential 1 and Residential 5)</i></p> <p>or</p> <p>The Owner of any Property in any Use Zone that is used for Dwelling Units registered as a sectional title scheme and Blocks of Flats, shall provide, develop, and maintain children's playground on the Property with the requirement of four (4) m² per Dwelling Unit with a minimum of 50 m² on the Property, provided that the Municipality may grant Permission to reduce the area.</p> <p>or</p> <p>Not applicable.</p>
15	Paving of traffic areas	<p>Clause 28(6)</p> <p>or</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 maintained, to the satisfaction of the Municipality.</p> <p>or</p> <p>In accordance with the Site Development Plan. ♦④A</p>
16	Access to the Property	<p>Clause 7(1)</p> <p><i>(Not applicable to Residential 1 and Residential 5)</i></p> <p>or</p> <p>In accordance with the Site Development Plan. ♦④A</p> <p>or</p> <p>Entrances to and exits from the Property shall be sited, constructed and maintained to the satisfaction of the Municipality.</p> <p>or</p> <p>Entrances to and exits from the Property 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 <i>(street name)</i>... Road/Street/Drive.</p> <p>or</p> <p>No ingress to or egress from ...<i>(street name)</i> Road/Street/ Drive shall be allowed.</p> <p>or</p> <p>No ingress to or egress from ...<i>(street name)</i> Road/Street/ Drive shall be allowed along the Line of No Access as indicated on the map. ♦⑧</p>

17	Loading and off-loading facilities	<p>Clause 29, Table H ♦ ⑨</p> <p>or</p> <p>In accordance with the Site Development Plan. ♦ ④ A</p> <p>or</p> <p>Sufficient manoeuvring space, entrances to and exits from the Property, internal driveways, and, where required, waiting bays, receiving points and turning facilities shall be provided on the Property.</p> <p>or</p> <p>If required, fuelling spaces, with sufficient manoeuvring space, shall also be provided on the Property. The number, layout and construction of the loading and fuelling spaces shall be to the satisfaction of the Municipality.</p> <p>or</p> <p>Shall be provided on the Property to the satisfaction of the Municipality.</p> <p>or</p> <p>Not required.</p> <p>or</p> <p>All loading and off-loading activities shall take place on the Property.</p> <p>or</p> <p>Goods shall only be loaded or off-loaded within the boundaries of the Property.</p> <p>or</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 or Place of Instruction.</i></p>
18	Physical Barrier and screen wall	<p>Clause 18(3). ♦ ① ②</p> <p>or</p> <p>In accordance with the approved Site Development Plan. ♦ ④ A</p> <p>or</p> <p>Physical barrier/s shall be erected and maintained on the street boundary/ies of the Property (approved entrances and exits excluded) to the satisfaction of the Municipality.</p> <p>or</p> <p>A permanent non-removable physical barrier (1,8 m high or a specified height), which restricts pedestrian- and vehicle movement, shall be erected and maintained on all street boundaries of the Property (approved entrances and exits excluded) to the satisfaction of the Municipality.</p> <p>or</p> <p>A non-transparent screen wall with a minimum height of 2,5 m shall be erected on the Property 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>or</p> <p>Not applicable.</p>

19	Health measures	<p>Clause 18(7). ♦ ① ①</p> <p>or</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>and/or</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 ②</p> <p>or</p> <p>Advertisements and/or sign boards shall not be erected or displayed on the Property without the approval of the Municipality first being obtained in terms of Municipal By-laws for outdoor advertising.</p> <p>or</p> <p>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</p>
21	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>or</p> <p>Not required.</p>
22	Geological conditions	<p>♦ ① ③</p> <p>Clause 19(1)</p> <p>or</p> <p>Clause 19(2)</p> <p>or</p> <p>Specify as per department comments</p> <p>or</p> <p>Detrimental soil conditions as indicated on the map ♦ ⑧</p> <p>or</p> <p><u>Dolomite Areas</u></p> <p>1. The following information must be submitted prior to approval of the Site Development Plan:</p>

