



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

MUNICIPAL PLANNING AMENDMENT BY- LAW, 2016

**APPROVED BY COUNCIL : 26 MAY 2016
C20/05/16**

**PROMULGATED 01 JULY 2016
PG 7647; LA 61509**



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koerant**

**Isongezelelo
kwiGazethi yePhondo**

7647

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7647

Friday, 1 July 2016

Vrydag, 1 Julie 2016

uLwesihlanu, 1 kweyeKhala 2016

Registered at the Post Office as a Newspaper

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(Copies are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

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INHOUD

(Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

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IZIQULATHO

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**CITY OF CAPE TOWN
MUNICIPAL PLANNING
AMENDMENT BY-LAW, 2016**

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MUNICIPAL PLANNING AMENDMENT BY-LAW, 2016**

GENERAL EXPLANATORY NOTE:

() Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BE IT ENACTED by the Council of the City of Cape Town, as follows:-

Substitution of the Preamble of the City of Cape Town: Municipal Planning By-law, 2015

1. The City of Cape Town: Municipal Planning By-law, 2015 (hereinafter referred to as the principal By-law) is hereby amended by the substitution for the Preamble of the following Preamble:

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

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

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

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

WHEREAS section 2(2) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) permits other legislation to prescribe an alternative or parallel mechanism, measure, institution or system on spatial planning, land use, land use management and land development in a manner consistent with the provisions of that Act, and the City intends through this By-Law to prescribe such a mechanism, measure, institution and system;

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

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

Amendment of section 5 of the City of Cape Town: Municipal Planning By-law, 2015

2. Section 5 of the principal By-law is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Sections 4(2) and 6 apply to amendments to the municipal spatial development framework as a result of comments received **(by)** from the Provincial Minister responsible for local government as contemplated in section 32 or 33 of the Municipal Systems Act.”.

Amendment of section 7 of the City of Cape Town: Municipal Planning By-law, 2015

3. Section 7 of the principal By-law is hereby amended by the insertion, after the words "Provincial Minister", of the following words:

"responsible for local government".

Amendment of section 13 of the City of Cape Town: Municipal Planning By-law, 2015

4. Section 13 of the principal By-law is hereby amended –

(a) by the deletion of subsection (2); and

(b) by the substitution for words in subsection (3) preceding paragraph (a) of the following words:

"(3) **(Upon completion of the consultation process and the adopted process, t)** The Department must provide a written report that must at least –"

Substitution of section 15 of the City of Cape Town: Municipal Planning By-law, 2015

5. The following section is hereby substituted for section 15 of the principal By-law:

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

"Within 30 days of adopting or amending a district spatial development framework or a local spatial development framework, the City must publish the adopted or amended district spatial development framework or local spatial development framework **(in accordance with section 19)** on the City's website."

Amendment of section 36 of the City of Cape Town: Municipal Planning By-law, 2015

6. Section 36 of the principal By-law is hereby amended by –

(a) the substitution for subsection (1) of the following subsection –

"(1) Save where land is deemed to be zoned as contemplated in the development management scheme, the City may determine a zoning for land which does not have a zoning on its own initiative or on application by an owner."

(b) the substitution for subsection (4) of the following subsection –

"(4) The City must amend the zoning map (must be amended) as soon as practicable to reflect the zoning determined **(and deemed to be the zoning of)** for the land."

Amendment of section 38 of the City of Cape Town: Municipal Planning By-law, 2015

7. Section 38 of the principal By-law is hereby amended by the substitution for words preceding paragraph (a) in subsection (1) of the following words:

"(1) Unless otherwise specified in this By-Law, an approval granted or deemed to have been granted in terms of this By-Law to use or develop land lapses two years after the effective date of decision –"

Amendment of section 42 of the City of Cape Town: Municipal Planning By-law, 2015

8. Section 42 of the principal By-law is hereby amended by -

- (a) the deletion of paragraph (p); and
- (b) the substitution for paragraph (t) of the following paragraph:

“(t) **(any other application provided for in this By-law)** permission for the reconstruction of a building or a substantial part of it within the envelope of a non-conforming use as contemplated in section 37(6);”.

Amendment of section 44 of the City of Cape Town: Municipal Planning By-law, 2015

9. Section 44 of the principal By-law is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to section 35(2) of the Land Use Planning Act and Chapter 7 of this By-Law, the City may on its own initiative, rezone land which it does not own to give effect to approved spatial development frameworks and other City policies or for the purpose contemplated in section 36(7).”.

Amendment of section 54 of the City of Cape Town: Municipal Planning By-law, 2015

10. Section 54 of the principal By-law is hereby amended by -

- (a) the substitution for the words preceding paragraph (a) of subsection 1 of the following words:

“(1) No person may obtain transfer of a land unit arising out of an approved subdivision or **(the relevant)** phase of a subdivision approved by the City unless -”;

- (b) the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) the engineering services required by the conditions of approval contemplated in section 52(4) and any other applicable legislation in respect of the area or the **(relevant)** approved phase of a subdivision on the approved general plan or diagram have been completely installed;”;

- (c) the substitution for paragraph (c) of subsection 1 of the following paragraph:

“(c) all other conditions of subdivision or the conditions relating to the **(relevant)** approved phase of a subdivision on the approved general plan or diagram and all conditions precedent to the transfer of the land unit have been met, and”;

- (d) the substitution for sub-paragraph (iii) of paragraph (d) of subsection 1 of the following sub-paragraph:

“(iii) all land designated in terms of the conditions of approval to be transferred to the owners’ association including private roads and private open space, arising from the subdivision or **(relevant)** approved phase of a subdivision have been, or together with the transfer of the first land unit, will be transferred to the association, without compensation.”; and

- (e) the substitution for subsection 3 of the following subsection:

“(3) Where an owners’ association is required, an applicant is guilty of an offence if the first land unit arising from a subdivision or **(relevant) an approved phase of a subdivision** is transferred without all common property, including private roads and private open spaces originating from that subdivision, being transferred to the owners’ association, and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).”.

Amendment of section 55 of the City of Cape Town: Municipal Planning By-law, 2015

11. Section 55 of the principal By-law is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Upon compliance with subsection (1), the subdivision or phase of a subdivision **(phased part thereof)** is confirmed.”.

Substitution of section 56 of the City of Cape Town: Municipal Planning By-law, 2015

12. The following section is hereby substituted for section 56 of the principal By-law:

“(1) An approval of a subdivision or an approved phase of subdivision **(of a phased portion thereof)** lapses if the requirements of section 55(1) are not met.

(2) If only a portion of the general plan complies with sections 54(1)(b) and 54(1)(c), the approval for the subdivision or **(phased portion) an approved phase of subdivision** lapses.

(3) An applicant may apply in terms of and subject to the requirements of section 107 for an extension of the period to comply with section 55(1).

(4) If an approval of a subdivision or **(a phased portion thereof) an approved phase of subdivision** lapses –

- (a) the zoning applicable to the land prior to the granting of the approval of the rezoning to subdivisional area applies;
- (b) the City must –
 - (i) amend the zoning map and, where applicable, the zoning register accordingly; and
 - (ii) notify the Surveyor-General accordingly;
- (c) the Surveyor-General must endorse the records of the Surveyor-General’s office to reflect the lapsing.”.

Amendment of section 62 of the City of Cape Town: Municipal Planning By-law, 2015

13. Section 62 of the principal By-law, 2015 is hereby amended by the substitution for sub-paragraph (v) of subsection (1)(a) of the following sub-paragraph:

“(v) the matters in **(subsection) section** 61(5);”.

Amendment of section 67 of the City of Cape Town: Municipal Planning By-law, 2015

14. Section 67 of the principal By-law is hereby amended by-

- (a) the insertion of the word "or" after sub-paragraph (i) of paragraph(g) of subsection (1);
- (b) the insertion of the following sub-paragraphs after sub-paragraph (iii) of paragraph (g) of subsection (1):

"(iv) the imposition of height restrictions;

(v) the granting of a right of habitation, private right of way or usufruct; or

(vi) bore-hole or waterpipe; "

- (c) the insertion of the following paragraphs after paragraph (h) of subsection 1:

"(i) a consolidation of land required in terms of a condition of approval imposed in terms of the Ordinance prior to this By-Law coming into force; or

(i) the consolidation of land units where an existing building constructed in terms of approved building plans and in accordance with such plans straddled the boundaries of two or more contiguous land units prior to the commencement of this By-law."

Amendment of section 70 of the City of Cape Town: Municipal Planning By-law, 2015

15. Section 70 of the principal By-law is hereby amended by the substitution for paragraph (i) of subsection 1 of the following paragraph :

"(i) consideration of whether a package of plans approach, as contemplated in item 136 of schedule 3 of this By-Law, is to be followed."

Amendment of section 71 of the City of Cape Town: Municipal Planning By-law, 2015

16. Section 71 of the principal By-law, 2015 is hereby amended by -

- (a) the substitution for paragraph (d) of subsection 1 of the following paragraph:

"(d) if **(pre-consultation)** pre-application consultation has taken place, the record of the **(pre-consultation)** pre-application consultation proceedings; and

- (b) by the substitution for paragraph (i) of subsection 1 of the following paragraph:

"(i) the information required in the **(pre-consultation)** pre-application consultation;"

Amendment of section 79 of the City of Cape Town: Municipal Planning By-law, 2015

17. Section 79 of the principal By-law is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) The City may, in addition to the methods contemplated in subsection (2), require the applicant to display a site notice which must -

(i) (a) be laminated and of a size of at least 60 cm by 42 cm;

(ii) (b) be displayed on every boundary of the land unit or units concerned which abut a street or at any other conspicuous place on the unit or units which the public is likely to see;

- (iii) (c)** be displayed for a period and from a date set by the City Manager, which may not be less than 30 days; and
- (iv) (d)** be replaced if it is damaged or removed during the notification period.”.

Amendment of section 81 of the City of Cape Town: Municipal Planning By-law, 2015

18. Section 81 of the principal By-law, 2015 is hereby amended by the substitution for subsection (1) of the following subsection –

“(1) The City Manager must cause notice to be given in the media of the City’s intention to consider an application listed in section 43 **(and 44)** of the Land Use Planning Act.”.

Amendment of section 82 of the City of Cape Town: Municipal Planning By-law, 2015

19. Section 82 of the principal By-law is hereby amended –

- (a) by the deletion of subsection (1)(g); and
- (b) by the insertion after subsection (1) of the following subsection:

“(1A) The City may cause notice to be served as contemplated in subsections (3) and (4) of the City’s intention to consider any other category of application contemplated in section 42.”.

Amendment of section 99 of the City of Cape Town: Municipal Planning By-law, 2015

20. Section 99 of the principal By-law is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable –

- (a) **(economic impact)** socio-economic impact;
- (b) **(social impact);**
- (c) **(scale of the capital investment);**
- (d) compatibility with surrounding uses;
- (e) impact on the external engineering services;
- (f) impact on safety, health and wellbeing of the surrounding community;
- (g) impact on heritage;
- (h) impact on the biophysical environment;
- (i) traffic impacts, parking, access and other transport related considerations; and
- (j) whether the imposition of conditions can mitigate an adverse impact of the proposed land use.”.

Amendment of section 120 of the City of Cape Town: Municipal Planning By-law, 2015

21. Section 120 of the principal By-law, 2015 is hereby amended –

- (a) by the substitution for subsection (8) of the following subsection:

“(8) A quorum for a meeting of a panel of the Municipal Planning Tribunal is the **(greater of a)** simple majority of its designated members **(and three)**.”;

(b) by the substitution for subsection 11 of the following subsection:

“(11) A person seeking permission contemplated in subsection (10) must submit the request to the Municipal Planning Tribunal in writing at least **(seven) five** days before the meeting in question, or closer to the meeting if good cause is shown, and must provide adequate reasons for the request.”.

Substitution of section 121 of the City of Cape Town: Municipal Planning By-law, 2015

22. The following section is substituted for section 121 of the principal By-law:

- “(1) **The Mayor may recommend to the Municipal Council to establish an advisory panel to consider and recommend to the appeal authority on an appeal.**
- (2) **The advisory panel contemplated in subsection (1) may be established in terms of another law.**
- (3) **The advisory panel may request any person to make oral submissions on any aspect of an application and must do so if it appears that the issues for determination of the appeal cannot be adequately determined on the documentation before the appeal authority in the absence of the parties.**
- (4) **An advisory panel must apply the criteria for deciding applications contemplated in section 99.)**
- (1) The Mayor may appoint an appeal advisory panel, including a chairperson to consider and advise or make recommendations to the Appeal Authority on an appeal or on categories of applications which are appealed.
- (2) Municipal Councillors may be appointed to the appeal advisory panel.
- (3) A member of the appeal advisory panel must recuse themselves if they or any of their spouses, partners or family members -
 (a) has an interest in an appeal; or
 (b) was involved in any way in the decision that is being appealed.
- (4) The chairperson of the appeal advisory panel must decide when and where the appeal advisory panel must meet.
- (5) An appeal advisory panel -
 (a) may determine its own procedures; and
 (b) must apply the criteria contemplated in section 99.
- (6) The quorum for a meeting of the appeal advisory panel is a simple majority of its appointed members.
- (7) The Mayor may dissolve the appeal advisory panel at any time.”.

Amendment of section 129 of the City of Cape Town: Municipal Planning By-law, 2015

23. Section 129 of the principal By-law, 2015 is hereby amended -

(a) by the insertion, after subsection (1) of the following subsection:

“(1A) The Municipal Planning Tribunal may, where any person has contravened this By-law, -
 (a) decide to impose an administrative penalty; and
 (b) determine the amount of the penalty.”.

(b) by the substitution for paragraphs (a) and (b) of subsection (7), of the following paragraphs:

- “(a) for building work in contravention of this By-Law - may not be **(less than 10% and not)** more than 100% of the value of the building, construction and engineering work unlawfully carried out, as determined by the City;

- (b) for land use in contravention of this By-Law – may not be **(less than 10% and not)** more than 100% of the municipal valuation of the area that is used unlawfully, as determined by the City; and”.

Amendment of section 136 of the City of Cape Town: Municipal Planning By-law, 2015

24. Section 136 of the principal By-law is hereby amended by the substitution for subsection (10) of the following subsection:

“(10) A person **(or)** who alters or amends or displays a street name without the City’s approval is guilty of an offence and upon conviction is liable to the penalties contemplated in sections 133(2) and 133(3).”.

Amendment of section 142 of the City of Cape Town: Municipal Planning By-law, 2015

25. Section 142 of the principal By-law is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) (a) An owner whose land on 1 March 2013 was zoned as General Business: Subzone GB3 to GB7 or Mixed Use Subzone MU2 and MU3 may, until 28 February 2023, elect to be regulated by the zoning provisions of either the development management scheme or the zoning scheme in operation on 28 February 2013.

(b) An application for a permanent departure from the provisions of the zoning scheme in operation on 28 February 2013 is not permitted.”.

AMENDMENT OF SCHEDULE 3: CITY OF CAPE TOWN DEVELOPMENT MANAGEMENT SCHEME

Amendment of Item 1 of Schedule 3: City of Cape Town Development Management Scheme

26. Item 1 of the City of Cape Town Development Management Scheme set out in schedule 3 to the principal By-law, hereinafter referred to as Schedule 3, is hereby amended –

- (a) by the substitution for the definition of “base level” of the following definition:

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

- (b) by the substitution for the definition of “basement” of the following definition:

“**‘basement’** means that space in a building between a floor and ceiling, including such floor or ceiling, which **(is not intended as habitable space and which is) protrudes not more than 1,5m above any point on the existing ground level. (completely below the existing ground level and remains underground, except that it may include vehicular access from a road, provided that such access may only be obtained at a downward or level angle);**”;

- (c) by the insertion after the definition of “farm shop” of the following definition:

“**‘filming’** means the preparation of a property for the recording of sound and images as well as the recording of sound and images, moving or still, whether on film or by video tape, electronically or by any other means, but excludes the recording of a private wedding ceremony or other private celebration or event for the purpose of making a recording thereof for its participants for private purposes, or the recording of current affairs or news for immediate release;”;

- (d) by the substitution for the definition of "floor space" of the following definition:

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

- (a) any **(area, including a)** basement or part of a basement not intended as habitable space; (,which is reserved solely for parking or loading of vehicles) shall be excluded;
- (aA) any area which is reserved solely for parking or loading of vehicles shall be excluded;
- (b) external entrance steps and landings, any canopy, any stoep and any area required for external fire escapes shall be excluded;
- (bA) passages, access ways and fire escapes not wider than 1,5m, provided that they connect directly from the fire escape, vertical circulation to the entrance doors or both, shall be excluded;
- (c) a projection including a projection of eaves, and a projection which acts as a sunscreen or an architectural feature, which projection does not exceed 1 m beyond the exterior wall or similar support, shall be excluded;
- (d) any uncovered internal courtyard, lightwell or other uncovered shaft which has an area in excess of 10 m² shall be excluded;
- (e) any covered paved area outside and immediately adjoining a building at or below the ground floor level, where such paved area is part of a forecourt, yard, external courtyard, pedestrian walkway, parking area or vehicular access, and which is permanently open to the elements on at least the front or long side, shall be excluded;
- (f) any covered balcony, verandah or terrace which, apart from protective railings, is permanently open to the elements on at least the front or long side, and which does not exceed 2,5 m in width, shall be excluded;
- (g) subject to subsection (h) below, any stairs, stairwells and atriums that are covered by a roof shall be included;
- (h) in the case of multi-level buildings, any stairwells, liftwells, lightwells or other wells, and any atrium, shall only be counted once; and provided further that:

floor space shall be measured from the outer face of the exterior walls or similar supports of such building, and where the building consists of more than one level, the total floor space shall be the sum of the floor space of all the levels, including that of basements;"

- (e) by the substitution for the definition of "ground floor" of the following definition:

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

- (f) by the substitution for the definition of "height" of the following definition:

"**height**" of a building means a vertical dimension from a specified level to another specified level, as set out in the development rules of a zoning, measured in metres; provided that -

- (a) chimneys (maximum horizontal dimension of 1,5m),
- (b) flues (maximum horizontal dimension of 1m),
- (c) lift shafts (maximum horizontal dimension of 2,5m and maximum vertical dimension of 2m per lift shaft),
- (d) masts, and
- (e) antennas **(,satellite dishes not exceeding 1,5m in diameter and external geysers with associated equipment not protruding more than 1,5m above the top of the roof)** shall not be counted for the purposes of height control;"

- (g) by the substitution for the definition of "home occupation" of the following definition:

"home occupation" means the practising of an occupation or the conducting of an enterprise from a land unit, dwelling house, second dwelling, dwelling unit or outbuilding by one or more occupants who reside on the property and includes the sale of alcoholic beverages via internet or any other electronic means provided no alcoholic beverage is stored, received or despatched from the property;"

- (h) by the insertion after the definition of "public street" of the following definition:

"recycling centre" means a property which is used for the temporary storing, sorting, depositing or collection of paper, plastics, glass, cans, textiles or similar solid waste materials for recycling purposes, but does not include a scrapyards;"

- (i) by the insertion after the definition of "registered surveyor" of the following definition:

"renewable energy structure" means any apparatus or similar device, or grouping thereof, designed to capture and convert solar radiation into energy for commercial gain, irrespective of whether it feeds into an electricity grid or not, and includes any test facility or structure which may lead to the generation of energy on a commercial basis, but does not include wind turbine infrastructure;"

- (j) by the substitution for the definition of "sale of alcoholic beverages" of the following definition:

"sale of alcoholic beverages" means the sale or offering for sale to the public of drinks, capable of producing intoxication in a consumer, which may be kept, displayed or consumed on the premises;"

- (k) by the insertion after the definition of "terrace" of the following definition:

"third dwelling" means another dwelling unit which may, in terms of this development management scheme, be erected on a land unit where a dwelling house and a second dwelling have already been approved or lawfully erected;"

- (l) by the substitution for the definition of "vertical division" of the following definition:

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

- (m) by the insertion after the definition of "vertical division" of the following definition:

"veterinary practice" means a building or part of a building used by a registered veterinary surgeon for medical examinations or surgical procedures on animals, and may include the sale of animal food and related accessories;"

Amendment of Item 3 of Schedule 3: City of Cape Town Development Management Scheme

27. Item 3 of Schedule 3 is hereby amended -

(a) by the substitution of the heading and sentence preceding paragraph (a) of item 3, of the following heading and sentence:

“3 Methods of measuring distances, heights and levels or the requirement to round up or down

The following provisions apply with regard to measuring distances, levels or height or the requirement to round up or down:”; and

(b) by the insertion after paragraph (f) of item 3, of the following paragraph:

“(g) If it is necessary to determine the number of parking bays, or any other development rule for a land use that can only be complied with in terms of a whole number, it may be necessary to either round up or down the calculation. In such case a measure of 0.5 and above will be rounded up to the next whole number and if less than 0.5 will be rounded down to the next whole number, with the exception that a minimum unit requirement will be 1 (one), except if otherwise stated.”.

Amendment of Item 7 of Schedule 3: City of Cape Town Development Management Scheme

28. Item 7 of Schedule 3 is hereby amended -

(a) by the substitution for the heading of item 7, of the following heading:

“7 (Conditions) Development rules applicable to an approved consent use”;

(b) by the substitution for sub-item (1), of the following sub-item:

“(1) When a consent use is approved, the following (general conditions) shall apply:
(a) If such consent use as listed in a specific zoning is a primary use in another zoning, it shall be subject to the most restrictive development rules operating either in such other zoning or in that zoning;
(b) If such consent use as listed in a zoning is not a primary use in another zoning, it shall be subject to the development rules in that zoning;
(c) The consent use shall be subject to any development rule imposed as a condition in the approval; (Notwithstanding (a) and (b) above, a consent use for a second dwelling in the Single Residential 1 Zoning is subject to the development rules in that zoning.)”.

Amendment of Item 15 of Schedule 3: City of Cape Town: Development Management Scheme

29. Item 15 of Schedule 3 is hereby amended by the substitution for sub-item (2), of the following sub-item:

“(2) (All special uses so approved shall be listed in Annexure A.) A special use which has been classified and permitted in a zoning with the approval of the City, must be published in the Provincial Gazette.”.

Substitution of Heading after Item 15 in Schedule 3: City of Cape Town: Development Management Scheme

30. The heading after item 15 in Schedule 3 is hereby substituted, with the following heading:

“Part 4: Deemed zoning or determined zoning”.

Amendment of Item 16 of Schedule 3: City of Cape Town: Development Management Scheme

31. Item 16 of Schedule 3 is hereby amended by the substitution of words preceding paragraph (a) in sub-item (8) of the following words:

“(8) Where any portion of land (other than land referred to in sub-item ~~((4))~~ (7)) which was previously a public street or public open space vested in or owned by the City, is closed and transferred to an abutting owner, such portion of land shall be deemed to fall into the same zoning and subzoning, including any conditions of approval, if any, as that of the abutting land belonging to such owner provided that:”;

Amendment of Item 20 of Schedule 3: City of Cape Town: Development Management Scheme

32. Item 20 of Schedule 3 is hereby amended by the substitution of Table A: Summary of the zonings and development rules, with the following table:

“Table A: Summary of the zonings and development rules

SINGLE RESIDENTIAL ZONINGS	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
SINGLE RESIDENTIAL ZONING 1: CONVENTIONAL HOUSING (SR1)	>2 000	N/a	1 500 m ²	9,0 m	11,0 m	6,0 m	6,0 m	N/a	Window and door placement Garages, carports and outbuildings Parking and access Additional use rights – home occupation, bed and breakfast establishment and home child care
	>1 000 up to 2 000	N/a	1 500 m ²	9,0 m	11,0 m	4,5 m	3,0 m		
PRIMARY USES Dwelling house, private road and additional use rights	>650 up to 1 000	N/a	1 500 m ²	9,0 m	11,0 m	3,5 m	3,0 m		
ADDITIONAL USE RIGHTS Second dwelling; Home occupation or bed and breakfast establishment or home child care	>350 up to 650	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
CONSENT USES [Second dwelling, u]Utility services, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, [and] halfway house and veterinary practice	>200 up to 350	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	≤200	1,0	N/a	8,0 m	10,0 m	1,0 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
		Refer to item 22(a)	Refer to item 22(b)	Refer to item 22(c)	Refer to item 22(c)	Refer to item 22(d) & 22(e)	Refer to item 22(d) & 22(e)		

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

GENERAL RESIDENTIAL ZONING	SUB-ZONING	DENSITY	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
GENERAL RESIDENTIAL SUBZONING 1: GROUP HOUSING (GR1) PRIMARY USES Dwelling house, group housing, private road, open space and additional use rights ADDITIONAL USE RIGHTS Flats and home occupation, subject to restriction CONSENT USES Utility services, home child care and rooftop base telecommunication station	GR1	35 du/ha	N/a	8,0 m	10,0 m	5,0 m external public street 0,0 m internal road Garages 5,0 m from kerb	3,0 m external boundaries 0,0 m internal boundaries	N/a	Design principles Open space Parking and access Site development plan Flats and home occupation as additional use right Dwelling house outside group scheme
		Refer to item 35(b)		Refer to item 35(c)	Refer to item 35(c)	Refer to item 35(e) & 35(f)	Refer to item 35(e) & 35(f)		

GENERAL RESIDENTIAL SUBZONINGS (GR2-GR6)	FLOOR FACTOR	60%	To top of roof		4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Parking and access Screening Wind mitigation
			15,0 m	20,0 m				
PRIMARY USES Dwelling house, second dwelling, group housing, boarding house, guest house, flats, private road and open space CONSENT USES Utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shop, hotel, conference facility, [and] rooftop base telecommunication station and veterinary practice	GR2	1,0	60%	15,0 m	4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Parking and access Screening Wind mitigation
	GR3	1,0	60%	20,0 m	4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Dwelling house and second dwelling Group housing
	GR4	1,5	60%	24,0 m	4,5 m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	8,0 m	Institution, place of instruction and place of assembly
	GR5	2,5	60%	35,0 m	4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	8,0 m	Shop
	GR6	5,0	60%	50,0 m	4,5 m; 9 m above 25 m height	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street); 15,0 m above 25,0 m height	8,0 m	
		Refer to item 41(b)	Refer to item 41(a)	Refer to item 41(c)	Refer to item 41(e)	Refer to item 41(e)	Refer to item 41(d)	

COMMUNITY ZONINGS	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To top of roof	Street boundary		
COMMUNITY ZONING 1: LOCAL (CO1) PRIMARY USES Place of instruction, place of worship, clinic, rooftop base telecommunication station, [and] open space and filming CONSENT USES Institution, hospital, place of assembly, cemetery, freestanding base telecommunication station, [and] urban agriculture and veterinary practice	0,8 Refer to item 47(a)	60% Refer to item 47(b)	12,0 m Refer to item 47(c)	5,0 m Refer to item 47(d)	5,0 m Refer to item 47(e)	N/a	Parking and access Loading Screening Noise mitigation

<p>COMMUNITY ZONING 2: REGIONAL (CO2)</p> <p>PRIMARY USES Institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station, [and] open space <u>and</u> <u>filming</u></p> <p>CONSENT USES Boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure, [and] urban agriculture <u>and</u> <u>veterinary practice</u></p>	<p>2,0</p> <p>Refer to item 49(a)</p>	<p>60%</p> <p>Refer to item 49(b)</p>	<p>18,0 m</p> <p>Refer to item 49(c)</p>	<p>5,0 m</p> <p>Refer to item 49(d)</p>	<p>5,0 m</p> <p>Refer to item 49(e)</p>	<p>N/a</p>	<p>Parking and access</p> <p>Loading</p> <p>Screening</p> <p>Noise mitigation</p>
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LOCAL BUSINESS ZONING	LAND UNIT AREA (m ²)	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				To wallplate	To top of roof	Street boundary	Common boundaries		
<p>LOCAL BUSINESS ZONING 1: INTERMEDIATE BUSINESS (LB1)</p> <p>PRIMARY USES Office, dwelling house, boarding house, utility services, flats and additional use rights</p> <p>ADDITIONAL USE RIGHTS Second dwelling and home occupation or house shop or bed and breakfast establishment or home child care</p> <p>CONSENT USES Place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure, [and] halfway house <u>and</u> <u>veterinary practice</u></p>	<p>>1 000</p> <p>>650 up to 1 000</p> <p>>350 up to 650</p> <p>>200 up to 350</p> <p>≤200</p>	<p>1,0</p> <p>1,0</p> <p>1,0</p> <p>1,0</p> <p>1,0</p> <p>Refer to item 51(a)</p>	<p>N/a</p>	<p>9,0 m</p> <p>9,0 m</p> <p>8,0 m</p> <p>8,0 m</p> <p>8,0 m</p> <p>Refer to item 51(b)</p>	<p>11,0 m</p> <p>11,0 m</p> <p>10,0 m</p> <p>10,0 m</p> <p>10,0 m</p> <p>Refer to item 51(b)</p>	<p>3,5 m</p> <p>3,5 m</p> <p>3,5 m</p> <p>3,5 m</p> <p>1,0 m</p> <p>Refer to item 51(c)</p>	<p>3,0 m</p> <p>3,0 m</p> <p>0,0 m (12,0 m from street and 60%) and 3,0 m rest</p> <p>0,0 m (12,0 m from street and 60%) and 3,0 m rest</p> <p>0,0 m (12,0 m from street and 60%) and 3,0 m rest</p> <p>Refer to item 51(c)</p>	<p>N/a</p>	<p>Garages and carports</p> <p>Parking and access</p> <p>Loading</p> <p>Screening</p> <p>Home occupation, bed & breakfast establishment and home child care</p> <p>Second dwelling</p> <p>House shop</p>

LOCAL BUSINESS ZONING 2: LOCAL BUSINESS (LB2)	1,0	75%	To top of roof		0,0 m	8,0 m	Canopy projection Street corners Parking and access Loading Screening Service station and motor repair garage Informal trading
			12,0 m	Refer to item 56(c)			
<p>PRIMARY USES Shop, office, dwelling house, second dwelling, bed and breakfast establishment, boarding house, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road, <u>and</u> open space <u>and</u> <u>veterinary practice</u></p> <p>CONSENT USES Place of assembly, informal trading, restaurant, sale of alcoholic beverages, funeral parlour, place of entertainment, adult shop, business premises, supermarket, plant nursery, hotel, conference facility, motor repair garage, service station, authority use, freestanding base telecommunication station, wind turbine infrastructure, transport use and multiple parking garage</p>	Refer to item 56(a)	Refer to item 56(b)	Refer to item 56(c)	Refer to item 56(e) & 56(f)	Refer to item 56(d)		

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

MIXED-USE SUBZONINGS (MU1–MU3) PRIMARY USES Business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility service, rooftop base telecommunication station, transport use, multiple parking garage, private road, [and] open space and filming CONSENT USES Adult shop, adult entertainment business, adult services, informal trading, expo centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station, [and] motor repair garage, <u>veterinary practice</u> and recycling centre	MU1	1,5	75%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	8,0 m	Canopy or balcony projection
	MU2	4,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	8,0 m	Parking and access Loading
	MU3	6,0	100%	38,0 m	0,0 m up to 25,0 m height; ½ (H-25 m) above 25,0 m	8,0 m	Screening Service station and motor repair garage Informal trading
		Refer to item 64(a)	Refer to item 64(a)	Refer to item 64(a)	Refer to item 64(c)	Refer to item 64(b)	

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

RISK INDUSTRY ZONING (RI) PRIMARY USE Noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space, [and] additional use rights and filming ADDITIONAL USE RIGHTS Factory shop CONSENT USE Shop, restaurant, informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, helicopter landing pad, wind turbine infrastructure, container site, transport use, [and] multiple parking garage and recycling centre	2,0	75%	18,0 m, but no restriction in respect of noxious trade, risk activity or manufacturing buildings	5,0 m	5,0 m	N/a	Parking and access Loading Screening Boundary walls
	Refer to item 75(a)	Refer to item 75(b)	Refer to item 75(c)	Refer to item 75(d)	Refer to item 75(d)		Hazardous substances Service station and motor repair garage Factory shop Informal trading

UTILITY, TRANSPORT AND NATIONAL PORT ZONINGS	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE BASE LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
				Street boundary	Common boundaries		
UTILITY ZONING (UT) PRIMARY USES Utility service, authority use, rooftop base telecommunication station and freestanding base telecommunication station CONSENT USES Cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure and helicopter landing pad	As determined by a site development plan (Refer to item 81)						
TRANSPORT ZONING 1: TRANSPORT USE (TR1) PRIMARY USES Transport use, multiple parking garage, utility service, shop, restaurant, service trade, office, warehouse, rooftop base telecommunication station and container site CONSENT USES Business premises, flats, place of assembly, place of entertainment, hotel, conference facility, service station, motor repair garage, service trade, freestanding base telecommunication station, wind turbine infrastructure, airport, helicopter landing pad, informal trading, industry and air and underground rights	2,0	75%	15,0 m for stacked shipping containers 18,0 m for any other building	0,0 m	3,0 m	N/a	Parking and access Service station and motor repair garage Informal trading Air and underground rights
	Refer to item 83(a)	Refer to item 83(b)	Refer to item 83(c)	Refer to item 83(d)	Refer to item 83(d)		

<p>TRANSPORT ZONING 2: PUBLIC ROAD AND PUBLIC PARKING (TR2)</p> <p>PRIMARY USES Public street, public road and utility service</p> <p>CONSENT USES Multiple parking garage, informal trading, wind turbine infrastructure and air and underground rights</p>	<p>As determined by a site development plan (Refer to item 88)</p>	<p>Deemed zoning</p> <p>Construction and deposit of materials</p> <p>Air and underground rights</p> <p>Proposed public street, street widening and street closure</p> <p>Informal trading</p>
<p>NATIONAL PORT ZONING (NPZ)</p> <p>PRIMARY USES Land uses as set out in an approved Port development framework plan</p> <p>CONSENT USES None</p>	<p>As determined by an approved Port development framework plan (Refer to item 95)</p>	<p>Deemed zoning</p> <p>Deemed zoning of land transferred to National Ports Authority</p>

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

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

End of Table A:“.

Amendment of Item 21 of Schedule 3: City of Cape Town Development Management Scheme

33. Item 21 of Schedule 3 is hereby amended –

(a) by the substitution for paragraph (b) of the following paragraph –

“(b) Additional use rights which may be exercised by the occupant of a property are home occupation, bed and breakfast establishment, second dwelling and home child care, subject to the following conditions:

- (i) Except for a second dwelling, only (Only) one of the activities listed as additional use rights shall be conducted on any land unit as a primary use. Where more than one such activity is required, the City’s approval shall be obtained;
- (ii) The dominant use of the property shall be a dwelling house for accommodation of a single family;
- (iii) The proprietor of the activity concerned shall live on the property;
- (iv) The conditions stipulated in items 23, 24, **(or)** 25 or 53 (whichever is applicable) shall be adhered to;
- (v) Any new structure or alteration to the property to accommodate an additional use right shall be compatible with the residential character of the area, particularly with regard to the streetscape, and shall be capable of reverting to use as part of the dwelling house, second dwelling or outbuilding concerned; and
- (vi) No more than three employees shall be engaged by the occupant in the activity concerned.”;

(b) by the substitution for paragraph (c) of the following paragraph:

“(c) Consent uses are utility service, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture **(, second dwelling)**, veterinary practice and halfway house.”.

Amendment of Item 22 of Schedule 3: City of Cape Town Development Management Scheme

34. Item 22 of Schedule 3 is hereby amended –

(a) by the substitution for sub-paragraph (i) of paragraph (f), of the following sub-paragraph:

- “(i) A garage, carport and outbuildings are permitted within the common boundary building line or on the common property boundary; provided that the garage, **(and)** carport and outbuilding do not -
- (aa) extend higher than 3,5 m from base level to top of roof;
 - (bb) contain more than a double garage façade; and
 - (cc) exceed a width of 6, 5 m.”; and

(b) by the substitution for sub-paragraph (iv) of paragraph (f), of the following sub-paragraph:

- “(iv) Notwithstanding paragraphs (ii) and (iii), a garage or carport may be erected within the street boundary building line if, in the opinion of the City, compliance with the street boundary building line will not be practical due to the (steep slopes) steepness of the ground between the road and the property concerned. The City will determine the street boundary building line in such a case.”.

Amendment of Item 26 of Schedule 3: City of Cape Town Development Management Scheme

35. Item 26 of Schedule 3 is hereby amended by the substitution for sub-item (1) of the following sub-item:

- “(1) The following use restrictions apply to property in this zoning:
- (a) Primary uses are dwelling house, second dwelling, utility service, private road, urban agriculture, open space and additional use rights as specified in paragraph (b).
 - (b) Additional use rights which may be exercised by the occupant of any unit of accommodation are shelter, house shop, home occupation, bed and breakfast establishment, home child care, informal trading and any educational, religious, occupational or business purpose excluding the sale of alcoholic beverages, provided that:
 - (i) The dominant use of the unit shall remain residential;
 - (ii) No noxious trade, risk activity, adult entertainment business, adult services or adult shop are permitted;
 - (iii) No activities shall be carried out which constitute or are likely to constitute a source of nuisance, including the use of equipment that generates excessive noise, or any activity which results in the generation of dust, fumes, smoke, or waste material which could be detrimental to health, or which requires special waste removal processes;
 - (iv) The City may, at any stage, call for a cessation of the land use or activity, or impose conditions in order to minimise any potential nuisance to surrounding neighbours or the general public; and
 - (v) The development rules stipulated in items 23, 24, 25, 28, 29 and 30, whichever is applicable, shall be adhered to.
 - (c) Consent uses are group housing, boarding house, place of worship, institution, clinic, place of assembly, place of instruction, office, restaurant, guest house, place of entertainment, service trade, authority use, rooftop base telecommunication station, wind turbine infrastructure, veterinary practice and halfway house.
 - (d) Multiple uses and buildings where no formal township exists.”.

Amendment of Item 40 of Schedule 3: City of Cape Town Development Management Scheme

36. Item 40 of Schedule 3 is hereby amended by the substitution for paragraph (b) of the following paragraph:

- (b) “Consent uses subject to paragraph (c) are utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shops, hotel, conference facility, **(and)** rooftop base telecommunication station and veterinary practice.”.

Substitution of Item 42 of Schedule 3: City of Cape Town Development Management Scheme

37. The following item is hereby substituted for item 42 of Schedule 3:

“The provisions of item 21(b) and 22 apply to a dwelling in this zoning. The provisions of item 21(b), 22 and 53 apply to a second dwelling in this zoning. (The additional use rights, consent uses and development rules for dwelling house in Single Residential Zoning 1 and second dwelling in Local Business Zoning 1 respectively shall apply to a dwelling house and second dwelling in this zoning.)”.

Substitution of Item 46 of Schedule 3: City of Cape Town Development Management Scheme

38. The following item is hereby substituted for item 46 of Schedule 3:

"The following use restrictions apply to property in this zoning:

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

Substitution of Item 48 of Schedule 3: City of Cape Town Development Management Scheme

39. The following item is hereby substituted for item 48 of Schedule 3:

"The following use restrictions apply to property in this zoning:

- (a) Primary uses are institution, hospital, place of instruction, place of worship, place of assembly, rooftop base telecommunication station, filming and open space.
- (b) Consent uses are boarding house, conference facility, cemetery, crematorium, funeral parlour, freestanding base telecommunication station, wind turbine infrastructure, veterinary practice and urban agriculture."

Amendment of Item 50 of Schedule 3: City of Cape Town Development Management Scheme

40. Item 50 of Schedule 3 is hereby amended by the substitution for paragraph (c), of the following paragraph:

"(c) Consent uses are place of instruction, place of worship, institution, clinic, place of assembly, guest house, shop, informal trading, service trade, rooftop base telecommunication station, wind turbine infrastructure, veterinary practice and halfway house."

Amendment of Item 53 of Schedule 3: City of Cape Town Development Management Scheme

41. Item 53 of Schedule 3 is hereby amended by the deletion of paragraph (g).

Amendment of Item 55 of Schedule 3: City of Cape Town Development Management Scheme

42. Item 55 of Schedule 3 is hereby amended by the substitution for paragraph (a), of the following paragraph:

"(a) Primary uses are shop, office, dwelling house, second dwelling, boarding house, bed and breakfast establishment, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road, veterinary practice and open space."

Amendment of Item 59 of Schedule 3: City of Cape Town Development Management Scheme

43. Item 59 of Schedule 3 is hereby amended by the substitution for paragraph (a), of the following paragraph:

"(a) Primary uses are business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road, filming, veterinary practice and open space."

Substitution of Item 63 of Schedule 3: City of Cape Town Development Management Scheme

44. The following item is hereby substituted for item 63 of Schedule 3:

"The following use restrictions apply to property in this zoning:

- (a) Primary uses are business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, authority use, utility service, rooftop base telecommunication station, transport use, multiple parking garage, private road, filming and open space.
- (b) Consent uses are adult shop, adult entertainment business, adult services, informal trading, expo centre, scrap yard, freestanding base telecommunication station, wind turbine infrastructure, helicopter landing pad, service station, recycling centre, veterinary practice and motor repair garage."

Amendment of Item 67 of Schedule 3: City of Cape Town Development Management Scheme

45. Item 67 of Schedule 3 is hereby amended by the substitution for paragraph (a), of the following paragraph:

"(a) Primary uses are industry, restaurant, service station, motor repair garage, funeral parlour, scrap yard, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space, filming, veterinary practice and additional use rights as listed in paragraph (b)."

Amendment of Item 74 of Schedule 3: City of Cape Town Development Management Scheme

46. Item 74 of Schedule 3 is hereby amended –

(a) by the substitution for paragraph (a), of the following paragraph:

"(a) Primary uses are noxious trade, risk activity, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, private road, open space, filming and additional use rights as listed in paragraph (b).";

(b) by the substitution for paragraph (c) of the as following paragraph:

"(c) Consent uses are shop, restaurant, informal trading, service station, motor repair garage, industry, scrap yard, abattoir, authority use, utility service, wind turbine infrastructure, helicopter landing pad, container site, transport use, recycling centre and multiple parking garage."

Amendment Item 108 of Schedule 3: City of Cape Town Development Management Scheme

47. Item 108 of Schedule 3 is hereby amended by the substitution for paragraph (c) of the following paragraph:

"(c) Consent uses are additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop, renewable energy structure, veterinary practice and agricultural industry."

Insertion of Item 111A into Schedule 3: City of Cape Town Development Management Scheme

48. Schedule 3 is hereby amended by the insertion, after Item 111, of the following item:

111A Renewable energy structures

The City may approve a consent use application for a renewable energy structure; provided that –

- (a) A site development plan must be submitted to the City for approval.
- (b) The site development plan as approved by the City constitutes the development rules for a renewable energy structure and the provisions for a site development plan in item 123 apply.
- (c) Decommissioning is done in accordance with the following requirements:
 - (i) Any renewable energy structure which is decommissioned or abandoned must be removed by the owner.
 - (ii) When a renewable energy structure is scheduled to be decommissioned, the owner must notify the City.
 - (iii) The owner is responsible for the removal of the structure in all its parts, within 150 days after the date of being decommissioned or abandoned.
- (d) A renewable energy structure is considered abandoned when the structure fails to continuously operate for more than two years.”.

Amendment of Item 112 of Schedule 3: City of Cape Town Development Management Scheme

49. Item 112 of Schedule 3 is hereby amended by the substitution for paragraph (c), of the following paragraph:

“(c) Consent uses are guest house, tourist accommodation, tourist facilities, harvesting of natural resources, mine, rooftop base telecommunication station, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, intensive animal farming, intensive horticulture, riding stables, animal care centre, farm shop, veterinary practice and agricultural industry.”.