		<p>(a) The final detailed geological footprint investigation report and comments from the Council for Geoscience on the report.</p> <p>(b) The final foundation design, wet engineering services design, ground improvement measures and geological precautionary measures as certified by the engineer.</p> <p>(c) 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>(d) The final detailed site specific Dolomite Risk Management Program. If there are existing structures and services to be retained, an audit report of the existing structures, wet services and stormwater management must accompany the dolomite risk management program.</p> <p>(e) No structures, wet services, water-bearing features, or children's play areas shall be permitted on the following portions of the following erven as indicated on the Scheme map, due to geological conditions. The high risk geological zones must be coordinated and indicated as figures on each affected erf. The co-ordinates of each figure must be indicated in a Table.</p> <p>2. The following information must be submitted prior to approval of building plans:</p> <p>(a) An engineer must be appointed before building plans are submitted, who must submit a certificate with the building plans, which states that he/she has studied the relevant geological report and that he/she 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 of the buildings, said engineer must certify that all his/her specifications have been met.</p> <p>or</p> <p><u>Non Dolomite Areas</u></p> <p>1. The following information must be submitted prior to approval of the Site Development Plan:</p> <p>(a) The final detailed geological investigation report.</p> <p>(b) The final foundation design, wet engineering services design, ground improvement measures and geological precautionary measures as certified by the engineer.</p> <p>(c) The engineering geologist must certify that the final layout of structures and wet services are in accordance with the geological findings and recommendations.</p>
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		<p>2. The following information must be submitted prior to approval of the building plans:</p> <p>(a) An engineer must be appointed before the approval of building plans, who must design, specify and supervise structural measures for the foundations of all structures, according to the soil classification for each zone as described in the geological report. On completion of the structures, said engineer must certify that all his/her specifications have been met.</p>
23	Open Space	<p>◆①⑤</p> <p>Specify as per department comments or Not applicable</p>
24	<p>General conditions:</p> <p>(1) ?? ◆①⑥</p> <p>(2) In addition to the above conditions the Land and Buildings thereon are further subject to the general provisions of the Tshwane Land Use Scheme, 2024.</p>	

TABLE 5: NOTES WITH REGARDS TO CONSENT USE / PERMISSION TEMPLATES

NR	NOTES
◆①	<ul style="list-style-type: none"> The font face and font size to be used is: Arial (font), 11 (size) for the whole document. Use Left Justification. The text of the entire document should not be in bold, <i>italics</i> or <u>underlined</u>, except as indicated at ◆②A
◆②	Insert the correct LDA file number and LDA item number.
◆②A	<ul style="list-style-type: none"> Only the PROPERTY DESCRIPTION, USE ZONE NUMBER and the USE ZONE shall be in capital letters and in Bold. Use a comma between the Erf / Agricultural Holding number and the township/ Agricultural Holding respectively.
◆②B	<ul style="list-style-type: none"> Insert the Consent Use/ Permission being applied for, refer to Table B for Consent Uses to ensure that the land use is correctly stated. e.g. It is NOT a Second Dwelling House, but an Additional Dwelling House. The statements indicate that the development controls for the Use Zone is still applicable. For Private Infrastructure Service this statement "This Permission is subject to the provisions and development controls of this USE ZONE." is not applicable as it deviates from the development controls of the Use Zone and should therefore be removed from the template.
◆②C	<ul style="list-style-type: none"> Only the Use Zone <u>numbers</u> as indicated in Table B of the Scheme shall be used. Verify on the zoning certificate and GeoWeb to ensure that the correct Use Zone number is being used.