Amendment of Item 121 of Schedule 3: City of Cape Town Development Management Scheme

50. Item 121 of Schedule 3 is hereby amended –

(a) by the insertion, after subparagraph (x) of sub-item (1)(a) of the following subparagraph:

“(xi) a retaining structure within a street boundary building line, subject to item 126, or any retaining structure located under the existing ground level.”; and

(b) by the substitution for sub-item (2) of the following sub-item:

“(2) A building line of 5 m shall apply to any boundary adjacent to a designated metropolitan road, unless otherwise agreed by the City and to which sub-item (1)(a)(i) is also applicable.”.

Amendment of Item 123 of Schedule 3: City of Cape Town Development Management Scheme

51. Item 123 of Schedule 3 is hereby amended by the insertion, after sub-item 7, of the following sub-item:

“(8) A site development plan will only lapse if replaced by another site development plan.”.

Amendment of Item 136 of Schedule 3: City of Cape Town Development Management Scheme

51A. Item 136 of Schedule 3 is hereby amended by the insertion, after sub-item 10, of the following sub-item:

(11) An approval granted for a component of a package of plans referred to in sub-item (4) (a) to (c) does not lapse.”.

Insertion of Item 136A into Schedule 3: City of Cape Town Development Management Scheme

52. The following item is hereby inserted after Item 136 of Schedule 3:

“136A Outbuildings

Except with the consent of the City, no person shall use or occupy an outbuilding before the erection of the building to which it is an outbuilding.”.

Amendment of Item 138 of Schedule 3: City of Cape Town Development Management Scheme

53. Item 138 is hereby amended by the substitution for the table entitled “Minimum off-street parking requirements”, of the following table:

“Minimum off-street parking requirements

Land use	Standard areas	PT1 areas	PT2 areas
Main dwelling house (SR1 Zoning)	2 bays per dwelling unit (1 bay per dwelling for erven < 350 m ²)	1 bay per dwelling unit	Nil
Main dwelling house (SR2 Zoning)	1 bay per dwelling unit (Nil per dwelling for erven < 100 m ²)	Nil	Nil
Second dwelling	1 bay per 2 nd dwelling unit	1 bay per 2 nd dwelling unit	<u>Nil (1 bay per 2nd dwelling unit)</u>
Group dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	<u>Nil (0,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors)</u>
Flats	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	<u>Nil (0,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors)</u>
Bed & breakfast establishment	1 additional bay per guest room	1 additional bay per guest room	Nil

Boarding house, guest house	1,25 bays per bedroom	0,75 bays per bedroom	Nil (0,5 bays per bedroom)
Backpackers lodge	1 bay per 6 beds	1 bay per 8 beds	Nil (1 bay per 10 beds)
Hotel	0,75 bays per bedroom, plus 20 bays if licensed	0,75 bays per bedroom, plus 20 bays if licensed	Nil (0,5 bays per bedroom, plus 10 bays if licensed)
Retirement home, orphanage	0,5 bays per bedroom	0,3 bays per bedroom	Nil (0,2 bays per bedroom)
Crèche	1 bay per 10 children, plus stop & drop facility	1 bay per 10 children	Nil (1 bay per 30 children)
School	1 bay per classroom and office, plus stop & drop facility	1 bay per classroom and office, plus stop & drop facility	Nil (1 bay per classroom, plus stop & drop facility)
Place of instruction (post-school level)	0,4 bays per student, plus 1 bay per classroom and office	0,4 bays per student, plus 1 bay per classroom and office	Nil (1 bay per classroom and office)
Library, museum	2 bays per 100 m ² GLA	1,5 bays per 100 m ² GLA	Nil (1 bay per 100 m² GLA)
Place of assembly, place of worship, place of entertainment, funeral parlour	1 bay per 6 seats or persons, calculated at 1,4 m ² floor space = 1 person	1 bay per 8 seats or persons, calculated at 1,4 m ² floor space = 1 person	Nil (1 bay per 10 seats or persons, calculated at 1,4 m² floor space = 1 person)
Sport stadium	1 bay per 4 seats or persons (or as per transport management plan)	3 bays per 20 seats or persons (or as per transport management plan)	Nil (3 bays per 40 seats or persons (or as per transport management plan))
Recreation or sports complex	1 bay per 8 seats or persons	1 bay per 10 seats or persons	Nil (1 bay per 15 seats or persons)
Gymnasium, health club	10 bays per 100 m ² GLA	8 bays per 100 m ² GLA	Nil (6 bays per 100 m² GLA)

Hospital (general and private)	1 bay per bed, plus 3 bays per consulting room	1 bay per bed, plus 2 bays per consulting room	Nil (1 bay per bed)
Clinic, medical consulting rooms, <u>veterinary practice</u>	4 bays per consulting room	3 bays per consulting room	Nil (2 bays per consulting room)
Shops (excluding supermarket)	4 bays per 100 m ² GLA	2 bays per 100 m ² GLA	Nil (1 bay per 100 m² GLA)
Supermarket, shopping centre	6 bays per 100 m ² GLA	4 bays per 100 m ² GLA	Nil (2 bays per 100 m² GLA)
Restaurant	2 bays per 25 m ² GLA	1 bay per 25 m ² GLA	Nil (1 bay per 25 m² GLA)
Offices	4 bays per 100 m ² GLA	2,5 bays per 100 m ² GLA	Nil (1 bay per 100 m² GLA)
Conference centre	6 bays per 10 seats	4 bays per 10 seats	Nil (2 bays per 10 seats)
Motor showroom	3 bays per 100 m ² GLA	3 bays per 100 m ² GLA	Nil (3 bays per 100 m² GLA)
Motor repair garage, service station	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays	4 bays per service bay, plus 4 bays per 100 m ² GLA, minimum 8 bays	Nil (4 bays per service bay)
Motor fitment centre	2 bays per service bay	2 bays per service bay	Nil (1 bay per service bay)
Industry	2 bays per 100 m ² GLA	1,5 bays per 100 m ² GLA	Nil (1 bay per 100 m² GLA)
Warehouse, storage building	1 bay per 100 m ² GLA	1 bay per 100 m ² GLA	Nil (1 bay per 100 m² GLA)

Amendment of Item 140 of Schedule 3: City of Cape Town Development Management Scheme

54. Item 140 of Schedule 3 is hereby amended by the insertion, after sub-item (2) (c), of the following paragraph:

“(d) A combined carriageway crossing allows for both entrance and exit, whereas a single carriageway crossing only allows for an entrance or an exit. Direct access to a garage, carport or parking space, or combination thereof, is a combined access.”.

Amendment of Item 148 of Schedule 3: City of Cape Town Development Management Scheme

55. Item 148 of Schedule 3 is hereby amended by the substitution for paragraph (a) of sub-item (1), of the following paragraph:

“(a) the development principles contained in the SPLUMA, the **(Ordinance)** LUPA and this By-Law;”.

Insertion of Items 158A to F into Schedule 3: City of Cape Town Development Management Scheme

56. Schedule 3 is hereby amended by the insertion, after Item 158, of the following items:

“158A Third Dwelling Overlay Zoning

- (1) In an area designated to have a third dwelling overlay zoning the following provisions apply to land units with a SR1 or SR2 zoning.
- (2) A third dwelling is a primary use on properties with a SR1 or SR2 zoning.
- (3) In accordance with development rules applied to Third Dwelling Overlay Zoning, the following is applicable:
 - (a) A 1m street boundary building line on land units up to and including 350m² in extent.
 - (b) Zero parking requirements for the third dwelling use.
- (4) General requirements in regards to Third Dwelling Overlay Zoning include the following:
 - (a) The construction of a third dwelling shall be subject to the City’s municipal services departments certifying that capacity is available on the services network in the specific area.
 - (b) The existence or approval of a third dwelling shall not in itself be sufficient reason for the City to grant an application in terms of this By-Law to subdivide the land unit containing the dwelling units.
 - (c) A third dwelling shall be constructed in a style that is similar to the architecture of the main and second dwelling.

Part 3: Small and Micro Enterprise Overlay Zoning (SMEO)

(Items 158B – 158D)

158B Use of property: Small and Micro Enterprise Overlay Zoning

- (1) In this overlay zoning, one or both of the following intensity provisions can be designated to an area or land unit:
 - (a) medium intensity area; or
 - (b) low intensity area.
- (2) In an area or land unit designated to have a medium intensity overlay zoning the following additional primary uses are permitted in the SR1 and SR2 base zones:
Restaurant, office, guest house, service trade, place of instruction, place of worship and business premises.
- (3) In an area or land unit designated to have a low intensity overlay zoning the following additional primary uses in the SR1 and SR2 base zones are permitted:
Restaurant, office, guest house, place of instruction and house shop.

158C Development rules: Small and Micro Enterprise Overlay Zoning

- (1) The following rules are applicable to an area or land unit with an SR1 or SR2 zoning designated to have a medium intensity overlay zoning:
 - (a) floor factor of 1.5 but may not be greater than 1500m²
 - (b) at least a third of the floor space of all buildings and structures shall be used for residential purposes.
- (2) The following development rule is applicable to an area or land unit with an SR1 zoning designated to have a medium Intensity overlay zoning:
 - (a) zero street building line.
- (3) The City may impose development rules in order to minimise any potential nuisance to surrounding neighbours or general public as part of designating an area or land unit to have this overlay zoning.
- (4) Any development rules in terms of an approved medium Intensity overlay zoning that exceed, or are more restrictive than, the limitations of a base zoning shall be deemed to be approved departures from the provisions of the base zone.

158D General provisions: Small and Micro Enterprise Overlay Zoning

The following provisions apply:

- (1) Medium intensity areas or land units are directly adjacent to identified activity routes or streets and structuring routes.
- (2) Low intensity areas or land units are directly adjacent to identified activity routes or streets and structuring routes or directly adjacent to a medium intensity zone (i.e. it does not have to be along an activity route or street or structuring route).
- (3) Parking requirements apply as per the PT2 area requirement provided for in item 138 and access requirements apply as provided for in item 140.
- (4) The City's municipal services departments must certify that capacity is available on the services network in the specific area, for the additional primary uses."

Part 4: Extensive Residential Use Overlay Zoning

(Items 158E – 158F)

158E General provisions: Extensive Residential Use Overlay Zoning**Use of property**

- (1) Primary uses are dwelling house and private road.
- (2) Additional use rights are second dwelling, subject to item 53.
- (3) Consent uses are home occupation, bed and breakfast establishment, home child care, utility service, place of instruction, place of worship, house shop, institution, guest house, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture and halfway house."

158F Specific provisions: Extensive Residential Use Overlay Zoning

- (1) No subdivision of land shall be permitted with an erf size of less than 4000 square metres.

Amendment of Item 188 of Schedule 3: City of Cape Town Development Management Scheme

57. Item 188 of Schedule 3 is hereby amended by the substitution of the words preceding paragraph (a) in sub-item (3), of the following:

- "(3) The following provisions apply to the Bakoven, Clifton and Glen Beach Bungalow area as depicted on Plan LAO/ **(4)**5(i):".

Amendment of Item 189 of Schedule 3: City of Cape Town Development Management Scheme

58. Item 189 of Schedule 3 is hereby amended by the substitution for sub-item (1), of the following sub-item:

“(1) The provisions in this item shall apply to the Clifton area on the lower side of Victoria Road, as depicted on Plan LAO/5 ~~(iii)~~ (ii).”.

Short title

59. This By-law is called the City of Cape Town: Municipal Planning Amendment By-law, 2016.

**STAD KAAPSTAD
WYSIGINGSVERORDENING OP
MUNISIPALE BEPLANNING, 2016**

**STAD KAAPSTAD
WYSIGINGSVERORDENING OP MUNISIPALE BEPLANNING, 2016**

ALGEMENE VERKLARENDE AANTEKENING:

() Woorde in vetdruk tussen blokhakies dui op skrappings uit bestaande bepalings.

_____ Woorde wat met 'n volstreep onderstreep is, dui op invoegings in bestaande bepalings.

Die raad van die Stad Kaapstad VERORDEN hiermee soos volg:-

Vervanging van aanhef van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

1. Die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 (hierna "die hoofverordening") word hiermee gewysig deur die aanhef met die volgende aanhef te vervang:

"**NADEMAAL** artikel 156(1) van die Grondwet van die Republiek van Suid-Afrika, 1996, aan munisipaliteite die uitvoerende gesag en reg verleen om die plaaslike regeringsaangeleenthede in deel B van bylae 4 en deel B van bylae 5 by die Grondwet te administreer;

NADEMAAL deel B van bylae 4 by die Grondwet munisipale beplanning as 'n plaaslikeregeringsaangeleentheid lys;

NADEMAAL artikel 156(2) van die Grondwet munisipaliteite die mag gee om verordeninge uit te vaardig vir die doeltreffende administrasie van die aangeleenthede wat hulle die reg het om te administreer;

NADEMAAL die parlement die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet 16 van 2013) en die Wes-Kaapse provinsiale wetgewer die Wet op Grondgebruikbeplanning (Wet 3 van 2014) uitgevaardig het, welke wetgewing onder andere ontwikkelingsbeginsels neerlê wat van toepassing is op alle staatsorgane gemoeid met die inwerkingstelling van wetgewing wat die gebruik en ontwikkeling van grond reguleer;

NADEMAAL artikel 2(2) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur (Wet 16 van 2013) toelaat dat ander wetgewing 'n alternatiewe of parallelle meganisme, maatreël, instelling of stelsel oor ruimtelike beplanning, grondgebruik, grondgebruikbestuur en grondontwikkeling voorskryf op 'n wyse wat met die bepalings van daardie wet strook, en die Stad voornemens is om deur hierdie verordening sodanige meganisme, maatreël, instelling en stelsel voor te skryf;

NADEMAAL die Stad voornemens is om munisipale beplanningsaangeleenthede binne die geografiese gebied van die Stad te reguleer en te beheer.

NOU DAAROM VERORDEN die raad van die Stad Kaapstad soos volg:"

Wysiging van artikel 5 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

2. Artikel 5 van die hoofverordening word hiermee gewysig deur subartikel (2) met die volgende subartikel te vervang:

"(2) Artikel 4(2) en 6 is van toepassing op wysigings aan die munisipale raamwerk vir ruimtelike ontwikkeling as gevolg van kommentaar wat ingeolge artikel 32 en 33 van die Wet op Munisipale Stelsels van die provinsiale minister van plaaslike regering (ingeolge artikel 32 en 33 van die Wet op Munisipale Stelsels) ontvang is."

Wysiging van artikel 7 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

3. Artikel 7 van die hoofverordening word hiermee gewysig deur die volgende woorde ná die woorde "provinsiale minister" in te voeg:

"van plaaslike regering".

Wysiging van artikel 13 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

4. Artikel 13 van die hoofverordening word hiermee gewysig –

(a) deur subartikel (2) te skrap; en

(b) deur die woorde wat paragraaf (a) in subartikel (3) voorafgaan met die volgende te vervang:

"(3) **(Na afloop van die oorlegplegingsproses en die aanvaarde proses moet d)** Die Departement moet 'n skriftelike verslag voorsien wat minstens –"

Vervanging van artikel 15 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

5. Artikel 15 van die hoofverordening word hiermee met die volgende artikel vervang:

"15 Publikasie van die aanvaarde of gewysigde distriksraamwerk of plaaslike raamwerk vir ruimtelike ontwikkeling

"Binne 30 dae nadat dit 'n distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling aanvaar of gewysig het, moet die Stad die aanvaarde of gewysigde distriks- of plaaslike raamwerk vir ruimtelike ontwikkeling **(ooreenkomstig artikel 19)** op die Stad se webtuiste publiseer."

Wysiging van artikel 36 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

6. Artikel 36 van die hoofverordening word hiermee gewysig –

(a) deur subartikel (1) met die volgende subartikel te vervang –

"(1) Buiten waar grond ingevolge die ontwikkelingsbestuurskema as gesoneer beskou word, kan die Stad op eie inisiatief of op aanvraag van 'n eienaar 'n sonering aanwys vir grond wat nie oor 'n sonering beskik nie."

(b) deur subartikel (4) met die volgende subartikel te vervang –

"(4) Die Stad moet die soneringskaart so gou moontlik **(moet ge)**wysig **(word)** om die aangewese sonering **(wat aangewys is en wat as die sonering van)** vir die grond **(beskou word,)** te weerspieël."

Wysiging van artikel 38 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

7. Artikel 38 van die hoofverordening word hiermee gewysig deur die woorde wat paragraaf (a) in subartikel (1) voorafgaan met die volgende te vervang –

"(1) Tensy hierdie verordening anders bepaal, verstryk 'n goedkeuring wat ingevolge hierdie verordening vir die gebruik of ontwikkeling van grond toegestaan is of as toegestaan beskou word, twee jaar na die intreedatum van die besluit –"

Wysiging van artikel 42 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

8. Artikel 42 van die hoofverordening word hiermee gewysig –

- (a) deur paragraaf (p) te skrap; en
- (b) deur paragraaf (f) met die volgende paragraaf te vervang:

“(f) (enige ander aansoek waarvoor hierdie verordening voorsiening maak) toestemming vir die herbouing van ’n gebou of ’n beduidende deel daarvan binne die perke van ’n afwykende gebruik soos wat artikel 37(6) beoog;”

Wysiging van artikel 44 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

9. Artikel 44 van die hoofverordening word hiermee gewysig deur subartikel (1) met die volgende subartikel te vervang:

“(1) Onderworpe aan artikel 35(2) van die Wet op Grondgebruikbeplanning en hoofstuk 7 van hierdie verordening, kan die Stad op eie inisiatief grond hersoneer wat nie Stadseïendom is nie ten einde goedgekeurde raamwerke vir ruimtelike ontwikkeling en ander Stadsbeleide uit te voer, of vir die doel wat artikel 36(7) beoog.”

Wysiging van artikel 54 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

10. Artikel 54 van die hoofverordening word hiermee gewysig –

- (a) deur die woorde van subartikel (1) voor paragraaf (a) met die volgende woorde te vervang:

“(1) Geen persoon mag oordrag neem van ’n grondeenheid wat uit ’n goedgekeurde onderverdeling of **(die tersaaklike)** fase **(daar)** van ’n Stadsgoedgekeurde onderverdeling spruit nie, tensy –”

- (b) deur paragraaf (b) van subartikel (1) met die volgende paragraaf te vervang:

“(b) die ingenieursdienste wat volgens die goedkeuringsvoorwaardes ingevolge artikel 52(4) en enige ander toepaslike wetgewing met betrekking tot die gebied of die **(tersaaklike)** goedgekeurde fase van ’n onderverdeling op (van) die goedgekeurde algemene plan of diagram vereis word, ten volle geïnstalleer is;”

- (c) deur paragraaf (c) van subartikel (1) met die volgende paragraaf te vervang:

“(c) daar voldoen is aan alle ander onderverdelingsvoorwaardes, of voorwaardes met betrekking tot die **(tersaaklike)** goedgekeurde fase van ’n onderverdeling op (van) die goedgekeurde algemene plan of diagram, en alle voorwaardes vir die oordrag van die grondeenheid; en”

- (d) deur subparagraaf (iii) van paragraaf (d) van subartikel (1) met die volgende subparagraaf te vervang:

“(iii) alle grond wat ingevolge die goedkeuringsvoorwaardes aangewys is vir oordrag aan die eienaarsvereniging, met inbegrip van privaat paale en privaat oop ruimtes wat uit die onderverdeling of **(tersaaklike)** goedgekeurde fase van ’n onderverdeling spruit, sonder vergoeding aan die vereniging oorgedra is of met die oordrag van die eerste grondeenheid oorgedra sal word.”

- (e) deur subartikel (3) met die volgende subartikel te vervang:

“(3) Waar ’n eienaarsvereniging vereis word, sal ’n aansoeker skuldig wees aan ’n oortreding indien die eerste grondeenheid wat uit ’n onderverdeling of **(fersaaklike)** ’n goedgekeurde fase van ’n onderverdeling spruit, oorgedra word sonder dat alle gemeenskaplike eiendom, met inbegrip van privaat paaie en privaat oop ruimtes wat uit daardie onderverdeling spruit, aan die eienaarsvereniging oorgedra word, en sal sodanige aansoeker by skuldigbevinding strafbaar wees met die strawwe wat in artikel 133(2) en 133(3) beoog word.”

Wysiging van artikel 55 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

11. Artikel 55 van die hoofverordening word hiermee gewysig deur subartikel (2) met die volgende subartikel te vervang: –

“(2) By voldoening aan subartikel (1) word die onderverdeling of fase van ’n onderverdeling (gefaseerde deel daarvan) bevestig.”

Vervanging van artikel 56 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

12. Artikel 56 van die hoofverordening word hiermee met die volgende artikel vervang:

“(1) ’n Goedkeuring van ’n onderverdeling of ’n goedgekeurde fase van ’n onderverdeling (van ’n gefaseerde deel daarvan) verstryk indien daar nie aan die vereistes van artikel 55(1) voldoen word nie.

(2) Indien slegs ’n gedeelte van die algemene plan aan artikel 54(1)(b) en 54(1)(c) voldoen, verstryk die goedkeuring van die onderverdeling of **(gefaseerde deel)** ’n goedgekeurde fase van die onderverdeling.

(3) ’n Aansoeker kan ingevolge en onderworpe aan die vereistes van artikel 107 om ’n verlenging van die tydperk aansoek doen ten einde aan artikel 55(1) te voldoen.

(4) Indien ’n goedkeuring van ’n onderverdeling of **(’n gefaseerde deel daarvan)** ’n goedgekeurde fase van die onderverdeling verstryk –

- (a) sal die sonering van toepassing op die grond voordat die goedkeuring van die hersonering na onderverdelingsgebied toegestaan is, weer geld;
- (b) moet die Stad –
 - (i) die soneringskaart en, waar van toepassing, die soneringsregister dienooreenkomstig wysig; en
 - (ii) die landmeter-generaal dienooreenkomstig in kennis stel;
- (c) moet die landmeter-generaal ’n aantekening maak op die rekords van die kantoor van die landmeter-generaal om die verstryking te weerspieël.”

Wysiging van artikel 62 van die Engelse Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

13. Artikel 62 van die hoofverordening word gewysig deur die woord “subartikel” in paragraaf (v) van subartikel (1) met “artikel” te vervang.

Wysiging van artikel 67 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

14. Artikel 67 van die hoofverordening word hiermee gewysig –

- (a) deur die woord “of” ná artikel (1)(g)(i) in te voeg;
- (b) deur die volgende subparagraawe ná subparagraaf (iii) van paragraaf (g) van subartikel (1) in te voeg:

“(iv) hoogtebeperkings; of
 (v) ’n woonreg, privaat deurgangsreg of vruggebruik; of
 (vi) ’n boorgat of waterpyp.”

(c) deur die invoeging van die volgende paragraawe ná paragraaf (h) van subartikel (1):

“(i) ’n konsolidasie van grond wat vereis word ingevolge ’n goedkeuringsvoorwaarde wat opgelê is ooreenkomstig die ordonnansie voordat hierdie verordening in werking getree het;

(j) die konsolidasie van grondeenhede waar ’n bestaande gebou wat voor die inwerkingtreding van hierdie verordening ingevolge goedgekeurde bouplanne opgerig is, ooreenkomstig sodanige planne die grense van twee of meer aangrensende grondeenhede oorvurk.”

Wysiging van artikel 70 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

15. Artikel 70 van die hoofverordening word hiermee gewysig deur paragraaf (i) van subartikel (1) met die volgende paragraaf te vervang –

“(i) of ’n plannepakket-benadering oorweeg (gevolg) moet word, soos wat item 136 van bylae 3 by hierdie verordening beoog.”

Wysiging van artikel 71 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

16. Artikel 71 van die hoofverordening word hiermee gewysig –

(a) deur paragraaf (d) van subartikel (1) met die volgende paragraaf te vervang:

“(d) indien ’n vooraansoekkonsultasie plaasgevind het, die rekord van die verrigtinge van **(sodanige)** die vooraansoekkonsultasie; en

(b) deur paragraaf (i) van subartikel (1) met die volgende paragraaf te vervang:

“(i) die inligting wat vir die **(voorafkonsultasie)** vooraansoekkonsultasie vereis is;”

Wysiging van artikel 79 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

17. Artikel 79 van die hoofverordening word hiermee gewysig deur subartikel (3) met die volgende subartikel te vervang:

“(3) Benewens die metodes in subartikel (2) hierbo, kan die Stad die aansoeker versoek om ’n terreinkennisgewing te vertoon wat –

- (i)** (a) gelamineer en minstens 60 cm by 42 cm groot moet wees;
- (ii)** (b) vertoon moet word op elke grens van die betrokke grondeenheid of -eenhede wat aan ’n straat grens of op enige ander opvallende plek op die eenheid of eenhede wat die publiek waarskynlik sal sien;

- (iii) (c)** vertoon moet word vir 'n tydperk en vanaf 'n datum wat die Stadsbestuurder bepaal, wat nie minder as 30 dae mag wees nie; en
- (iv) (d)** vervang moet word indien dit gedurende die kennisgewingstydperk beskadig of verwyder word."

Wysiging van artikel 81 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

18. Artikel 81 van die hoofverordening word hiermee gewysig deur subartikel (1) met die volgende subartikel te vervang –

"(1) Die Stadsbestuurder moet toesien dat kennis in die media gegee word van die Stad se voorneme om 'n aansoek te oorweeg wat in artikel 43 **(en 44)** van die Wet op Grondgebruikbeplanning gelys word."

Wysiging van artikel 82 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

19. Artikel 82 van die hoofverordening word hiermee gewysig –

- (a) deur subartikel (1)(g) te skrap; en
- (b) deur die volgende subartikel ná subartikel (1) in te voeg:

"(1A) Die Stad kan ingevolge subartikel (3) en (4) 'n kennisgewing laat beteken van die Stad se voorneme om enige ander soort aansoek wat artikel 42 beoog, te oorweeg."

Wysiging van artikel 99 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

20. Artikel 99 van die hoofverordening word hiermee gewysig deur subartikel (3) met die volgende subartikel te vervang:

"(3) Die volgende oorwegings is ter sake vir die beoordeling ingevolge subartikel (1)(c) oor of die voorgestelde grondgebruik wenslik is, en die beoordeling ingevolge subartikel (2)(d) oor die omvang van sodanige wenslikheid –

- (a) **(ekonomiese impak)** sosio-ekonomiese impak;
- (b) **(maatskaplike impak);**
- (c) **(skaal van die kapitaalbelegging);**
- (d) versoenbaarheid met omliggende gebruike;
- (e) impak op die eksterne ingenieursdienste;
- (f) impak op die veiligheid, gesondheid en welstand van die omliggende gemeenskap;
- (g) impak op erfenis;
- (h) impak op die biofisiese omgewing;
- (i) verkeersimpak, parkering, toegang en ander vervoerverwante oorwegings; en
- (j) of die oplegging van voorwaardes 'n nadelige impak van die voorgestelde grondgebruik kan temper."

Wysiging van artikel 120 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

21. Artikel 120 van die hoofverordening word hiermee gewysig –

- (a) deur subartikel (8) met die volgende subartikel te vervang:

"(8) 'n Kworum vir 'n vergadering van 'n paneel van die munisipale beplanningstribunaal is **(hetsy)** 'n gewone meerderheid van sy aangewese lede **(, of drie lede, wat ook al die grootste is)**."

(b) deur subartikel (11) met die volgende subartikel te vervang:

“(11) ’n Persoon wat ingevolge subartikel (10) toestemming vereis, moet minstens **(sewe)** vyf dae voor die betrokke vergadering, of nader aan die vergadering indien ’n goeie rede daarvoor aangetoon word, ’n skriftelike versoek by die munisipale beplanningstribunaal indien, en moet voldoende redes vir die versoek verstrek.”

Vervanging van artikel 121 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

22. Artikel 121 van die hoofverordening word met die volgende artikel vervang:

- “(1) Die burgemeester kan by die munisipale raad ’n aanbeveling doen dat ’n adviespaneel tot stand gebring word om ’n appèl te oorweeg en aanbevelings daaroor by die appèlowerheid te doen.
- (2) Die adviespaneel wat in subartikel (1) oorweeg word, kan ingevolge ’n ander wet tot stand gebring word.
- (3) Die adviespaneel kan enige persoon versoek om mondelinge voorleggings oor enige aspek van ’n aansoek te doen, en is verplig om dit te versoek indien dit sou blyk dat die kwessies wat in die appèl beslis moet word, nie voldoende beslis kan word op grond van die dokumente voor die appèlowerheid sonder die aanwesigheid van die partye self nie.
- (4) ’n Adviespaneel moet die kriteria vir die beslissing van aansoeke wat in artikel 99 beoog word, toepas.)
- (1) Die burgemeester kan ’n appèladviespaneel, met inbegrip van ’n voorsitter, aanstel om ’n appèl of soorte aansoeke waarteen daar geappelleer word, te oorweeg, en om die appèlowerheid van advies of aanbevelings daaroor te voorsien.
- (2) Munisipale raadslede kan in die appèladviespaneel aangestel word.
- (3) Lede van die appèladviespaneel moet hulle verskoon indien hulle of enige van hulle eggenote, lewensmaats of familielede –
 (a) ’n belang by ’n appèl het; of
 (b) op enige manier betrokke was by die besluit waarteen daar geappelleer word.
- (4) Die voorsitter van die appèladviespaneel moet besluit wanneer en waar die appèladviespaneel moet vergader.
- (5) ’n Appèladviespaneel –
 (a) kan sy eie prosedures bepaal; en
 (b) moet die kriteria in artikel 99 toepas.
- (6) Die kworum vir ’n vergadering van die appèladviespaneel is ’n gewone meerderheid van sy aangestelde lede.
- (7) Die burgemeester kan die appèladviespaneel in enige stadium ontbind.”

Wysiging van artikel 129 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

23. Artikel 129 van die hoofverordening word hiermee gewysig –

(a) deur die volgende subartikel ná subartikel (1) in te voeg:

“(1A) Waar enige persoon hierdie verordening oortree, kan die munisipale beplanningstribunaal –

- (a) besluit om ’n administratiewe boete op te lê; en
 (b) op die bedrag van die boete besluit.”

(b) deur paragraaf (a) en (b) van subartikel (7) met die volgende paragrawe te vervang:

- “(a) met betrekking tot bouwerk in stryd met hierdie verordening, **(minstens 10% en)** hoogstens 100% mag beloop van die waarde van die onregmatige bou-, konstruksie- en ingenieurswerk wat uitgevoer is, **(mag beloop,)** soos wat die Stad bepaal;
- (b) met betrekking tot grondgebruik in stryd met hierdie verordening, **(minstens 10% en)** hoogstens 100% mag beloop van die munisipale waardasie van die gebied wat onregmatig gebruik word, **(mag beloop,)** soos wat die Stad bepaal; en”

Wysiging van artikel 136 van die Engelse Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

24. Artikel 136 van die Engelse hoofverordening word gewysig deur die woord “or” ná “person” in subartikel (10) te skrap. Die Afrikaanse vertaling bevat nie dieselfde fout nie.”

Wysiging van artikel 142 van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015

25. Artikel 142 van die hoofverordening word hiermee gewysig deur subartikel (6) met die volgende subartikel te vervang:

“(6) (a) ‘n Eienaar wie se grond op 1 Maart 2013 as algemene sakesubsonne GB3 tot GB7 of gemengdegebruiksubsonne MU2 en MU3 gesoneer was, kan tot 28 Februarie 2023 kies om te val onder die soneringsbepalings van hetsy die ontwikkelingsbestuurskema of die soneringskema wat op 28 Februarie 2013 in werking was.

(b) Aansoeke om permanente afwyking van die bepalings van die soneringskema wat op 28 Februarie 2013 in werking was, word nie toegelaat nie.”

WYSIGING VAN BYLAE 3: STAD KAAPSTAD ONTWIKKELINGSBESTUURSKEMA

Wysiging van item 1 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

26. Item 1 van die Stad Kaapstad Ontwikkelingsbestuurskema, wat in bylae 3 by die hoofverordening uiteengesit word (hierna “bylae 3”), word hiermee gewysig –

- (a) deur die omskrywing van “basisvlak” met die volgende omskrywing te vervang:

“**‘basisvlak’** van ‘n gebou ‘n denkbeeldige vlak wat horisontaal op die gemiddelde grondvlak van die gebou of vertikale verdeling van die gebou getrek word; **(en wat onder die grondvloer en direk bo of bo-op die plafon van enige kelder is;)**”

- (b) deur die volgende omskrywing ná die omskrywing van “dekking” in te voeg:

“**‘derde woning’** ‘n verdere wooneenheid wat ingevolge hierdie ontwikkelingsbestuurskema op ‘n grondeenheid opgerig mag word waar ‘n woonhuis en ‘n tweede woning reeds goedgekeur of regmatig opgerig is;”

- (c) deur die omskrywing van “grondvloer” met die volgende omskrywing te vervang:

“**‘grondvloer’** die laagste vloer van ‘n gebou wat nie ‘n kelder is nie **(en wat op die basisvlak van ‘n gebou of vertikale verdeling geleë is;)**”

- (d) deur die volgende omskrywing ná die omskrywing van "helikopterlandingsplek" in te voeg:

"herwinningsentrum" 'n eiendom wat gebruik word vir die tydelike berging, sortering, storting of insameling van papier, plastiek, glas, blikke, tekstiele of soortgelyke vasteafvalmateriale vir herwinningsdoeleindes, dog met uitsluiting van 'n skrootwerf;"

- (e) deur die omskrywing van "hoogte" met die volgende omskrywing te vervang:

"hoogte", van 'n gebou, 'n vertikale dimensie in meter vanaf 'n bepaalde vlak tot 'n ander bepaalde vlak, soos dit in die ontwikkelingsreëls van 'n sonering uiteengesit word, met dien verstande dat -

- (a) skoorstene (maksimum horisontale dimensie van 1,5 m),
- (b) skoorsteenpype (maksimum horisontale dimensie van 1 m),
- (c) hyserskagte (maksimum horisontale dimensie van 2,5 m en maksimum vertikale dimensie van 2 m per hyserskag),
- (d) maste, en
- (e) antennes, **satellietskottels met 'n deursnee van hoogstens 1,5 m, en eksterne warmwatertoestelle en verbandhoudende toerusting wat nie meer as 1,5 m bo die bopunt van die dak uitsteek nie,**

nie vir die doeleindes van hoogtebeheer in ag geneem word nie;"

- (f) deur die omskrywing van "kelder" met die volgende omskrywing te vervang:

"kelder" daardie ruimte in 'n gebou tussen 'n vloer en 'n plafon, met inbegrip van sodanige vloer of plafon, wat **(nie as bewoonbare ruimte bedoel is nie en wat) nie meer as 1,5 m bo enige punt op die bestaande grondvlak uitsteek nie; (geheel en al onder die bestaande grondvlak geleë is en ondergronds bly, buiten dat dit voertuigtoegang vanaf 'n pad kan insluit, mits sodanige toegang slegs teen 'n afwaartse hoek of vanaf 'n gelyk vlak verkry word;)**"

- (g) deur die volgende omskrywing ná die omskrywing van "struktuur" in te voeg:

"struktuur vir hernubare energie" enige apparaat of soortgelyke toestel, of groepering daarvan, wat ontwerp is om sonstrale op te vang en in energie om te skakel vir kommersiële gewin, ongeag of dit by 'n elektrisiteitsnetwerk ingevoer word of nie, wat insluit enige toetsfasiliteit of -struktuur wat tot energieopwekking op 'n kommersiële grondslag kan lei, dog met uitsluiting van windturbine-infrastruktuur;"

- (h) deur die omskrywing van "tuisberoep" met die volgende omskrywing te vervang:

"tuisberoep" die beoefening van 'n beroep of die bedryf van 'n onderneming vanaf 'n grondeenheid, woonhuis, tweede woning, wooneenheid of buitegebou deur een of meer bewoners wat op die eiendom woon, wat insluit die verkoop van alkoholiese drank deur die internet of enige ander elektroniese middel, met dien verstande dat geen alkoholiese drank op die eiendom geberg, ontvang of daarvandaan versend word nie;"

- (i) deur die volgende omskrywing ná die omskrywing van "uitsigpad" in te voeg:

"veeartsenykundige praktyk" 'n gebou of deel van 'n gebou wat deur 'n geregistreerde veearts gebruik word vir mediese ondersoeke van of chirurgiese prosedures op diere, wat die verkoop van dierekos en verbandhoudende toebehore kan insluit;"

(j) deur die volgende omskrywing ná die omskrywing van "verdieping" in te voeg:

"**verfilming**' die voorbereiding van 'n eiendom vir die opname van klank- en beeldmateriaal, sowel as die opname van klank- en beeldmateriaal op sigself, hetsy bewegend of stil, op film of videoband, elektronies of op enige ander manier, dog met uitsluiting van die opname van 'n privaat huweliksplegtigheid of ander privaat viering of geleentheid met die doel om vir privaat doeleindes 'n opname daarvan vir deelnemers te maak, of die opname van aktuele sake of nuus vir onmiddellike vrystelling;"

(k) deur die omskrywing van "verkoop van alkoholiese drank" met die volgende omskrywing te vervang:

"**verkoop van alkoholiese drank**' die verkoop of aanbod van verkoop aan die publiek van drank wat bedwelmig by 'n verbruiker kan veroorsaak wat op die perseel gehou, vertoon of verbruik kan word;"

(l) deur die omskrywing van "vertikale afskorting" met die volgende omskrywing te vervang:

"**vertikale afskorting**' van 'n gebou (**beteken**) 'n gedeelte van die gebou wat deur enige kombinasie van buite- (en/of) en binnemure begrens word, met of sonder openinge, welke gedeelte met opset duidelik identifiseerbaar is as 'n logiese vertikale deel van ander gedeeltes van die gebou (**met dien verstande dat geen opening in 'n binnemuur wat afskortings verdeel 3 m of 'n derde van die horisontale breedte daarvan, wat ook al die grootste is, mag oorskry nie en dat d).** Die Stad kan aanvaar dat 'n gebou in vertikale afskortings verdeel is waar elke sodanige afskorting oor 'n afsonderlike basisvlak vir die doel van die toepassing van hierdie ontwikkelingsbestuurskema beskik;"

(m) deur die omskrywing van "vloerruimte" met die volgende omskrywing te vervang:

"**vloerruimte**', met betrekking tot enige gebou, die oppervlakte van 'n vloer wat deur 'n blad, dak of uitsteeksel bedek word, met dien verstande dat:

- (a) enige (**oppervlakte, met inbegrip van 'n**) kelder of deel van 'n kelder wat nie as bewoonbare ruimte bedoel is nie, (wat uitsluitlik vir parkeerruimte of die laai van voertuie bestem is,) uitgesluit word;
- (aA) enige oppervlakte wat uitsluitlik vir parkeerruimte of die laai van voertuie bestem is, uitgesluit word;
- (b) buite-ingangstrappe en -trapportale, enige afdak, enige stoep en enige gebied wat vir buitenuitgange vereis word, uitgesluit word;
- (bA) gange, toegangs- en nooduitgangstroetes met 'n breedte van hoogstens 1,5 m uitgesluit word, met dien verstande dat dit direk met die nooduitgang, die vertikale bewegingsroetes na die ingangdeure of albei verbind is;
- (c) 'n uitsteeksel, met inbegrip van 'n dakrand wat uitsteek en 'n uitsteeksel wat as 'n sonskerm of 'n argitektoniese kenmerk dien, wat nie meer as 1 m by die buitemuur of soortgelyke ondersteuning verbystek nie, uitgesluit word;
- (d) enige onoordekte interne binnehof, ligskag of ander onoordekte skag van meer as 10 m² in oppervlakte uitgesluit word;
- (e) enige oordekte geplaveide gebied buite en direk langs 'n gebou op of onder die grondvloervlak uitgesluit word waar sodanige geplaveide gebied deel is van 'n voorhof, werf, eksterne binnehof, voetpad, parkeerruimte of voertuigtoegang en aan minstens die voor- of lang kant permanent aan die elemente blootgestel is;
- (f) enige oordekte balkon, veranda of terras uitgesluit word wat, benewens beskermde traliewerk, aan minstens die voor- of lang kant permanent aan die elemente blootgestel is en nie 2,5 m in breedte oorskry nie;
- (g) onderworpe aan paragraaf (h) hieronder, enige trappe, trapskagte en atriums met 'n dak ingesluit word;
- (h) in geval van meerverdiepinggeboue, enige trapskagte, hyserskagte, ligskagte of ander skagte sowel as enige atriums slegs een keer getel word;

en op die verdere voorwaarde dat vloerruimte gemeet word vanaf die buitevlak van die buitewand of soortgelyke ondersteuning van sodanige gebou, en dat waar die gebou uit meer as een verdieping bestaan, die totale vloerruimte die som van die vloerruimte van alle verdiepings is, met inbegrip van dié van kelders;”

Wysiging van item 3 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

27. Item 3 van bylae 3 word hiermee gewysig –

(a) deur die opskrif en sin voor paragraaf (a) van item 3 met die volgende opskrif en sin te vervang:

“3 Metodes om afstande, hoogtes en vlakke te meet, of die vereiste om op of af te rond

Die volgende bepaling is van toepassing met betrekking tot die meting van afstande, vlakke of hoogte, of die vereiste om op of af te rond:”

(b) deur die volgende paragraaf ná paragraaf (f) van item 3 in te voeg:

“(g) Indien dit nodig is om ’n getal parkeerplekke of enige ander ontwikkelingsreël vir ’n grondgebruik te bepaal waaraan daar slegs in ’n heelgetal voldoen kan word, kan die op- of afronding van die berekening vereis word. In so ’n geval sal ’n waarde van 0,5 en hoër opgerond word tot die volgende heelgetal, en waardes onder 0,5 afgerond word tot die naaste heelgetal, met die uitsondering dat ’n minimum eenheidsvereiste van 1 (een) sal geld, tensy daar anders bepaal word.”

Wysiging van item 7 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

28. Item 7 van bylae 3 word hiermee gewysig –

(a) deur die opskrif van item 7 met die volgende opskrif te vervang:

“7 (Voorwaardes) Ontwikkelingsreëls van toepassing op ’n goedgekeurde vergunningsgebruik”

(b) deur subitem (1) met die volgende subitem te vervang:

“(1) Wanneer ’n vergunningsgebruik goedgekeur word, sal die volgende (algemene voorwaardes) geld:

- (a) Indien sodanige vergunningsgebruik, soos dit in ’n spesifieke sonering gelys word, ook ’n primêre gebruik in ’n ander sonering is, sal dit onderworpe wees aan die mees beperkende ontwikkelingsreëls wat in hetsy sodanige ander sonering of in daardie spesifieke sonering geld.
- (b) Indien sodanige vergunningsgebruik, soos dit in ’n spesifieke sonering gelys word, nie ’n primêre gebruik in ’n ander sonering is nie, sal dit onderworpe wees aan die ontwikkelingsreëls in die betrokke sonering.
- (c) Die vergunningsgebruik is onderworpe aan enige ontwikkelingsreël wat as ’n voorwaarde in die goedkeuring opgelê word. (Nieteenstaande (a) en (b) hierbo, is ’n vergunningsgebruik vir ’n tweede woning in ’n enkelresidensiële sonering I onderworpe aan die ontwikkelingsreëls in daardie sonering.)”

Wysiging van item 15 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

29. Item 15 van bylae 3 word hiermee gewysig deur subitem (2) met die volgende subitem te vervang:

“(2) (Alle toegelate spesiale gebruike word in bylae A gelys.) ’n Spesiale gebruik wat met die Stad se goedkeuring in ’n sonering geklassifiseer is en toegelaat word, moet in die Provinsiale Koerant gepubliseer word.”