TABLE 5: NOTES WITH REGARDS TO CONSENT USE / PERMISSION TEMPLATES

NR	NOTES
◆ ②D	<ul style="list-style-type: none"> Only the Use Zones as indicated in Table B of the Scheme shall be used. Verify on the zoning certificate and Geoweb to ensure that the correct Use Zone is being used. Verify in Table B, that the land use being applied for by means of Consent Use is listed in Column (4) Uses with Consent Use. Consent Uses are applied for in terms of the Scheme and the zoning and not for the amendment of the Scheme, provided that an amendment of the land use rights and conditions will ONLY be allowed if it is a deviation for <u>lesser land use rights</u> as permitted in the zoning, e.g.: in the definition of a Guest House, the maximum number of bedrooms and the number of Guests as determined in Clause 5 of the Scheme can be deviated from. The definition in the approval must be written out and include the required bedrooms and Guests i.e. replace “16 bedrooms” with “5 bedrooms” and/or “32 Guests” with “10 Guests” – using the evaluation and the specifics of the application. The number of Guests and/or bedrooms cannot exceed the number as indicated in the definition as per Clause 5 of the Scheme meaning that 16 bedrooms with 32 Guests is the maximum under this definition.
◆ ③	<ul style="list-style-type: none"> Definitions for Consent Uses shall not deviate from definitions as defined in Clause 5 of the Scheme, except to omit some of the listed land uses if required. New Definitions or adding land uses to an existing Definition is only allowed with a rezoning.
◆ ④	<ul style="list-style-type: none"> Refer to the relevant Tables in the Scheme. The development controls for Consent Use/Permission containing the land use rights permitted or conditions imposed on a Property, shall only be as permitted in terms of the applicable zoning in terms of the Scheme and under no circumstances may it be amended by granting more rights, than permitted in the zoning in terms of the Scheme. If the primary Zoning is subject to and Annexure L, refrain from inserting the Annexure number under the development controls, rather indicate the specific development controls.
◆ ④A	<ul style="list-style-type: none"> Refrain from using “In accordance with the Site Development Plan / As per SDP” as this is open for interpretation. Rather use the specific Clauses of the Scheme applicable to the Use Zone. 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.
◆ ④B	“Not applicable” implies the absence of any development controls and conditions.
◆ ④C	This condition is only for uses as stipulated in Table G that refer “To the satisfaction of the Municipality”
◆ ⑤	<ul style="list-style-type: none"> Attention should be given to the proposed building lines in relation to the Scheme. The Consent Use or Permission approves the locality of structures in terms of the site plan. If a site plan indicates a 5 m side building line contrary to the building lines prescribed in the Scheme, a side building line or rear building line, Permission for relaxation in terms of section 16(3) of the LUM By-law read with Clause 12 of the Scheme has to be approved before the rights approved with the Consent Use or Permission can be exercised and should be included as a condition in the conditional approval as a pre-adoption condition.
◆ ⑥	Preferably use metres, Clause 26, Table D specifies Height in metres and not Storeys.

TABLE 5: NOTES WITH REGARDS TO CONSENT USE / PERMISSION TEMPLATES

NR	NOTES
◆ ⑦	Do NOT refer to Schedules 1 and 5. Verify the information in Schedules 1 and 5 and write out the Building Lines on the Scheme documents. Schedules 1 and 5, where applicable, will be issued with the relevant Property's zoning certificate.
◆ ⑧	Any areas where there is reference to a figure e.g. Line of No Access, access, detrimental soil conditions, etc. should be indicated on a Scheme map accompanying the approval of an application. (Refer to paragraphs 2.3 Technical information)
◆ ⑨	Verify Clause 29, Table H and include the applicable condition.
◆ ⑩ ⑩	Verify Clause 18(3)(a) and 18(3)(b) and include the applicable condition.
◆ ⑪ ⑪	Verify Clause 18(7)(a) and include the applicable condition.
◆ ⑫ ⑫	Verify Clause 30(2) and include the applicable condition.
◆ ⑬ ⑬	Clause 19(1) deals with the development of Property on dolomite ground and Clause 19(2) deals with the development of Property on non-dolomite ground, verify and include the applicable condition or use other options from comments of Geology..
◆ ⑭ ⑭	This condition is ONLY applicable to children's playground and NOT for the provision of Open Space as contemplated in section 47 of the LUM By-law. The provision of Open Space shall be included in condition 23 of the Consent Use/ Permission table.
◆ ⑮ ⑮	Specify the m ² (square meters) of land required for the provision of Open Space and parks over and above the provision of the Children's playground as per the department's comments/requirements.
◆ ⑯ ⑯	<ul style="list-style-type: none"> • Include other conditions that need to be part of the Consent Use or Permission template which do not fall under one of the conditions 7-23, e.g. operational hours and staff composition, where applicable. • <u>Certain Consent Uses/ Permissions requires conditions to regulate the use</u> e.g. Place of Amusement, Place of Public Worship, Commune, Wall of Remembrance, Motor Workshop, Veterinary Hospital, etc. Conditions relating to the <u>comments of departments</u> should be included as conditions. • Consent Use and Permission development controls should be specific for development charges to be calculated e.g. a Boarding House should include the number of rooms that will be used.

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

- (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, MPT or MAT will, simultaneous with the approval of the township application, approve the amendment scheme documents. The same principle applies for 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 the 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 LDA – one decision.* Therefore, all the subparagraphs under 3.1 as well as Tables 2 and 3 shall also apply.

- (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 LDA approval which consist 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) Refer to paragraph 3.1 paragraph (11) regarding existing land use rights.