Vervanging van opskrif na item 15 in bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

30. Die opskrif ná item 15 in bylae 3 word hiermee met die volgende opskrif vervang:

“Deel 4: Veronderstelde sonering of vasgestelde sonering”

Wysiging van item 16 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

31. Item 16 van bylae 3 word hiermee gewysig deur die woorde wat paragraaf (a) in subitem (8) voorafgaan met die volgende te vervang:

“(8) Waar enige gedeelte grond (buiten grond waarna subitem **((4)) (7)** verwys) wat voorheen ‘n openbare straat of openbare oop ruimte was en in die Stad gesetel het of in die Stad se besit was, gesluit en aan ‘n aanliggende eienaar oorgedra word, sal daar aanvaar word dat sodanige gedeelte grond onder dieselfde sonering en subsonering, met inbegrip van enige goedkeuringsvoorwaardes, as dié van die aanliggende grond van sodanige eienaar val, met dien verstande dat:”

Wysiging van item 20 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

32. Item 20 van bylae 3 word hiermee gewysig deur tabel A, “Samevatting van die sonerings en ontwikkelingsreëls”, met die volgende tabel te vervang:

“Tabel A: Samevatting van die sonerings en ontwikkelingsreëls

ENKEL-RESIDENSIELE SONERINGS	OPPER-VLAKTE VAN GROND-EENHEID (m ²)	VLOER-FAKTOR	MAKSIMUM VLOER-RUIMTE	MAKSIMUM HOOGTE BO BASISVLAK		BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS	
				Tot by muur-plaat	Tot by bopunt van dak	Straat-grens	Gemeen-skaplike grense			
ENKEL-RESIDENSIELE SONERING I: KONvensionele BEHUISING (SR1)	>2 000	n.v.t.	1 500 m ²	9,0 m	11,0 m	6,0 m	6,0 m	n.v.t.	Venster- en deurplasing	
	>1 000 tot en met 2 000	n.v.t.	1 500 m ²	9,0 m	11,0 m	4,5 m	3,0 m			
	PRIMÈRE GEBRUIKE Woonhuis, privaas pad en bykomende gebruikregte	>650 tot en met 1 000	n.v.t.	1 500 m ²	9,0 m	11,0 m	3,5 m			3,0 m
	BYKOMENDE GEBRUIKREGTE Tweede woning, [T] tuisberoeop of bed-en-ontbyt-onderneming of tuiskindersorg	>350 tot en met 650	1,0	n.v.t.	8,0 m	10,0 m	3,5 m			0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant
VERGUNNINGS- GEBRUIKE [Tweede woning, n] Nutsdienste, plek van onderrig, plek van aanbidding, huiswinkel, instelling, gastehuis, dakgemonteerde basis-telekommunikasie-stasie, windturbine-infrastruktuur, oop ruimte, stedelike landbou, [en] halfweghuis en veeartsenykundige praktyk	>200 tot en met 350	1,0	n.v.t.	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant		Bykomende gebruikregte – tuisberoeop, bed-en-ontbyt-onderneming en tuiskindersorg	
	≤200	1,0	n.v.t.	8,0 m	10,0 m	1,0 m	0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant			
		Sien item 22(a)	Sien item 22(b)	Sien item 22(c)	Sien item 22(c)	Sien item 22(d) & 22(e)	Sien Item 22(d) & 22(e)			

ENKELRESIDENSIELE SONERING 2: INKREMENTELE BEHUISING (SR2) PRIMÈRE GEBRUIKE Woonhuis, tweede woning, nutsdiens, privaat pad, stedelike landbou, oop ruimte en bykomende gebruikregte BYKOMENDE GEBRUIKREGTE Skuiling, huiswinkel, tuisberoep, bed-en-ontbytonderneming, tuiskindersorg, informele handel en enige opvoedkundige, godsdienstige, beroeps- of sakedoelende onderworpe aan voorwaardes VERGUNNINGSGEBRUIKE Groepsbehuising, losieshuis, plek van aanbidding, instelling, kliniek, plek van samekoms, plek van onderrig, kantoor, restaurant, gastehuis, plek van vermaak, diensbedryf, owerheidsgebruik, dakgemonteerde basistelekommunikasiestasie, windturbine-infrastruktuur, halfweghuis en veeartsenykundige praktyk	1,0	n.v.t.	6,0 m woon-eenhede;	8,0 m woon-eenhede;	Formele dorpsgebied: 1,0 m	Formele dorpsgebied: 0,0 m vir 60% en 1,0 m vir restant; 2,5 m tussen skuilings en ander geboue	n.v.t.	Parkering en toegang Huiswinkel Skuiling Informele handel Grond wat ontwikkel is as of aangewys is vir paaie Grond wat gebruik word as of aangewys is vir brandstrokke Goedkeuring van bouplanne
	Sien item 27(a)		8,0 m ander geboue	10,0 m ander geboue	Geen formele dorpsgebied: 1,0 m	Geen formele dorpsgebied: 3,0 m op grens; 2,5 m tussen skuilings en ander geboue		
			Sien item 27(b)	Sien item 27(b)	Sien item 27(c) & 27(d)	Sien item 27(c) & 27(d)		

ALGEMENE RESIDENSIELE SONERING	SUB-SONERING	DIGTHEID	DEK-KING	MAKSIMUM HOOGTE BO BASISVLAK		BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
				Tot by muurplaat	Tot by bopunt van dak	Straatgrens	Gemeenskaplike grense		
ALGEMENE RESIDENSIELE SUBSONERING 1: GROEPS-BEHUISING (GR1) PRIMÈRE GEBRUIKE Woonhuis, groepsbehuising, privaat pad, oop ruimte en bykomende gebruikregte BYKOMENDE GEBRUIKREGTE Woonstelle en tuisberoep, onderworpe aan beperking VERGUNNINGSGEBRUIKE Nutsdienste, tuiskindersorg en dakgemonteerde basis-telekommunikasiestasie	GR1	35 woon-eenhede/ha	n.v.t.	8,0 m	10,0 m	5,0 m eksterne openbare straat 0,0 m interne pad Motorhuise 5,0 m vanaf randsteen	3,0 m eksterne grense 0,0 m interne grense	n.v.t.	Ontwerp-beginsels Oop ruimte Parkering en toegang Terrein-ontwikkelingsplan Woonstelle en tuisberoep as bykomende gebruikreg Woonhuis buite groepskema
		Sien item 35(b)		Sien item 35(c)	Sien item 35(c)	Sien item 35(e) & 35(f)	Sien item 35(e) & 35(f)		

ALGEMENE RESIDENSIELE SUBSONERINGS (GR2-GR6)	VLOER-FAKTOR	60%	Tot by bopunt van dak		4,5 m	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat)	8,0 m	Parkering en toegang
			15,0 m	4,5 m				
PRIMÊRE GEBRUIKE Woonhuis, tweede woning, groepsbehuising, losieshuis, gastehuis, woonstelle, privaat pad en oop ruimte VERGUNNINGSGEBRUIKE Nutsdiens, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, tuisberoep, winkel, hotel, konferensiefasiliiteit, [en] dakgemonteerde basis-telekommunikasie-stasie en veeartsenykundige praktyk	GR2	1,0	60%	15,0 m	4,5 m	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat)	8,0 m	Parkering en toegang
	GR3	1,0	60%	20,0 m	4,5 m	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf str[ee]laat)	8,0 m	Afskerming Windtempering
	GR4	1,5	60%	24,0 m	4,5 m	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat)	8,0 m	Woonhuis en tweede woning
	GR5	2,5	60%	35,0 m	4,5 m; 9 m bo 25 m hoogte	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat); 15,0 m bo 25,0 m hoogte	8,0 m	Groepsbehuising
	GR6	5,0	60%	50,0 m	4,5 m; 9 m bo 25 m hoogte	4,5 m of 0,6 H (0,0 m tot en met 15,0 m hoogte vir 18,0 m vanaf straat); 15,0 m bo 25,0 m hoogte	8,0 m	Instelling, plek van onderrig en plek van samekoms
			Sien item 41(b)	Sien item 41(a)	Sien item 41(c)	Sien item 41(e)	Sien item 41(e)	Sien item 41(d)

GEMEENSAPSONERINGS	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
			Tot by bopunt van dak	Straatgrens	Gemeenskaplike grense		
GEMEENSAPSONERING 1: PLAASLIK (CO1) PRIMÊRE GEBRUIKE Plek van onderrig, plek van aanbidding, kliniek, dakgemonteerde basistelekommunikasiestasie, [en] oop ruimte en verfilming VERGUNNINGSGEBRUIKE Instelling, hospitaal, plek van samekoms, begraafplaas, vrystaande basistelekommunikasiestasie, [en] stedelike landbou en veeartsenykundige praktyk	0,8 Sien item 47(a)	60% Sien item 47(b)	12,0 m Sien item 47(c)	5,0 m Sien item 47(d)	5,0 m Sien item 47(e)	n.v.t.	Parkering en toegang Op-/aflaai Afskerming Geraas-tempering

GEMEENSKAPSONERING 2: STREEK (CO2) PRIMÈRE GEBRUIKE Instelling, hospitaal, plek van onderrig, plek van aanbidding, plek van samekoms, dakgemonteerde basistelekommunikasiestasie, [en] oop ruimte en verfilming VERGUNNINGSGEBRUIKE Losieshuis, konferensiefasiliteit, begraafplaas, krematorium, begrafnisonderneming, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, [en] stedelike landbou en veeartsenykundige praktyk	2,0	60%	18,0 m	5,0 m	5,0 m	n.v.t.	Parkering en toegang Op-/aflaai Afskerming Geraas-tempering
	Sien item 49(a)	Sien item 49(b)	Sien item 49(c)	Sien item 49(d)	Sien item 49(e)		

PLAASLIKE SAKESONERING	OPPER-VLAKTE VAN GROND-EENHEID (m ²)	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK		BOULYNE		STRAAT-MIDDEL-LYN-TERUG-SET	ANDER BEPALINGS
				Tot by muurplaat	Tot by bopunt van dak	Straat-grens	Gemeen-skaplike grense		
PLAASLIKE SAKESONERING 1: INTERMEDIÈRE SAKE (LB1) PRIMÈRE GEBRUIKE Kantoor, woonhuis, losieshuis, nutsdienste, woonstelle en bykomende gebruikregte BYKOMENDE GEBRUIKREGTE Tweede woning en tuisberoop of huiswinkel of bed-en-ontbytonderneming of tuiskindersorg VERGUNNINGSGEBRUIKE Plek van onderrig, plek van aanbidding, instelling, kliniek, plek van samekoms, gastehuis, winkel, informele handel, diensbedryf, dakgemonteerde basis-telekommunikasiestasie, windturbine-infrastruktuur, [en] halfweghuis en veeartsenykundige praktyk	>1 000	1,0	n.v.t.	9,0 m	11,0 m	3,5 m	3,0 m	n.v.t.	Motorhuise en motorafdakke
	>650 tot en met 1 000	1,0		9,0 m	11,0 m	3,5 m	3,0 m		Parkering en toegang
	>350 tot en met 650	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m vanaf straat and 60%) en 3,0 m restant		Afskerming
	>200 tot en met 350	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant		Tuisberoop, bed-en-ontbytonderneming en tuiskindersorg
	≤200	1,0		8,0 m	10,0 m	1,0 m	0,0 m (12,0 m vanaf straat en 60%) en 3,0 m restant		Tweede woning
		Sien item 51(a)		Sien item 51(b)	Sien item 51(b)	Sien item 51(c)	Sien item 51(c)		Huiswinkel

PLAASLIKE SAKESONERING 2: PLAASLIKE SAKE (LB2)	1,0	75%	Tot by bopunt van dak		0,0 m	8,0 m	Afdakoorhang Straathoeke Parkering en toegang Op-/aflaai Afskerming Dienststasie en motorherstelhawe Informele handel
			12,0 m				
PRIMÊRE GEBRUIKE Winkel, kantoor, woonhuis, tweede woning, bed-en-ontbytonderneming, losieshuis, woonstels, plek van onderrig, plek van aanbidding, instelling, kliniek, gastehuis, diensbedryf, nutsdiens, dakgemonteerde basistelekommunikasiestrasie, privaat pad, [en] oop ruimte en veeartsenykundige praktyk VERGUNNINGSGEBRUIKE Plek van samekoms, informele handel, restaurant, verkoop van alkoholiese drank, begrafnisonderneming, plek van vermaak, volwassenewinkel, sakeperseel, supermark, kwekery, hotel, konferensiefasiliteit, motorherstelhawe, dienststasie, owerheidsgebruik, vrystaande basistelekommunikasiestrasie, windturbine-infrastruktuur, vervoergebruik en parkade	Sien item 56(a)	Sien item 56(b)	Sien item 56(c)		Sien item 56(e) & 56(f)	Sien item 56(d)	

ALGEMENESAKE- EN GEMENGDEGEBRUIK-SONERINGS	SUB-SONERING	VLOER-FAKTOR	DEKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
					Straatgrens	Gemeenskaplike grense		
ALGEMENE SAKESUBSONERINGS (GB1-GB7) PRIMÊRE GEBRUIKE Sakeperseel, woonhuis, tweede woning, losieshuis, woonstels, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, diensbedryf, owerheidsgebruik, nutsdiens, dakgemonteerde basistelekommunikasiestrasie, parkade, privaat pad, [en] oop ruimte, veeartsenykundige praktyk en verfilming VERGUNNINGSGEBRUIKE Volwassenewinkel, onderneming vir volwassenevermaak, volwassenedienste, informele handel, eksposentrum, motorherstelhawe, pakhuis, vrystaande basistelekommunikasiestrasie, windturbine-infrastruktuur, vervoergebruik, helikopterlandingsplek en dienststasie	GB1	1,5	100%	15,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	0,0 m	8,0 m	Residensiële aansporing met betrekking tot GB7
	GB2	2,0	100%	15,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	0,0 m	8,0 m	Hotelvloerruimte-toegewing Afdak- of balkonoorhang
	GB3	2,0	100%	25,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	0,0 m	8,0 m	Openbare voetpad langs straatgrens Straathoeke
	GB4	3,0	100%	25,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	0,0 m	8,0 m	Parkering en toegang Op-/aflaai Afskerming
	GB5	4,0	100%	25,0 m	0,0 m	0,0 m	8,0 m	Windtempering
	GB6	6,0	100%	38,0 m	0,0 m tot en met 25,0 m hoogte; ½ (H-25 m) bo 25,0 m	0,0 m	8,0 m	Dienststasie en motorherstelhawe Informele handel
	GB7	12,0	100%	60,0 m	0,0 m tot en met 38,0 m hoogte; ½ (H-38 m) bo 38,0 m	0,0 m	8,0 m	
		Sien item 60(c)	Sien item 60(a)	Sien item 60(d)	Sien item 60(e)	Sien item 60(e)	Sien item 60(b)	

GEMENGDEGEBRUIK-SUBSONERINGS (MU1–MU3) PRIMÈRE GEBRUIKE Sakeperseel, nywerheid, woonhuis, tweede woning, losieshuis, woonstels, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, owerheidsgebruik, nutsdiens, dakgemonteerde basistelekommunikasiestatie, vervoergebruik, parkade, privaat pad, [en openbare] oop ruimte en verfilming VERGUNNINGSGEBRUIKE Volwassenewinkel, onderneming vir volwassenevermaak, volwassenedienste, informele handel, ekspo-sentrum, skrootwerf, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, helikopterlandingsplek, diensstasie, [en] motorherstelhawe, <u>veeartsenykundige praktyk en herwinningsentrum</u>	MU1	1,5	75%	15,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	8,0 m	Afdak- of balkonoorhang
	MU2	4,0	100%	25,0 m	0,0 m tot en met 10,0 m hoogte; 4,5 m bo 10,0 m	8,0 m	Parkering en toegang
	MU3	6,0	100%	38,0 m	0,0 m tot en met 25,0 m hoogte; ½ (H-25 m) bo 25,0 m	8,0 m	Op-/aflaai Afskerming Diensstasie en motorherstelhawe Informele handel
		Sien item 64(a)	Sien item 64(a)	Sien item 64(a)	Sien item 64(c)	Sien item 64(b)	

NYWERHEIDSONERINGS	SUB-SONERING	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
					Straat-grens	Gemeen-skaplike grense		
ALGEMENE NYWERHEID-SUBSONERINGS (G1–G2) PRIMÈRE GEBRUIKE Nywerheid, restaurant, diensstasie, motorherstelhawe, begrafnisonderneming, skrootwerf, owerheidsgebruik, nutsdiens, krematorium, dakgemonteerde basistelekommunikasiestatie, vrystaande basistelekommunikasiestatie, vervoergebruik, parkade, landbounywerheid, privaat pad, oop ruimte, [en] bykomende gebruikregte, <u>veeartsenykundige praktyk en verfilming</u> BYKOMENDE GEBRUIKREGTE Fabriekswinkels en volwassenewinkel VERGUNNINGSGEBRUIKE Slaggale, plek van aanbidding, instelling, kliniek, plek van samekoms, onderneming vir volwassenevermaak, volwassenedienste, akwakultuur, informele handel, winkel, kantoor, verkoop van alkoholiese drank, plek van vermaak, helikopterlandingsplek, windturbine-infrastruktuur en housterrein	GI 1	1,5	75%	18,0 m	5,0 m	3,0 m	n.v.t.	Grensmure
	GI 2	4,0	75%	18,0 m, maar geen beperking met betrekking tot vervaardigingsgeboue nie	5,0 m	3,0 m		Parkering en toegang Op-/aflaai Afskerming
		Sien item 68(a)	Sien item 68(a)	Sien item 68(b)	Sien item 68(c)	Sien item 68(d)		Gevaarlike stowwe Diensstasie en motorherstelhawe Fabriekswinkel Volwassenewinkel Informele handel

RISIKONYWERHEIDSONERING (RI) PRIMÈRE GEBRUIK Hinderbedryf, risikoaktiwiteit, krematorium, dakgemonteerde basistelekommunikasiestatie, vrystaande basistelekommunikasiestatie, privaat pad, oop ruimte, [en] bykomende gebruikregte en verfilming BYKOMENDE GEBRUIKREGTE Fabriekswinkel VERGUNNINGSGEBRUIK Winkel, restaurant, informele handel, diensstasie, motorherstelhawe, nywerheid, skrootwerf, slagpale, owerheidsgebruik, nutsdiens, helikopterlandingsplek, windturbine-infrastruktuur, houarterrein, vervoergebruik, [en] parkade en herwinningsentrum	2,0	75%	18,0 m, maar geen beperking met betrekking tot hinderbedryf, risikoaktiwiteit of vervaardigingsgeboue nie	5,0 m	5,0 m	n.v.t.	Parkering en toegang Op-/aflaai Afskerming Grensmure
	Sien item 75(a)	Sien item 75(b)	Sien item 75(c)	Sien item 75(d)	Sien item 75(d)		Gevaarlike stowwe Diensstasie en motorherstelhawe Fabriekswinkel Informele handel

NUT-, VERVOER- EN NASIONALEHAWESONERINGS	VLOERFAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
				Straatgrens	Gemeenskaplike grense		
NUTSONERING (UT) PRIMÈRE GEBRUIKE Nutsdiens, owerheidsgebruik, dakgemonteerde basistelekommunikasiestatie en vrystaande basistelekommunikasiestatie VERGUNNINGSGEBRUIKE Begraafplaas, informele handel, begrafnisondererneming, krematorium, stedelike landbou, lughawe, windturbine-infrastruktuur en helikopterlandingsplek	Soos ingevolge 'n terreinontwikkelingsplan (sien item 81)						
VERVOERSONERING 1: VERVOERGEBRUIK (TR1) PRIMÈRE GEBRUIKE Vervoergebruik, parkade, nutsdiens, winkel, restaurant, diensbedryf, kantoor, pakhuis, dakgemonteerde basistelekommunikasiestatie en houarterrein VERGUNNINGSGEBRUIKE Sakeperseel, woonstelle, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, diensstasie, motorherstelhawe, diensbedryf, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, lughawe, helikopterlandingsplek, informele handel, nywerheid en lug- en ondergrondse regte	2,0	75%	15,0 m vir opgestapelde skeepshouers 18,0 m vir enige ander gebou	0,0 m	3,0 m	n.v.t.	Parkering en toegang Diensstasie en motorherstelhawe Informele handel Lug- en ondergrondse regte
	Sien item 83(a)	Sien item 83(b)	Sien item 83(c)	Sien item 83(d)	Sien item 83(d)		

<p>VERVOERSONERING 2: OPENBARE PAD EN OPENBARE PARKERING (TR2)</p> <p>PRIMÈRE GEBRUIKE Openbare straat, openbare pad en nutsdiens</p> <p>VERGUNNINGSGEBRUIKE Parkade, informele handel, windturbine-infrastruktuur en lug- en ondergrondse regte</p>	<p>Soos ingevolge 'n terreinontwikkelingsplan (sien item 88)</p>	<p>Veronderstelde sonering</p> <p>Konstruksie en storting van materiale</p> <p>Lug- en ondergrondse regte</p> <p>Voorgestelde openbare straat, straatverbreding en straatsluiting</p> <p>Informele handel</p>
<p>NASIONALEHAWESONERING (NPZ)</p> <p>PRIMÈRE GEBRUIKE Grondgebruike soos ingevolge 'n goedgekeurde raamwerkplan vir haweontwikkeling</p> <p>VERGUNNINGSGEBRUIKE Geen</p>	<p>Soos ingevolge 'n goedgekeurde raamwerkplan vir haweontwikkeling (sien item 95)</p>	<p>Veronderstelde sonering</p> <p>Veronderstelde sonering van grond wat aan Nasionale Hawewerheid oorgedra is</p>

OOPRUIMTESONERING	VLOER-FAKTOR	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK	BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
				Straatgrens	Gemeenskaplike grense		
<p>OOPRUIMTESONERING 1: OMGEWINGSBEWARING (OS1)</p> <p>PRIMÈRE GEBRUIKE Omgewingsbewaringsgebruik</p> <p>VERGUNNINGSGEBRUIKE Oesting van natuurlike hulpbronne, omgewingsfasiliteite, toeristeverblyf, toeristefasiliteite, nutsdiens, dakgemonteerde basistelekommunikasiestatie, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, en kulturele en sosiale plegtighede</p>	Soos ingevolge 'n terreinontwikkelingsplan (sien item 98)						
<p>OOPRUIMTESONERING 2: OPENBARE OOP RUIMTE (OS2)</p> <p>PRIMÈRE GEBRUIKE Openbare oop ruimte en omgewingsbewaringsgebruik</p> <p>VERGUNNINGSGEBRUIKE Omgewingsfasiliteite, toeristefasiliteite, nutsdiens, begraafplaas, dakgemonteerde basistelekommunikasiestatie, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, kulturele en sosiale plegtighede, stedelike landbou, informele handel, oesting van natuurlike hulpbronne, en lug- en ondergrondse regte</p>	Soos ingevolge 'n terreinontwikkelingsplan (sien item 100)					<p>Veronderstelde sonering</p> <p>Konstruksie en storting van materiale</p> <p>Lug- en ondergrondse regte</p> <p>Informele handel</p>	
<p>OOPRUIMTESONERING 3: SPESIALE OOP RUIMTE (OS3)</p> <p>PRIMÈRE GEBRUIKE Oop ruimte, privaat pad en omgewingsbewaringsgebruik</p> <p>VERGUNNINGSGEBRUIKE Omgewingsfasiliteite, toeristefasiliteite, plek van onderrig, plek van samekoms, plek van vermaak, kwekery, nutsdiens, begraafplaas, dakgemonteerde basistelekommunikasiestatie, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, kulturele en sosiale plegtighede, stedelike landbou, informele handel, en oesting van natuurlike hulpbronne</p>	Soos ingevolge 'n terreinontwikkelingsplan (sien item 105)					<p>Goedkeuring van vergunningsgebruike</p> <p>Informele handel</p>	

LANDBOU-, LANDELIKE EN BEPERKTEGEBRUIKSONERINGS	MAKSIMUM VLOER-RUIMTE	DEKKING	MAKSIMUM HOOGTE BO BASISVLAK		BOULYNE		STRAAT-MIDDELLYN-TERUGSET	ANDER BEPALINGS
			Tot by muur-plaat	Tot by bopunt van dak	Straat-grens	Gemeen-skaplike grense		
<p>LANDBOUSONERING (AG)</p> <p>PRIMÈRE GEBRUIKE Landbou, intensiewe tuinbou, woonhuis, perdestalle, omgewingsbewaringsgebruik, omgewingsfasiliteite, dakgemonteerde basistelekommunikasiestatie en bykomende gebruikregte</p> <p>BYKOMENDE GEBRUIKREGTE Tweede woning en tuisberoep of bed-en-ontbytonderneming of tuiskindersorg</p> <p>VERGUNNINGSGEBRUIKE Bykomende wooneenhede, gastehuis, hotel, toeristeverblyf, toeristefasiliteite, intensiewe veeboerdery, oesting van natuurlike hulpbronne, myn, nutsdiens, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, akwakultuur, dieresorgsentrum, plaaswinkel, [en] landbounywerheid, <u>veeartsenykundige praktyk en struktuur vir hernubare energie</u></p>	<p>1 500 m² vir alle woon-eenhede</p> <p>100 m² vir plaas-winkel</p> <p>Sien item 109(a)</p>	n.v.t.	<p>9,0 m vir woonhuis</p> <p>Sien item 109(d)</p>	<p>11,0 m vir woon-huis</p> <p>12,0 m vir landbou-geboue buiten woon-huis</p> <p>Sien item 109(d)</p>	<p>> 20 ha: 30,0 m</p> <p>≤ 20 ha: 15,0 m</p> <p>Sien item 109(b)</p>	<p>> 20 ha: 30,0 m</p> <p>≤ 20 ha: 15,0 m</p> <p>Sien item 109(b)</p>	n.v.t.	<p>Parkering</p> <p>Minimum onder-verdelings-grootte</p> <p>Landbou-nywerheid</p> <p>Tweede woning en bykomende wooneenhede</p>
<p>LANDELIKE SONERING (RU)</p> <p>PRIMÈRE GEBRUIKE Woonhuis, landbou en bykomende gebruikregte</p> <p>BYKOMENDE GEBRUIKREGTE Tweede woning en tuisberoep of bed-en-ontbytonderneming of tuiskindersorg</p> <p>VERGUNNINGSGEBRUIKE Gastehuis, toeristeverblyf, toeristefasiliteite, oesting van natuurlike hulpbronne, myn, dakgemonteerde basistelekommunikasiestatie, vrystaande basistelekommunikasiestatie, windturbine-infrastruktuur, akwakultuur, intensiewe veeboerdery, intensiewe tuinbou, perdestalle, dieresorgsentrum, plaaswinkel, [en] landbounywerheid en <u>veeartsenykundige praktyk</u></p>	<p>1 500 m² vir alle geboue</p> <p>100 m² vir plaas-winkel</p> <p>Sien item 113(a)</p>	40%	9,0 m	11,0 m	10,0 m	5,0 m	n.v.t.	<p>Parkering</p> <p>Minimum onder-verdelings-grootte</p> <p>Landbou-nywerheid</p> <p>Tweede woning</p>
<p>BEPERKTEGEBRUIKSONERING (LU)</p> <p>PRIMÈRE GEBRUIKE Slegs bestaande regmatige gebruike</p> <p>VERGUNNINGSGEBRUIKE Geen</p>	Sien item 118							<p>Geen hersonering</p> <p>Herbouing van vernietigde eiendom</p>

Einde van tabel A

Wysiging van item 21 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

33. Item 21 van bylae 3 word hiermee gewysig –

(a) deur paragraaf (b) met die volgende paragraaf te vervang –

“(b) Bykomende gebruikregte wat die bewoner van ’n eiendom mag uitoefen, is ’n tuisberoep, bed-en-ontbytonderneming, tweede woning en tuiskindersorg, onderworpe aan die volgende voorwaardes:

- (i) Buiten vir ’n tweede woning, mag s(S)legs een van die aktiwiteite wat as bykomende gebruikregte gelys word, **(mag)** op enige grondeenheid as primêre gebruik beoefen word. Waar meer as een sodanige aktiwiteit vereis word, moet die Stad se goedkeuring verkry word.
- (ii) Die eiendom moet oorwegend vir ’n woonhuis vir die verblyf van ’n enkele familie gebruik word.
- (iii) Die eienaar van die betrokke aktiwiteit moet op die eiendom woon.
- (iv) Die voorwaardes in item 23, 24 **(of)** 25 of 53 (wat ook al van toepassing is) moet nagekom word.
- (v) Enige nuwe struktuur of verandering aan die eiendom om ’n bykomende gebruikreg moontlik te maak, moet versoenbaar wees met die residensiële karakter van die gebied, veral wat die straataansig betref, en moet kan terugkeer tot gebruik as deel van die betrokke woonhuis, tweede wooneenheid of buitegebou.
- (vi) Die bewoner mag nie meer as drie werknemers by die betrokke aktiwiteit betrek nie.”

(b) deur paragraaf (c) met die volgende paragraaf te vervang:

“(c) Vergunningsgebruike is ’n nutsdiens, plek van onderrig, plek van aanbidding, huiswinkel, instelling, gastehuis, dakgemonteerde basistelekommunikasiestasie, windturbine-infrastruktuur, oop ruimte, stedelike landbou, **(tweede wooneenheid)** veeartsenykundige praktyk en halfwehuis.”

Wysiging van item 22 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

34. Item 22 van bylae 3 word hiermee gewysig –

(a) deur subparagraaf (i) van paragraaf (f) met die volgende subparagraaf te vervang:

- “(i) ’n Motorhuis, motorafdak en buitegeboue word binne die gemeenskaplikegrensboulyn of op die gemeenskaplike eiendomsgrens toegelaat, mits die motorhuis, **(en)** motorafdak en buitegebou:
 - (aa) nie hoër as 3,5 m vanaf die basisvlak tot by die bopunt van die dak strek nie;
 - (bb) nie meer as ’n dubbele motorhuisfasade insluit nie; en
 - (cc) nie ’n breedte van 6,5 m oorskry nie.”

(b) deur subparagraaf (iv) van paragraaf (f) met die volgende subparagraaf te vervang:

- “(iv) Nieteenstaande paragraaf (ii) en (iii), kan ’n motorhuis of motorafdak binne die straatgrensboulyn opgerig word indien nakoming van die straatgrensboulyn na die Stad se mening onprakties sal wees weens **(steil hellings)** die steilheid van die grond tussen die pad en die betrokke eiendom. In sodanige geval sal die Stad die straatgrensboulyn bepaal.”

Wysiging van item 26 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

35. Item 26 van bylae 3 word hiermee gewysig deur subitem (1) met die volgende subitem te vervang:

“(1) Die volgende gebruikbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is ’n woonhuis, tweede **(wooneenheid) woning**, nutsdiens, privaat pad, stedelike landbou, oop ruimte en bykomende gebruikregte soos wat paragraaf (b) bepaal.
- (b) Bykomende gebruikregte wat die bewoner van enige wooneenheid mag uitoefen, is ’n skuiling, huiswinkel, tuisberoep, bed-en-ontbytonderneming, tuiskindersorg, informele handel en enige opvoedkundige, godsdienstige, beroeps- of sakedoelende, buiten die verkoop van alkoholiese drank, op die volgende voorwaardes:
 - (i) Die eenheid moet steeds vir oorwegend residensiële doeleindes gebruik word.
 - (ii) Geen hinderbedryf, risikoaktiwiteit, onderneming vir volwassenevermaak, volwassenedienste of volwassengewinkel word toegelaat nie.
 - (iii) Geen aktiwiteite wat ’n bron van steurnis is of moontlik kan wees, onder meer die gebruik van toerusting wat uitermatige geraas veroorsaak, of enige aktiwiteit wat stof, dampe, rook of afvalmateriaal tot gevolg het wat gesondheid kan benadeel, of wat spesiale afvalverwyderingsprosesse vereis, mag uitgevoer word nie.
 - (iv) Die Stad kan op enige tydstip versoek dat die grondgebruik of aktiwiteit gestaak word, of voorwaardes oplê om enige moontlike steurnis vir omliggende bure en die algemene publiek te beperk.
 - (v) Die ontwikkelingsreëls in item 23, 24, 25, 28, 29 en 30, wat ook al van toepassing is, moet nagekom word.
- (c) Vergunningsgebruike is groepsbehuising, losieshuis, plek van aanbidding, instelling, kliniek, plek van samekoms, plek van onderrig, kantoor, restaurant, gastehuis, plek van vermaak, diensbedryf, owerheidsgebruik, dakgemonteerde basistelekommunikasiestrasie, windturbine-infrastruktuur, veeartsenykundige praktyk en halfweghuis.
- (d) Veelvoudige gebruike en geboue waar geen formele dorpsgebied bestaan nie.”

Wysiging van item 40 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

36. Item 40 van bylae 3 word hiermee gewysig deur paragraaf (b) met die volgende paragraaf te vervang:

- (b) “Vergunningsgebruike, onderworpe aan paragraaf (c), is ’n nutsdiens, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, tuisberoep, winkel, hotel, konferensiefasiliteit, **(en)** dakgemonteerde basistelekommunikasiestrasie en veeartsenykundige praktyk.”

Vervanging van item 42 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

37. Item 42 van bylae 3 word hiermee met die volgende item vervang:

“Die bepalinge van item 21(b) en 22 is van toepassing op ’n woning in hierdie sonering. Die bepalinge van item 21(b), 22 en 53 is van toepassing op ’n tweede woning in hierdie sonering. **(Die bykomende gebruikregte, vergunningsgebruike en ontwikkelingsreëls vir ’n woonhuis in enkelresidensiële sonering I en ’n tweede woning in plaaslike sakesonering I onderskeidelik is van toepassing op ’n woonhuis en tweede woning in hierdie sone.)**”

Vervanging van item 46 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

38. Item 46 van bylae 3 word hiermee met die volgende item vervang:

“Die volgende gebruiksbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is ’n plek van onderrig, plek van aanbidding, kliniek, dakgemonteerde basistelekommunikasiestasie, verfilming en oop ruimte.
- (b) Vergunningsgebruike is ’n instelling, hospitaal, plek van samekoms, begraafplaas, vrystaande basistelekommunikasiestasie, veeartsenykundige praktyk en stedelike landbou.”

Vervanging van item 48 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

39. Item 48 van bylae 3 word met die volgende item vervang:

“Die volgende gebruiksbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is ’n instelling, hospitaal, plek van onderrig, plek van aanbidding, plek van samekoms, dakgemonteerde basistelekommunikasiestasie, verfilming en oop ruimte.
- (b) Vergunningsgebruike is ’n losieshuis, konferensiefasiliteit, begraafplaas, krematorium, begrafnisonderneming, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, veeartsenykundige praktyk en stedelike landbou.”

Wysiging van item 50 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

40. Item 50 van bylae 3 word hiermee gewysig deur paragraaf (c) met die volgende paragraaf te vervang:

“(c) Vergunningsgebruike is ’n plek van onderrig, plek van aanbidding, instelling, kliniek, plek van samekoms, gastehuis, winkel, informele handel, diensbedryf, dakgemonteerde basistelekommunikasiestasie, windturbine-infrastruktuur, veeartsenykundige praktyk en halfweghuis.”

Wysiging van item 53 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

41. Item 53 van bylae 3 word hiermee gewysig deur paragraaf (g) te skrap.

Wysiging van item 55 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

42. Item 55 van bylae 3 word hiermee gewysig deur paragraaf (a) met die volgende paragraaf te vervang:

“(a) Primêre gebruike is ’n winkel, kantoor, woonhuis, tweede woning, losieshuis, bed-en-ontbytonderneming, woonstelle, plek van onderrig, plek van aanbidding, instelling, kliniek, gastehuis, diensbedryf, nutsdiens, dakgemonteerde basistelekommunikasiestasie, privaat pad, veeartsenykundige praktyk en oop ruimte.”

Wysiging van item 59 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

43. Item 59 van bylae 3 word hiermee gewysig deur paragraaf (a) met die volgende paragraaf te vervang:

“(a) Primêre gebruike is ’n sakeperseel, woonhuis, tweede woning, losieshuis, woonstelle, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, diensbedryf, owerheidsgebruik, nutsdiens, dakgemonteerde basistelekommunikasiestasie, parkade, privaat pad, verfilming, veeartsenykundige praktyk en oop ruimte.”

Vervanging van item 63 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

44. Item 63 van bylae 3 word hiermee met die volgende item vervang:

“Die volgende gebruiksbeperkings is van toepassing op eiendom in hierdie sonering:

- (a) Primêre gebruike is ‘n sakeperseel, nywerheid, woonhuis, tweede woning, losieshuis, woonstelle, plek van onderrig, plek van aanbidding, instelling, hospitaal, plek van samekoms, plek van vermaak, hotel, konferensiefasiliteit, owerheidsgebruik, nutsdiens, dakgemonteerde basistelekommunikasiestasie, vervoergebruik, parkade, privaat pad, verfilming en oop ruimte.
- (b) Vergunningsgebruike is ‘n volwassenewinkel, onderneming vir volwassenevermaak, volwassenedienste, informele handel, ekspo-sentrum, skrootwerf, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, helikopterlandingsplek, diensstasie, herwinningsentrum, veeartsenykundige praktyk en motorherstelhawe.”

Wysiging van item 67 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

45. Item 67 van bylae 3 word hiermee gewysig deur paragraaf (a) met die volgende paragraaf te vervang:

- “(a) Primêre gebruike is nywerheid, restaurant, diensstasie, motorherstelhawe, begrafnisonderneming, skrootwerf, owerheidsgebruik, nutsdiens, krematorium, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, vervoergebruik, parkade, landbounywerheid, privaat pad, oop ruimte, verfilming, veeartsenykundige praktyk en bykomende gebruikregte soos wat paragraaf (b) bepaal.”

Wysiging van item 74 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

46. Item 74 van bylae 3 word hiermee gewysig –

(a) deur paragraaf (a) met die volgende paragraaf te vervang:

- “(a) Primêre gebruike is ‘n hinderbedryf, risikoaktiwiteit, krematorium, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, privaat pad, oop ruimte, verfilming en bykomende gebruikregte soos wat paragraaf (b) bepaal.”

(b) deur paragraaf (c) met die volgende paragraaf te vervang:

- “(c) Vergunningsgebruike is ‘n winkel, restaurant, informele handel, ‘n diensstasie, motorherstelhawe, nywerheid, skrootwerf, slagpale, owerheidsgebruik, nutsdiens, windturbine-infrastruktuur, helikopterlandingsplek, houerterrein, vervoergebruik, herwinningsentrum en parkade.”

Wysiging van item 108 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

47. Item 108 van bylae 3 word hiermee gewysig deur paragraaf (c) met die volgende paragraaf te vervang:

- “(c) Vergunningsgebruike is bykomende wooneenhede, ‘n gastehuis, hotel, toeristeverblyf, toeristefasiliteite, intensiewe veeboerdery, oesting van natuurlike hulpbronne, mynbou, nutsdiens, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, akwakultuur, dieresorgsentrum, plaaswinkel, struktuur vir hernubare energie, veeartsenykundige praktyk en landbounywerheid.”

Invoeging van item 111A in bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

48. Bylae 3 word hiermee gewysig deur die volgende item ná item 111 in te voeg:

"111A Strukture vir hernubare energie

Die Stad kan 'n aansoek om 'n vergunningsgebruik vir 'n struktuur vir hernubare energie goedkeur, op die volgende voorwaardes:

- (a) 'n Terreinontwikkelingsplan moet vir goedkeuring by die Stad ingedien word.
- (b) Die terreinontwikkelingsplan wat die Stad goedkeur, is die ontwikkelingsreëls vir 'n struktuur vir hernubare energie, en die bepalings vir 'n terreinontwikkelingsplan in item 123 is van toepassing.
- (c) Uitdiensstelling geskied ooreenkomstig die volgende vereistes:
 - (i) Enige struktuur vir hernubare energie wat uit diens gestel of laat vaar word, moet deur die eienaar verwyder word.
 - (ii) Wanneer die uitdiensstelling van 'n struktuur vir hernubare energie beplan word, moet die eienaar die Stad in kennis stel.
 - (iii) Die eienaar is verantwoordelik om die struktuur in ál sy komponente te verwyder binne 150 dae na die datum waarop dit uit diens gestel of laat vaar is.
- (d) Daar word aangeneem dat 'n struktuur vir hernubare energie laat vaar is indien die struktuur vir langer as twee jaar nie aaneenlopend bedryf word nie."

Wysiging van item 112 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

49. Item 112 van bylae 3 word hiermee gewysig deur paragraaf (c) met die volgende paragraaf te vervang:

"(c) Vergunningsgebruike is 'n gastehuis, toeristeverblyf, toeristefasiliteite, oesting van natuurlike hulpbronne, mynbou, dakgemonteerde basistelekommunikasiestasie, vrystaande basistelekommunikasiestasie, windturbine-infrastruktuur, akwakultuur, intensiewe veeboerdery, intensiewe tuinbou, perdestalle, diersorgsentrum, plaaswinkel, veeartsenykundige praktyk en landbounywerheid."

Wysiging van item 121 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

50. Item 121 van bylae 3 word hiermee gewysig –

(a) deur die volgende paragraaf ná subparagraaf (x) van subitem (1)(a) in te voeg:

"(xi) 'n Keerstruktuur binne 'n straatgrensboulyn, onderworpe aan item 126, of enige keerstruktuur wat onder die bestaande grondvlak geleë is"

(b) deur subitem (2) met die volgende subitem te vervang:

"(2) 'n Boulyn van 5 m is van toepassing op enige grens met 'n aangewese metropolitaanse pad, tensy die Stad anders instem, waarop subitem (1)(a)(i) ook van toepassing is."

Wysiging van item 123 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

51. Item 123 van bylae 3 word hiermee gewysig deur die volgende subitem ná subitem (7) in te voeg:

"(8) 'n Terreinontwikkelingsplan sal slegs verstryk indien dit met 'n ander terreinontwikkelingsplan vervang word."

Wysiging van item 136 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

51A. Item 136 van bylae 3 word hiermee gewysig deur die volgende subitem ná subitem (10) in te voeg:

(11) 'n Goedkeuring wat verleen is vir 'n komponent van 'n plannepakket waarna subitem (4)(a) tot (c) verwys, verstryk nie."

Invoeging van item 136A in bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

52. Die volgende item word hiermee ná item 136 van bylae 3 ingevoeg:

"136A Buitegeboue

Buiten met die toestemming van die Stad, mag geen persoon 'n buitegebou gebruik of beset voor die oprigting van die gebou waarvan dit 'n buitegebou is nie."