3.5 SUBDIVISION AND/OR CONSOLIDATION: SECTION 16(12) OF THE LUM BY-LAW

3.5.1 GENERAL PRINCIPLES

- (1) Refer to 2.3 for technical information.
- (2) The LUM By-law, makes provision for the following:
- (a) Subdivision of Erven in a proclaimed township (section 16(12)(a)(i)).
 - (b) 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.
 - (c) Simultaneous subdivision and consolidation (as mentioned in 3.5.2) in terms of section 15(7) of the LUM By-law. Also see Schedule 8, to the LUM By-law.
 - (d) Subdivision of farm portions and Agricultural Holdings (section 16(12)(a)(iii)).
- (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 Planning Professional of LUMA 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;”*
- (4) Section 16(12)(d) refers to the refusal and approval of these applications. Please note that applications can indeed be refused.
- (5) Section 16(12)(e) refers to the approval of a layout plan and the imposition of conditions.

3.5.2 SUBDIVISION AND/OR CONSOLIDATION OF ERVEN

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

(1) Zoning and density

Refer to Table 2, Note nr ♦③, for a comprehensive discussion regarding density and subdivision.

When a subdivision and/or consolidation application does not comply with the provisions/stipulations in the Scheme, 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 Scheme, 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 Scheme 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 EZDB on the ArcGIS platform. Further rights could be included in Scheme documents. The latter may consist of Consent Uses and Permissions and should also be verified regarding the conditions and land uses whether it is still valid.

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

All this information will reflect in the zoning certificate accompanying the application BUT should also be verified by Planning Professional of LUMA on GeoWeb and APS.

Upon the submission of an LDA 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.

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

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

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

Conditions should be numbered. Conditions that have not been addressed by the internal departments of the COT, but are essential to the approval, should be included.

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 m² (the area of the panhandle/servitude of right of way excluded).

(4) Consolidation of Erven

(a) If consolidation is necessary before the land use rights can be Adopted, a condition must be added to the conditional approval to ensure compliance before Adoption of the land use rights. This consolidation condition shall also be included in the Annexure L to assist in understanding the change in the property description, for example during the evaluation of an SDP or Building Plan. The inclusion of this consolidation condition in the Annexure L ensures that land use rights cannot be exercised if the consolidation has not been registered or is canceled.

(b) Note that the erven to be consolidated needs to have the same Use Zone, land uses and development controls if the consolidated Erf needs to be developed as one development (land uses to be spread over the total consolidated Erf). If the Use Zone, land uses and development controls are not the same, the consolidated Erf will have a Split Zoning (two or more zoning certificates) and the development cannot be spread over the total consolidated erf and previous erf boundaries.

(c) By including the consolidation condition, it makes it clear that unless the properties are consolidated, the land use rights cannot be exercised.

(d) The term "consolidated Erf" can be used in the Annexure L, 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-Adoption condition to be included in the approval letter:

"The Properties shall be consolidated, and the consolidation shall be registered prior to Adoption.

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

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

(e) The Property description indicated in the Annexure L is the registered Property description at the time of submission of the LDA. 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 L.

- (f) The provisions of Clause 12(5) of the Scheme shall be applicable.

“If two (2) or more Properties are consolidated, the Side Building Line and Rear Building Line required in terms of this Scheme in respect of the former common boundary shall fall away, provided further that the provisions of this Subclause shall *mutatis mutandis* also apply if two (2) or more Properties are Notarially Tied”

(5) Notarial Tied Properties

- (a) Please take note of the underlined sentence of the definition of Notarial Tie

“NOTARIAL TIE

*Means the linking of two (2) or more contiguous Properties by means of a notarial agreement registered as such in an appropriate notarial deed in the offices of the Registrar of Deeds and recorded against the title deeds of the Properties, which form the subject of the Notarial Tie agreement and which also joins the Municipality as a party to the tie agreement with the aim of creating a single land parcel, which for judicial purposes may be dealt with in accordance with the notarial agreement for development purposes, **but shall not create a single or uniform zoning over the Properties unless specified as such in an Annexure L,** provided that:*