Wysiging van item 138 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

53. Item 138 word hiermee gewysig deur die tabel getiteld "Minimum terreinparkeervereistes" met die volgende tabel te vervang:

"Minimum terreinparkeervereistes

Grondgebruik	Standaardgebiede	PT1-gebiede	PT2-gebiede
Hoofwoonhuis (SR1-sonering)	2 parkeerplekke per wooneenheid (1 parkeerplek per wooneenheid vir erwe <350 m ²)	1 parkeerplek per wooneenheid	Nul
Hoofwoonhuis (SR2-sonering)	1 parkeerplek per wooneenheid (Nul per wooneenheid vir erwe <100 m ²)	Nul	Nul
Tweede woning	1 parkeerplek per 2 ^{de} wooneenheid	1 parkeerplek per 2 ^{de} wooneenheid	Nul (1 parkeerplek per 2^{de} wooneenheid)
Groepsbehuising	1,75 parkeerplekke per wooneenheid, plus 0,25 parkeerplekke per wooneenheid vir besoekers	1 parkeerplek per wooneenheid, plus 0,25 parkeerplekke per wooneenheid vir besoekers	Nul (0,75 parkeerplek per wooneenheid, plus 0,25 parkeerplek per wooneenheid vir besoekers)
Woonstelle	1,75 parkeerplekke per wooneenheid, plus 0,25 parkeerplek per wooneenheid vir besoekers	1 parkeerplek per wooneenheid, plus 0,25 parkeerplek per wooneenheid vir besoekers	Nul (0,75 parkeerplek per wooneenheid, plus 0,25 parkeerplek per wooneenheid vir besoekers)
Bed-en-ontbyt-onderneming	1 bykomende parkeerplek per gastekamer	1 bykomende parkeerplek per gastekamer	Nul

Grondgebruik	Standaardgebiede	PT1-gebiede	PT2-gebiede
Losieshuis, gastehuis	1,25 parkeerplekke per slaapkamer	0,75 parkeerplek per slaapkamer	<u>Nul</u> (0,5 parkeerplek per slaapkamer)
Rugsakstappers-verblyf	1 parkeerplek per 6 beddens	1 parkeerplek per 8 beddens	<u>Nul</u> (1 parkeerplek per 10 beddens)
Hotel	0,75 parkeerplek per slaapkamer, plus 20 parkeerplekke indien gelisensieer	0,75 parkeerplek per slaapkamer, plus 20 parkeerplekke indien gelisensieer	<u>Nul</u> (0,5 parkeerplek per slaapkamer, plus 10 parkeerplekke indien gelisensieer)
Ouetehuis, weeshuis	0,5 parkeerplek per slaapkamer	0,3 parkeerplek per slaapkamer	<u>Nul</u> (0,2 parkeerplek per slaapkamer)
Bewaarskool	1 parkeerplek per 10 kinders, plus stop-en-aflaafasiliteit	1 parkeerplek per 10 kinders	<u>Nul</u> (1 parkeerplek per 30 kinders)
Skool	1 parkeerplek per klaskamer of kantoor, plus stop-en-aflaafasiliteit	1 parkeerplek per klaskamer of kantoor, plus stop-en-aflaafasiliteit	<u>Nul</u> (1 parkeerplek per klaskamer of kantoor, plus stop-en-aflaafasiliteit)
Plek van onderrig (naskoolse vlak)	0,4 parkeerplek per student, plus 1 parkeerplek per klaskamer of kantoor	0,4 parkeerplek per student, plus 1 parkeerplek per klaskamer of kantoor	<u>Nul</u> (1 parkeerplek per klaskamer of kantoor)
Biblioteek, museum	2 parkeerplekke per 100 m ² BVR	1,5 parkeerplekke per 100 m ² BVR	<u>Nul</u> (1 parkeerplek per 100 m ² BVR)
Plek van samekoms, plek van aanbidding, plek van vermaak, begrafnis-onderneming	1 parkeerplek per 6 sitplekke of persone, bereken teen 1,4 m ² vloerruimte = 1 persoon	1 parkeerplek per 8 sitplekke of persone, bereken teen 1,4 m ² vloerruimte = 1 persoon	<u>Nul</u> (1 parkeerplek per 10 sitplekke of persone, bereken teen 1,4 m ² vloerruimte = 1 persoon)
Sportstadion	1 parkeerplek per 4 sitplekke of persone (of soos per vervoer-bestuursplan)	3 parkeerplekke per 20 sitplekke of persone (of soos per vervoer-bestuursplan)	<u>Nul</u> (3 parkeerplekke per 40 sitplekke of persone (of soos per vervoer-bestuursplan))
Ontspannings- of sportkompleks	1 parkeerplek per 8 sitplekke of persone	1 parkeerplek per 10 sitplekke of persone	<u>Nul</u> (1 parkeerplek per 15 sitplekke of persone)
Gimnasium, gesondheidsklub	10 parkeerplekke per 100 m ² BVR	8 parkeerplekke per 100 m ² BVR	<u>Nul</u> (6 parkeerplekke per 100 m ² BVR)

Grondgebruik	Standaardgebiede	PT1-gebiede	PT2-gebiede
Hospitaal (algemeen en privaat)	1 parkeerplek per bed, plus 3 parkeerplekke per spreekkamer	1 parkeerplek per bed, plus 2 parkeerplekke per spreekkamer	<u>Nul</u> (1 parkeerplek per bed)
Kliniek, mediese spreekkamers, <u>veeartsenykundige praktyk</u>	4 parkeerplekke per spreekkamer	3 parkeerplekke per spreekkamer	<u>Nul</u> (2 parkeerplekke per spreekkamer)
Winkels (wat supermark uitsluit)	4 parkeerplekke per 100 m ² BVR	2 parkeerplekke per 100 m ² BVR	<u>Nul</u> (1 parkeerplek per 100 m² BVR)
Supermark, winkelsentrum	6 parkeerplekke per 100 m ² BVR	4 parkeerplekke per 100 m ² BVR	<u>Nul</u> (2 parkeerplekke per 100 m² BVR)
Restaurant	2 parkeerplekke per 25 m ² BVR	1 parkeerplek per 25 m ² BVR	<u>Nul</u> (1 parkeerplek per 25 m² BVR)
Kantore	4 parkeerplekke per 100 m ² BVR	2,5 parkeerplekke per 100 m ² BVR	<u>Nul</u> (1 parkeerplek per 100 m² BVR)
Konferensiesentrum	6 parkeerplekke per 10 sitplekke	4 parkeerplekke per 10 sitplekke	<u>Nul</u> (2 parkeerplekke per 10 sitplekke)
Motorvertoonlokaal	3 parkeerplekke per 100 m ² BVR	3 parkeerplekke per 100 m ² BVR	<u>Nul</u> (3 parkeerplekke per 100 m² BVR)
Motorherstelhawe, diensstasie	4 parkeerplekke per diensruimte, plus 4 parkeerplekke per 100 m ² BVR, minimum 8 parkeerplekke	4 parkeerplekke per diensruimte, plus 4 parkeerplekke per 100 m ² BVR, minimum 8 parkeerplekke	<u>Nul</u> (4 parkeerplekke per diensruimte)
Monteringsentrum vir voertuie	2 parkeerplekke per diensruimte	2 parkeerplekke per diensruimte	<u>Nul</u> (1 parkeerplek per diensruimte)
Nywerheid	2 parkeerplekke per 100 m ² BVR	1,5 parkeerplekke per 100 m ² BVR	<u>Nul</u> (1 parkeerplek per 100 m² BVR)
Pakhuis, stoorgebou	1 parkeerplek per 100 m ² BVR	1 parkeerplek per 100 m ² BVR	<u>Nul</u> (1 parkeerplek per 100 m² BVR)

Wysiging van item 140 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

54. Item 140 van bylae 3 word hiermee gewysig deur die volgende paragraaf ná subitem (2)(c) in te voeg:

“(d) ’n Gekombineerde rybaankruising bied ’n ingang sowel as ’n uitgang, terwyl ’n enkelybaankruising slegs ’n ingang of ’n uitgang bied. Direkte toegang tot ’n motorhuis, motorafdak of parkeerplek, of ’n kombinasie daarvan, word as gekombineerde toegang beskou.”

Wysiging van item 148 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

55. Item 148 van bylae 3 word hiermee gewysig deur paragraaf (a) van subitem (1) met die volgende paragraaf te vervang:

“(a) Die ontwikkelingsbeginsels wat in die SPLUMA, die **(Ordonnansie) LUPA** en hierdie verordening vervat word”

Invoeging van item 158A tot F in bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

56. Bylae 3 word hiermee gewysig deur die volgende items ná item 158 in te voeg:

“158A Derdewoningoorlegsonering

- (1) In ’n gebied waaraan ’n derdewoningoorlegsonering toegeken is, is die volgende bepallings van toepassing op grondeenhede met ’n SR1- of SR2-sonering.
- (2) ’n Derde woning is ’n primêre gebruik op eiendomme met ’n SR1- of SR2-sonering.
- (3) Ooreenkomstig die ontwikkelingsreëls wat vir ’n derdewoningoorlegsonering geld, is die volgende van toepassing:
 - (a) ’n Straatgrensboulyn van 1 m op grondeenhede van tot en met 350 m².
 - (b) ’n Nul parkeervereiste vir die derdewoninggebruik.
- (4) Algemene vereistes met betrekking tot ’n derdewoningoorlegsonering sluit die volgende in:
 - (a) Die oprigting van ’n derde woning is onderworpe aan sertifisering deur die Stad se departemente vir munisipale dienste dat die dienstenetwerk in die betrokke gebied oor die nodige vermoë beskik.
 - (b) Die bestaan of goedkeuring van ’n derde woning is nie op sigself ’n voldoende rede vir die Stad om ’n aansoek ingevolge hierdie verordening om die onderverdeling van die grondeenheid waarop die wooneenhe is, toe te staan nie.
 - (c) ’n Derde woning moet in ’n soortgelyke styl as die argitektuur van die hoof- en tweede woning opgerig word.

Deel 3: Klein- en mikro-ondernemingsoorlegsonering (“SMEO”)

(items 158B – 158D)

158B Gebruik van eiendom: Klein- en mikro-ondernemingsoorlegsonering

- (1) In hierdie oorlegsonering kan een van of albei die volgende intensiteitsbepallings aan ’n gebied of grondeenheid toegeken word:
 - (a) Mediumintensiteitsgebied
 - (b) Lae-intensiteitsgebied
- (2) In ’n gebied of grondeenheid waaraan ’n mediumintensiteitsoorlegsonering toegeken is, word die volgende bykomende primêre gebruike in die SR1- en SR2-basissones toegelaat: Restaurant, kantoor, gastehuis, diensbedryf, plek van onderrig, plek van aanbidding en sakeperseel.
- (3) In ’n gebied of grondeenheid waaraan ’n lae-intensiteitsoorlegsonering toegeken is, word die volgende bykomende primêre gebruike in die SR1- en SR2-basissones toegelaat: Restaurant, kantoor, gastehuis, plek van onderrig en huiswinkel.

158C Ontwikkelingsreëls: Klein- en mikro-ondernemingsoorlegsonering

- (1) Die volgende reëls is van toepassing op 'n gebied of grondeenheid met 'n SR1- of SR2-sonering waaraan 'n mediumintensiteitsoorlegsonering toegeken is:
 - (a) Vloerfaktor van 1,5, dog nie groter as 1 500 m² nie
 - (b) Ten minste 'n derde van die vloer ruimte van alle geboue en strukture moet vir residensiële doeleindes gebruik word.
- (2) Die volgende ontwikkelingsreël is van toepassing op 'n gebied of grondeenheid met 'n SR1-sonering waaraan 'n mediumintensiteitsoorlegsonering toegeken is:
 - (a) 'n Nul straatboulyn
- (3) As deel van die toekenning van hierdie oorlegsonering aan 'n gebied of grondeenheid, kan die Stad ontwikkelingsreëls op lê om enige moontlike steurnis vir omliggende bure of die algemene publiek te beperk.
- (4) Enige ontwikkelingsreëls ingevolge 'n goedgekeurde mediumdigtheidsoorlegsonering wat die beperkings van 'n basissonering oorskry of méér beperkend is, word as goedgekeurde afwykings van die bepalings van die basissonering beskou.

158D Algemene bepalings: Klein- en mikro-ondernemingsoorlegsonering

Die volgende bepalings is van toepassing:

- (1) Mediumintensiteitsgebiede of -grondeenhede grens direk aan aangewese aktiwiteitsroetes of strate en struktuurroetes.
- (2) Lae-intensiteitsgebiede of -grondeenhede grens direk aan aangewese aktiwiteitsroetes of strate en struktuurroetes, of aan 'n mediumintensiteitssonering (d.w.s. dit hoef nie langs 'n aktiwiteitsroete of straat of struktuurroete geleë te wees nie).
- (3) Die parkeervereistes volgens die PT2-gebiedsvereiste in item 138, en die toegangsvereistes volgens item 140 is van toepassing.
- (4) Die Stad se departemente vir munisipale dienste moet sertifiseer dat die dienstenetwerk in die betrokke gebied oor die nodige vermoë vir die bykomende primêre gebruike beskik."

Deel 4: Oorlegsonering vir uitgebreide residensiële gebruik

(items 158E - 158F)

158E Algemene bepalings: Oorlegsonering vir uitgebreide residensiële gebruik**Gebruik van eiendom**

- (1) Primêre gebruike is woonhuis en privaat pad.
- (2) Bykomende gebruikregte is tweede woning, onderworpe aan item 53.
- (3) Vergunningsgebruike is tuisberoep, bed-en-ontbytonderneming, tuiskindersorg, nutsdiens, plek van onderrig, plek van aanbidding, huiswinkel, instelling, gastehuis, dakgemonteerde basistelekommunikasiestrasie, windturbine-infrastruktuur, oop ruimte, stedelike landbou en halfweghuis.

158F Spesifieke bepalings: Oorlegsonering vir uitgebreide residensiële gebruik

- (1) Geen onderverdeling van grond word toegelaat met 'n erf grootte van minder as 4 000 m² nie."

Wysiging van item 188 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

57. Item 188 van bylae 3 word hiermee gewysig deur die woorde wat paragraaf (a) in subitem (3) voorafgaan met die volgende te vervang:

"(3) Die volgende bepalings is van toepassing op die gebied Bakoven, Clifton en Glen Beach-bungalow, soos dit op plan LAO/(4)5(i) verskyn:"

Wysiging van item 189 van bylae 3: Stad Kaapstad Ontwikkelingsbestuurskema

58. Item 189 van bylae 3 word hiermee gewysig deur subitem (1) met die volgende subitem te vervang:

“(1) Die bepalings in hierdie item is van toepassing op die Clifton-gebied aan die onderkant van Victoriaweg, soos dit op plan LAO/5(~~(iii)~~)(i) verskyn.”

Kort titel

59. Hierdie verordening is bekend as die Stad Kaapstad: Wysigingsverordening op Munisipale Beplanning, 2016.

**UMTHETHO KAMASIPALA
WEZILUNGISO WOCWANGCISO
LUKAMASIPALA, 2016**

**UMTHETHO KAMASIPALA WEZILUNGISO WOCWANGCISO LUKAMASIPALA
WESIXEKO SASEKAPA, 2016**

INGCACISO-GABALALA:

() Amagama abhalwe ngqindilili akwizikwere abonisa oko kucinyiweyo kwimithetho ekhoyo.

_____ Amagama akrwelelwe umgca ongqindilili abonisa oko kufakelweyo kwimithetho ekhoyo.

NGOKO KE, MAWUMISELWE liBhunga leSixeko saseKapa ngolu hlobo lulandelayo:-

Ukutshintshwa kweMbulambethe yoMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

1. UMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015 (ekubhekiswe kuwo apha uMthetho-ngqangi kaMasipala) wenziwa izilungiso apha ngokuba kwenziwe utshintsho kwiMbulambethe ukuze kungene le Mbulambethe ilandelayo:

“**NANGONA** iCandelo 156(1) loMgaqosiseko leRiphabliki yoMzantsi Afrika, ka-1996 linika oomasipala igunya nelungelo lokulawula imicimbi yoorhulumente bemimandla elichazwe kwiSiqendu B seShedyuli 4 neSiqendu B seShedyuli 5 yoMgaqosiseko;

NANGONA iSiqendu B seShedyuli 4 yoMgaqosiseko sidwelisa ucwangciso koomasipala njengomba worhulumente wommandla;

NANGONA iCandelo 156(2) loMgaqosiseko linika amandla oomasipala ukwenza nokulawula imithetho yolawulo olululo lwemicimbi abanelungelo yokuyilawula;

NANGONA iPalamente iphumeze umthetho iSpatial Planning and Land Use Management Act, 2013 (UMthetho 16 ka-2013) kanti nePalamente yePhondo leNtshona Koloni iphumeze umthetho iLand Use Planning Act (UMthetho 3 ka-2014), ethi phakathi kwezinye izinto ibeke imigqaliselo yophuhliso echaphazela onke amacandelo karhulumente anoxanduva lokumisela imithetho elawula usetyenziso nophuhliso lomhlaba;

NANGONA icandelo 2(2) lomthetho iSpatial Planning and Land Use Management Act (UMthetho 16 ka-2013) livumela eminye imithetho ukuba libeke ezinye iinkqubo, amanyathelo amaziko okanye ezinye iindlela zocwangciso lwemihlaba nophuhliso lomhlaba ngendlela ehambelana nemigathango yoMthetho, iSixeko sizimisele ukusebenzisa ezo nqubo, loo manyathelo, elo ziko okanye loo ndlela sisebenzisa lo Mthetho kaMasipala;

NANGONA iSixeko sizimisele ukulawula nokwenza imithetho emalunga nezicwangciso zoomasipala abakummandla weSixeko.

NGOKO KE, MAWUMISELWE liBhunga leSixeko saseKapa ngolu hlobo lulandelayo:.”

Ukwenziwa kwezilungiso kwicandelo 5 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

2. Icandelo 5 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokutshintshwa kwecandelo (2) ze kufakwe eli candelwana lilandelayo:

“(2) Amacandelo 4(2) no-6 asebenza kwizilungiso zeSikhokelo soPhuhliso loCwangciso lweMihlaba engamabala sikaMasipala ngenxa yezimvo ezifunyenweyo **(ngu) ezisuka kuMphathiswa ojongene noorhulumente bemimandla** njengoko kuchaziwe kwicandelo 32 okanye 33 loMthetho weeNkqubo zikaMasipala.”.

Ukwenziwa kwezilungiso kwicandelo 7 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

3. Icandelo 7 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokufakela, emva kwamagama athi, “uMphathiswa wePhondo”, kwafakelwa la magama alandelayo:

“ojongene noorhulumente bemimandla”.

Ukwenziwa kwezilungiso kwicandelo 13 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

4. Icandelo 13 loMthetho-ngqangi kaMasipala lenziwa izilungiso –

(a) ngokucinywa kwecandelo (2); kunye

(b) nokutshintshwa kwecandelo (3) ze kufakwe eli candelwana lilandelayo:

“(Emva kokugqitywa kwenkqubo yokubonisana nenkqubo yolwamkelo, i) ISebe kufuneka linikeze ngengxelo ebhaliweyo yokuba kufuneka ubuncinane –”

Ukutshintshwa kwecandelo 15 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

5. Endaweni yeli candelo lilandelayo kungena icandelo 15 loMthetho-ngqangi kaMasipala:

“15. Ukupapashwa weSikhokelo esamkelweyo okanye esenziwe izilungiso sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala seningqi

“Zingaphelanga iintsuku ezingama-30 zokwamkela okanye zokwenza izilungiso kwiSikhokelo sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala semimandla, ISixeko kufuneka kupapashwe isikhokelo esamkelweyo okanye esenziwe izilungiso sophuhliso lwemihlaba engamabala sesithili okanye isikhokelo sophuhliso lwemihlaba engamabala seningqi **(ngokwecandelo 19.) kwiwebhusayithi yeSixeko.**”.

Ukwenziwa kwezilungiso kwicandelo 36 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

6. Icandelo 36 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015, lenziwa izilungiso ngokuthi –

(a) ngokutshintshwa kwecandelo (1) ze kufakwe eli candelwana lilandelayo –

“(1) Ngaphandle kwaxa umhlaba uthathwa njengozowuniweyo njengoko kuchaziwe kwinkqubo yolawulo lophuhliso, iSixeko singagqiba ngokuzowunwa komhlaba ongazowunwanga ngokunokwaso okanye xa umnini efake isicelo.”

(b) ngokutshintshwa kwecandelo (4) ze kufakwe eli candelwana lilandelayo –

“(4) ISixeko kufuneka senze izilungiso kwimephu yokuzowuna (kufuneka yenziwe izilungiso) ngokukhawuleza kangangoko kunokwenzeka ukuze ibonise ukuzowuna ekugqitywe ngako (ukuze ibonise ukuzowuna ekugqitywe ngako) kwaloo mhlaba.”

Ukwenziwa kwezilungiso kwicandelo 38 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

7. Icandelo 38 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokuthi endaweni yecandelwana (1) kungena eli candelwana –

“(1) Ngaphandle kokuba kuchaziwe kulo Mthetho kaMasipala, ulwamkelo olunikezelweyo okanye oluthathwa njengolunikezelweyo ngokwalo Mthetho kaMasipala ukusebenzisa okanye ukuphuhlisa umhlaba luyaphelelelwa kwiminyaka emibini emva komhla wokuqala wokusebenza kwesigqibo –”

Ukwenziwa kwezilungiso kwicandelo 42 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

8. Icandelo 42 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokuthi -

(a) Kucinywe umhlathi (p); yaye
(b) kutshintshwe umhlathi (t) ngalo mhlathi ulandelayo:

“(t) (nasiphi esinye isicelo esivunyelweyo kulo Mthetho) imvume yokuba kuphinde kwakhiwe isakhiwo okanye inxalenye enkulu yaso kwimeko engathobeli imiqathango njengoko kuxeliwe kwicandelo 37(6);”.

Ukwenziwa kwezilungiso kwicandelo 44 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

9. Icandelo 44 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokuthi endaweni yecandelwana (1) kungena eli candelwana:

“(1) Kuxhomekeke kwicandelo 35(2) leLand Use Planning Act neSahluko 7 lalo Mthetho kaMasipala, iSixeko singathi ngokunokwaso siwuzowune kwakhona umhlaba ongengowaso ukuphumeza izikhokelo zoPhuhliso loCwangciso lweMihlaba engamabala neminye imigaqonkqubo yeSixeko okanye ngenjongo exelwe kwicandelo 36(7).”