- (1) *where Properties are not contiguous, the Municipality may in its sole discretion allow the registration of a Notarial Tie, where as a result of the tie agreement the **land use rights may be exercised on both or all the Properties, in such a manner that does not contravene the land use rights on each of the Properties;** and*
 - (2) *where Properties are registered in the offices of the Registrar of Deeds as an Erf, lot, plot, Agricultural Holding, sectional title sections or farm portions, a Notarial Tie between different statuses of registration may not be permitted.”*
- (b) If a Notarial Tie is necessary before the land use rights can be Adopted, a condition must be added to the conditional approval to ensure compliance before Adoption of the land use rights.
- (c) The implication of the inclusion of the Notarial Tie condition in the Annexure L can result in the land use rights cannot be exercised if the Notarial Tie has not been registered and/or if the Notarial Tie is canceled. It is thus better to include the condition of Notarial Tie in the pre-adoption conditions but should also be included in the Annexure L.
- (d) VERY IMPORTANT: If the Notarial Tie condition is included in the Annexure L without an **additional condition** as set out in the definition of Notarial Tie the land uses on the Notarial Tied Properties **shall not create a single or uniform zoning over the Properties.**
- (e) The condition of Notarial Tie must be included in the Annexure L as well as an additional condition “to create a single or uniform zoning over the Properties” if it is the intension that the different properties that formed part of the LDA shall be developed as **one development** and not have the possibility for subdivision in future.

- (f) By including the Notarial Tie condition, it makes it clear that unless the properties are Notarial Tied, the land use rights cannot be exercised.
- (g) Take cognisance that the original zonings are applicable on each Property separately, unless such Annexure L specifies that a uniform zoning shall be applicable over all the properties so tied. A Notarial Tie cannot spread or give more land use rights than that which is linked to the individual Properties on which the LDA applies.
- (h) The term "Notarial Tied Properties" can be used in the Scheme documents as a collective noun when several Erven are involved where the same rights will be applicable after the Notarial Tie and where the Notarial Tie is a prerequisite before the rights can be exercised.
- e.g. Pre-Adoption condition to be included in the approval letter/report: *"The Properties shall be Notarial Tied and the Notarial Tie shall be registered prior to Adoption"*.
- e.g. Condition (24) General condition to be included in the Annexure L: *"The Properties shall be Notarial Tied and the Adopted land use rights shall only be exercised on Notarial Tied Property. For the purpose of this Notarial Tie, the land uses on the Properties **shall create a single or uniform zoning over the Properties.**"*
- (i) The provisions of Clause 12(5) of the Scheme shall be applicable.

"If two (2) or more Properties are consolidated, the Side Building Line and Rear Building Line required in terms of this Scheme in respect of the former common boundary shall fall away, provided further that the provisions of this Subclause shall *mutatis mutandis* also apply if two (2) or more Properties are Notarially Tied"

e.g. Erf 20, Die Hoewes Extension 26 and Erf 53, Die Hoewes Extension 27 shall be Notarially Tied and registered as per the definition in the Scheme and to the satisfaction of the Municipality prior to the submission of building plans. The common boundary shall be disregarded for development purposes and shall create a single or uniform zoning over the Properties as specified in the Annexure L.

e.g. On registration of the Notarial Tie of the townships, e.g. Die Hoewes Extension 26 and Die Hoewes Extension 27, there will be no building lines or building restriction areas applicable along the common boundary separating the townships and, in terms of an approved Site Development Plan, such common boundary will not be deemed to exist in physical terms and will not affect the siting or configuration of buildings and parking provision on the combined site area of the townships.

PART A: TRANSITIONAL ARRANGEMENTS

The complete discussion document for Transitional Arrangements, PART A is available as a separate electronic document.

PART B: CONVERSION TABLES

The Guideline in terms of section 12(3) of the LUM By-law, contains tables, referred to as **Conversion Tables** which shall be used for the conversion and/or interpretation of all documents, zoning, clauses, schedules and annexures prepared and approved in terms of town-planning schemes in operation prior to the commencement of the Scheme and in accordance with processes as contemplated in the LUM By-law, where such by-law makes provision for applications in terms of the Scheme. The complete PART B is available as a separate electronic document.

PART C: CATEGORIES OF PERMISSION

The complete PART C is available as a separate electronic document.

PART D: APPLICATION TEMPLATES

- (1) Draft Scheme documents for the LDA, shall be completed by the applicant at the time of submission (Templates F/1 to F/4)
The complete PART D is available as a separate electronic document.
- (2) Final Scheme document templates to be used by the Planning Professional of LUMA for the compilation of the final Scheme document are available for use by Municipal officials on Q:\City Planning\MAN DOCUMENTS\Scheme Templates.
- (3) The Adopted Scheme Documents shall be linked to the EZDB by the Planning Professional of the Land Use Scheme, Toponymy and Application Management Section and will be available on the zoning certificate obtainable from GeolInfoService (GeolInfoService@TSHWANE.GOV.ZA).