Ukwenziwa kwezilungiso kwicandelo 54 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

10. Icandelo 54 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokuthi -

- (a) Ukutshintshwa kwamagama aphantsi komhlathi (a) wecandelo 1 kufakwe la magama alandelayo:
- “(1) Akukho mntu unokunikwa umhlaba osele wahlula-hlulwe ngokusemthethweni okanye **(owahlulwa ngezigaba)** wolwahlula-hlulo olwamkelwe siSixeko ngaphandle kokuba -”;
- (b) ukutshintshwa komhlathi (b) kwecandelo (1) kufakwe lo mhlathi ulandelayo:
- “(b) iinkonzo zobunjini ezifunwa kwimiqathango yolwamkelo ezixelwe kwicandelo 52(4) kunye nawo nawuphi na umthetho **(ochaphazelekayo)** waloo mmandla okanye isigaba esamkelweyo solwahlulahlulo neplani-gabalala okanye umzobo zamkelwe zonke;”;
- (c) ukutshintshwa komhlathi (c) kwecandelo 1 kufakwe lo mhlathi ulandelayo:
- “(c) yonke eminye imiqathango yolwahlula-hlulo okanye emalunga nesigaba **(esithile)** kwiplani-gabalala eyamkelweyo yolwahlulahlulo okanye umzobo owamkelweyo phambi kokudluliselwa kweyunithi yomhlaba ithotyelwe, kananjalo”;
- (d) ukutshintshwa komhlathana (iii) womhlathi (d) kwecandelo 1 kufakwe lo mhlathana ulandelayo:
- “(iii) wonke umhlaba ochongiweyo ngokwemiqathango yolwamkelo mawudluliselwe kumbutho wabanini-mhlaba kubandakanywa iindlela zabantu namabala abantu abucala adalwe lulwahlula-hlulo okanye inxalenye yomhlaba wolwahlulahlulo eyamkelweyo kunye neyunithi yomhlaba wokuqala mawudluliselwe ngaphandle kwembuyekiso.”; kunye
- (e) endaweni yecandelwana 3 kungena eli candelwana:
- “(3) Apho umbutho wabanini-mhlaba ufuneka, umfaki-sicelo uya kuba netyala ukuba iyunithi yomhlaba yokuqala edalwe lulwahlula-hlulo okanye inxalenye yomhlaba eyamkelweyo yolwahlulahlulo ngaphandle kwepropati yomntu wonke, kubandakanywa iindlela zabantu namabala abantu abucala adalwe lulwahlula-hlulo, iye yadluliselwa kumbutho wabanini-mhlaba, yaye uya kufumana isigwebo esixelwe kumacandelo 133(2) no-133(3).”.

Ukwenziwa kwezilungiso kwicandelo 55 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

11. Icandelo 55 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokuthi endaweni yecandelwana (2) kungene eli candelwana -

- (1) .“(2) Akuthobela icandelwana (1), ulwahlula-hlulo okanye inxalenye yolwahlulahlulo **(inxalenye yalo)** iyaqinisekiswa.”.

Ukutshintshwa kwecandelo 56 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

12. Eli candelwana lilandelayo, lingena endaweni yecandelo 56 loMthetho-ngqangi kaMasipala:

- “(1) Ukamkelwa kolwahlula-hlulo okanye isigaba esamkelweyo solwahlulahlulo **(inxalenye yalo)** siyaphelelwa ukuba iimfuno zecandelo 55(1) azithotyelwanga.

- (2) Ukuba yinxalenye nje yeplani-gabalala ethobela amacandelo 54(1)(b) no-54(1)(c)), ulwamkelo lolwahlula-hlulo okanye (**inxalenye yalo**) isigaba esamkelweyo solwahlulahlulo siyaphelelwa
- (3) Umfaki-sicelo angafaka isicelo ngokwemiqathango nangokweemfuno zecandelo 107 sokuba kongezwe isithuba. sokuthobela icandelo 55(1)
- (4) Ukuba ukwamkelwa kolwahlula-hlulo okanye (**inxalenye yalo**) isigaba esamkelweyo siyaphelelwa –
- (a) Uzowuno obelusebenza kulo mhlaba phambi kolwamkelo lokuzowuna kwakhona kommandla wolwahlulahlulo kuya kusebenza lona;
 - (b) ISixeko kufuneka –
 - (i) senze izilungiso kwimephu yokuzowuna yaye apho kuyimfuneko, nakwirejista yokuzowuna efanelekileyo; yaye
 - (ii) sazise uMhloli-Mhlaba ofanelekileyo;
 - (c) uMhloli-Mhlaba kufuneka abhale kwiirekhodi eziseofisini yakhe ukuba uhlanganiso lwemihlaba luphelelwe.

Ukwenziwa kwezilungiso kwicandelo 62 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

13. Icandelo 62 loMthetho-ngqangi kaMasipala, 2015 lenziwa izilungiso ngokutshintshwa komhlathi (v) kwecandelo 1 ngalo mhlathi ulandelayo:
- “(v) imiba (**ekwicandelwana**) ekwicandelo 61(5);”.

Ukwenziwa kwezilungiso kwicandelo 67 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

14. Icandelo 67 loMthetho-ngqangi kaMasipala lenziwa izilungiso-
- (a) ngokufakwa kwegama “okanye” emva ko-(g)(i)
 - (b) ngokufaka le mihlathana ilandelayo emva komhlathana (iii) womhlathi (g) wecandelwana (1):
 - “(iv) ukubekwa kwemiqathango yobude; okanye
 - (v) ukunikezwa kwelungelo lokuhlala, ilungelo labucala okanye lokusebenzisa ipropati yomnye mntu; okanye
 - (vi) iqula lamanzi okanye umbhobho wamanzi.”
 - (c) ufakelo lwale mihlathi ilandelayo emva komhlathi (h) wecandelo 1(h):
 - “(i) yohlanganiso lomhlaba odingekayo ngokomaqathango wemvume obekwe ngokoMmiselo ophambi kokusebenza kwalo Mthetho kaMasipala;
 - (j) yohlanganiso lweeyunithi zomhlaba apho isakhiwo esikhoyo esakhiwe ngokweepiani zokwakha ezamkelweyo nangokweepiani ezingamleza imida emibini okanye ngaphezulu yeeyunithi zomhlaba phambi kokuqala kwalo Mthetho kaMasipala.”

Ukwenziwa kwezilungiso kwicandelo 70 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

15. Icandelo 70 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokuthi endaweni yomhlathi (i) wecandelo 1 kufakwe lo mhlathi ulandelayo –
- (d) “(i) ukuthathela ingqalelo into yokuba ingaba inkqubo yomqulu weepiani, njengoko kuxeliwe kumba 136 weShedyuli 3 yalo Mthetho kaMasipala, iza kulandelwa na.”.

Ukwenziwa kwezilungiso kwicandelo 71 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

16. Icandelo 71 loMthetho-ngqangi kaMasipala, 2015 lenziwa izilungiso –

(a) ngokutshintshwa komhlathi (d) wecandelo 1 ze kufakwe lo mhlathi ulandelayo:

“(d) ukuba **(besele kubonisenwe)** bekubonisenwe ngaphambili, irekhodi yentlanganiso yoko kubonisana kwangaphambili; kunye

(b) nangokuthi endaweni yomhlathi (j) wecandelo 1 kufakwe lo mhlathi ulandelayo:

“(j) iinkcukacha ezidingekayo **(kwintlanganiso yokuqala yokubonisana)** kwintlanganiso yokubonisana yaphambi kokuba kufakwe isicelo;”.

Ukwenziwa kwezilungiso kwicandelo 79 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

17. Icandelo 79 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokutshintshwa kwecandelo 3 ze kufakwe eli candelwana lilandelayo:

“(3) ISixeko singathi, ukongeza kwezi ndlela zixelwe kwicandelwana (2), sifune umfaki-sicelo ukuba axhome isaziso kwisiza ekufuneka –

(i) (a) silamineyithwe yaye ubuncinane sibe yi-60 cm nge-42 cm;

(ii) (b) sixhonywe kuwo wonke umda weyunithi yomhlaba okanye iiyunithi ochaphazelekayo ezayame kwisitrato okanye enye indawo ezibonakalayo kwiyunithi okanye kwiiyunithi apho siza kubonwa khona luluntu see;

(iii) (c) sixhonywe kwisithuba esibekwe nguManejala weSixeko, esingasayi kuba ngaphantsi kweentsuku ezingama-30; yaye

(iv) (d) kuxhonywe esinye ukuba sonakele okanye sisusiwe ngesithuba solwaziso.”.

Ukwenziwa kwezilungiso kwicandelo 81 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

18. Icandelo 81 loMthetho-ngqangi kaMasipala, 2015 lenziwa izilungiso ngokuthi endaweni yecandelwana 1 kungene eli candelwana –

“(1) UManejala weSixeko kufuneka akhuphe isaziso kumajelo eendaba esichaza injongo yeSixeko yokuqwalasela isicelo ngokwecandelo 43 **(no-44)** eLand Use Planning Act.”.

Ukwenziwa kwezilungiso kwicandelo 82 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

19. Icandelo 82 loMthetho-ngqangi kaMasipala lenziwa izilungiso –

(a) ngokucinywa kwecandelo 1(g); kunye

(b) nangokufakela emva kwecandelwana 1, eli candelwana:

“(1A) ISixeko singenza ukuba kukhutshwe isaziso njengoko kuxeliwe kumacandelwana (3) no-(4) senjongo zeSixeko zokuqwalasela naluphi uluhlu lwesicelo oluxelwe kwicandelo 42.”.

Ukwenziwa kwezilungiso kwicandelo 99 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

20. Icandelo 99 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokutshintshwa kwecandelo (3) ze kufakwe eli candelwana lilandelayo:

“(3) Ezi ngqwalasela zilandelayo zibalulekile kuhlolo olulandela icandelwana (1)(c), necandelwana (2)(d) elingobungakanani bokudingeka kosetyenziso-mhlaba oluphakanyisiweyo apho kujongwa –

- (a) **(ifuthe kwezoqoqosho)** ifuthe kwezentlalo nezozoqoqosho;
- (b) **(ifuthe kwezentlalo;)**
- (c) **(ubungakanani botyalomali;)**
- (d) ukuhambisana nosetyenziso lweepropati ezingqongileyo;
- (e) ifuthe kwiinkonzo zobunjinieli zangaphandle;
- (f) ifuthe kukhuseleko, impilo nentlalontle yoluntu;
- (g) ifuthe kwilifa lemveli;
- (h) ifuthe kwindalo;
- (i) ifuthe kwingxinano yezithuthi, ukungena nokuophuma kuloo ndawo nemiba imiba yezothutho; kunye
- (j) ingaba ukubekwa kwemiqathango kunganqanda ifuthe elibi losetyenziso-mhlaba oluphakanyisiweyo.”.

Ukwenziwa kwezilungiso kwicandelo 120 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

21. Icandelo 120 loMthetho-ngqangi kaMasipala, 2015 lenziwa izilungiso –

(a) ngokuthi endaweni yecandelwana (8) kungene eli candelwana:

“(8) Ikhoram yentlanganiso yepaneli yeSigqeba soCwangciso lweMihlaba kaMasipala bubuninzi bamalungu akhethelwe loo paneli.

(b) ngokutshintshwa kwecandelo 11 ze kufakwe eli candelwana lilandelayo:

“(11) Umntu ofuna imvume exelwe kwicandelwana (10) kufuneka angenise isicelo kwiSigqeba soCwangciso lweMihlaba kaMasipala ngembalelwano ubuncinane iintsuku **(ezisixhenxe)** ezintlanu phambi kwentlanganiso leyo, okanye xa sele iza kuhlala intlanganiso ukuba kukho izizathu esivakalayo esichaziweyo, yaye kufuneka anikeze izizathu ezaneleyo zesicelo.”.

Ukutshintshwa kwecandelo 121 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

22. Eli candelo lingena endaweni yecandelo 121 loMthetho-ngqangi kaMasipala:

- “(1) **USodolophu angacebisa kwiBhunga leSixeko ukuba limisele iQela lokuCebisa ukuze liqwalasele ze linike izindululo kuGunyaziwe weSibheni malunga nezibheni.**
- (2) **Iqela lokuCebisa oelixlwe kwicandelwana (1) lingamiselwa ngokomnye umthetho.**
- (3) **Iqela lokuCebisa lingacela nawuphi na umntu ukuba angenise izimvo ezichazwa ngomlomo kuwo nawuphi na umba wesicelo yaye kufuneka akwenze oko ukuba kubonakala ukuba imiba yesigqibo sesibheni ayikwazi kusombululeka ngokwamaxwebhu aphambi koGunyaziwe weSibheni xa kungekho maqela.**
- (4) **Iqela lokuCebisa lisebenzise inkqubo yokugqiba ngezicelo ezixelwe kwicandelo 99.)**
- (5) USodolophu angatyumba ipaneli yokucebisa ngezibheni, kubandakanywa usihlalo ukuqwalasela nokucebisa okanye yenze izindululo kuGunyaziwe weSibheni kwisibheni okanye kwizintlu zezicelo ekwenziwe izibheni kuzo.

- (6) Ooceba boomasipala bangatyunjwa kwiphaneli yokucebisa ngezibheno.
- (7) Ilungu lephaneli yokucebisa ngezibheno kufuneka licele ukungathathi nxaxheba ukuba lona okanye umlingane walo, ihlakani okanye ilungu losapho -
 (a) Iiyachaphazeleka kwisibheno; okanye
 (b) belibandakanyeka nangayiphi na indlela kwisigqibo ekubhenwa kuso.
- (8) Usihlalo wephaneli yokucebisa ngezibheno makagaqibe ngokuba iphaneli yokucebisa ngezibheno iya kudibana nini, naphi.
- (9) Iphaneli yokucebisa ngezibheno -
 (a) ingagqiba ngeenkqubo zayo; yaye
 (b) kufuneka isebenzise inkqubo exelwe kwicandelo 99.
- (10) Ikhoram yentlanganiso yephaneli yokucebisa ngezibheno bubuninzi bamalungu atyunjiweyo.
- (11) USodolophu angayichitha iphaneli yokucebisa ngezibheno nanini na.”.

Ukwenziwa kwezilungiso kwicandelo 129 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

23. Icandelo 129 loMthetho-ngqangi kaMasipala, 2015 lenziwa izilungiso -

(a) ngokufakela, emva kwecandelwana (1) eli candelwana:

“(1A) ISigqeba soCwangciso lukaMasipala singathi, apho nawuphi na umntu aphule lo Mthetho kaMasipala, -

- (a) sigqibe ngokubeka isohlwayo; yaye
 (b) sigqibe ngesixamali sentlawulo.”.

(b) ngokuthi endaweni yemihlathi (a) no-(b) yecandelo (7), kufakwe le mihlathi ilandelayo:

- “(a) umsebenzi wolwakhiwo owaphula lo Mthetho kaMasipala awunakuba **(ngaphantsi kwe-10% yaye awunakuba)** ngaphezulu kwe-100% wexabiso lesakhiwo, lolwakhiwo nomsebenzi wobunjinieli owenziwe ngokungekho mthethweni, njengoko iSixeko senze isigqibo;
- (b) usetyenziso-mhlaba olwaphula lo Mthetho kaMasipala - alunakuba **(ngaphantsi kwe-10% yaye alunakuba)** ngaphezulu kwe-100% loqikelo-maxabiso lommandla, njengoko iSixeko senze isigqibo; kunye”.

Ukwenziwa kwezilungiso kwicandelo 136 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

24. Icandelo 136 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokuthi endaweni yecandelwana (10) kungena eli candelwana:

- “(10) Umntu otshintsha **(okanye)** oxhoma igama lesitrato ngaphandle kwemvume yeSixeko unetyala yaye emva kwesigwebo uya kuhlawula intlawulo exelwe kumacandelo 133(2) no-133(3)

Ukwenziwa kwezilungiso kwicandelo 142 loMthetho kaMasipala: woCwangciso loMasipala weSixeko saseKapa, 2015

25. Icandelo 142 loMthetho-ngqangi kaMasipala lenziwa izilungiso ngokuthi endaweni yecandelwana (6) kungena eli candelwana:

“(6) (a) Umnini-mhlaba onomhlaba oye wazowunwa ukuya kutsho ngowe-1 Matshi 2013 njengowoShishino Gabalala: Izowunana GB3 ukuya ku-GB7 okanye izowunana yosetyenziso oluxubileyo uMU2 noMU3 unokuthi de kube ngowe-28 Februwari 2023, akhethe ukuba phantsi kwemiqathango yokuzowuna yenkqubo yolawulo lophuhliso okanye inkqubo yokuzowuna esebenzayo ngowe- 28 Februwari 2013.

(b) Isicelo sotyeshelo-mthetho olusisigxina kwimiqathango yenkqubo yokuzowuna ebesisebenza ngowe-28 Februwari 2013 asivumelekanga.”

UKWENZIWA KWEZILUNGISO KWISHEDYULI 3: INKQUBO YOLAWULO LOPHULISO YESIXEKO SASEKAPA

Ukwenziwa kwezilungiso kuMba 1 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

26. Umba 1 weNkqubo yoLawulo loPhuhliso yeSixeko saseKapa ochazwe kwiShedyuli 3 yoMthetho-ngqangi kaMasipala, ekubhekiswe kuyo apha njengeShedyuli 3, lenziwa izilungiso –

- (a) ngokuthi endaweni yenkcazelo yebinzana, “umgangatho osezantsi” kufakwe le nkcazelo ilandelayo:

“**umgangatho osezantsi**’ wesakhiwo uthetha isityaba esicingelwayo esizotywayo kumgangatho osezantsi wesiqhelo wesakhiwo, okanye kwisahlulo sesakhiwo, (**uba sezantsi kumgangatho yaye ungaphezu kwebheyisimenti;**);”;

- (b) ngokuthi endaweni yenkcazelo “**igumbi elingaphantsi**” kufakwe le nkcazelo ilandelayo:

“**igumbi elingaphantsi**’ lithetha esa sithuba kwisakhiwo phakathi komgangatho nesilingi, (**esingesosakuhlala mntu**) elivela isithuba esingekho ngaphezu kwe-1,5m phezu kwayo nayiphi na indawo ekumgangatho ongaphantsi okhoyo. (**esingaphantsi komgangatho osezantsi okhoyo nesihlala singaphantsi, ngaphandle nje kokuba singabandakanya indawo yokungena iimot ukusuka endleleni, ukuba ngaba loo ndawo yokungena ikwin-engile esezantsi;**);”;

- (c) ngokufakela emva kwenkcazelo “yevenkile yasezifama” kwale nkcazelo ilandelayo:

“**ukwenza ifilimu**’ kuthetha ukulungisa ipropati ukuze kurekhodwe isandi nemifanekiso ezishukumayo okanye ezimiyo, nokuba zisefilimini okanye ividiyo, nge-elektroniki okanye ngenye indlela, kodwa akubandakanyi ukurekhodwa komsitho wabucala womtshato okanye umsitho wabucala okanye isiganeko sabucala ngeenjongo zokurekhoda abathathi-nxaxheba oko kusenziwa iinjongo zabucala, okanye kurekhodwe imiba ekhoyo okanye iindaba eziza kukhutshwa ngoko nangoko;”;

- (d) ngokuthi endaweni yenkcazelo yebinzana. “ubungakanani bomgangatho” kufakwe le nkcazelo ilandelayo:

“**ubungakanani bomgangatho**’ kwisakhiwo, buthetha ummandla womgangatho okhavarishwe sisilebhu, uphahla okanye into ekrobileyo; ukuba ngaba:

- (a) nawuphi (**ummandla, obandakanya**) ibheyisimenti okanye inxalenye yebheyisimenti engeyondawo yakuhlala; (**ebekelwe ukupaka imoto okanye eyindawo yokulayisha yeemoto**) ayizi kubandakanywa;

- (aA) nawuphi ummandla obekelwe kuphele ukupaka iimoto okanye ukulayisha izithuthi awuzi kubandakanywa;

- (b) izitepsi zokungena ezingaphandle, nayiphi ikhenophi, nasiphi isitupu kunye nawuphi ummandla ofunekayo wokusaba xa kusitsha, zonke ezi aziz kubandakanywa;

- (bA) iipaseji, iindlela zokungena neendawo zokuphuma xa kusitsha ezinobubanzi obungekho ngaphezu kwe-1,5m, zidibana ngqo nesango lokuphuma xa kusitsha, amasango ajonge ngakumacango okungena okanye zombini, azizi kubandakanywa;

- (c) into ekrobileyo kubandakanywa ulundi nento ekrobileyo ekhusela elangeni okanye yokuhombisa, engekho ngaphezu kwe-1 m ngaphaya kodonga olungaphandle okanye isixhaso esibunjalo, ayizi kubandakanywa;

- (d) intendezezo engabiyelwanga, indawo engenisa ukukhanya okanye ishaffi engekharishwanga enommandla ongaphezu kwe-10 m² ayizi kubandakanywa;

- (e) indawo epheyiviweyo engaphandle ejoyina isakhiwo ngezantsi komgangatho, apho loo mmandla upheyiviweyo uyinxalenye yamabala ahandle, indawo yokupaka imoto nendawo yokungena nokuphuma iimoto, evulekileyo ngaphambili okanye emacaleni, ayizi kubandakanywa;
- (f) ibhalkhoni, iveranda nethala ezikhavarishiweyo ngaphandle kokusebenzisa intsimbi ezizizikhuseli, vulekileyo ngaphambili okanye emacaleni, engekho ngaphezu kwe-2,5 m ububanzi, ayizi kubandakanywa;
- (g) ngokomhlathi (h) ongezantsi, naziphi izitepsi neeatryam ezigqunywe luphahla, ziza kubandakanywa;
- (h) kwisakhiwo esinemigangatho emininzi, iindawo ezinezitepsi, neelifti, neendawo ezingenisa umbane neeatryam ziya kubalwa kanye:
yaye ukuba ubungakanani bomgangatho buza kubalwa ukusuka kumadonga angaphandle okanye ezinye izixhasi ezibunjalo zesakhiwo eso, yaye apho isakhiwo sinemigangatho emininzi ubungakanani bomgangatho bubonke iya kuba yindibanisela yobungakanani bomgangatho bawo onke amanqwanqwa, kubandakanywa nebhejisimenti;”;
- (e) ngokutshintshwa kwenkcazelo yebinzana “umgangatho” kufakwe le nkcazelo ilandelayo:
“**umgangatho**’ uthetha umgangatho osezantsi wesakhiwo ongeyobhejisimenti **(yaye ukwinqwanqwa elisezantsi lesakhiwo okanye lesahlulo esimcaba);**”;
- (f) ngokuthi endaweni yenkcazelo “ubude” kufakwe le nkcazelo ilandelayo:
“**ubude**’ kwisakhiwo buthetha umlinganiselo onyukayo ukusuka kwelinye inqwanqwa ukuya kwelinye, njengoko buchaziwe kwimigaqo yophuhliso yokuzowuna, obumetwa ngeemitha; ukuba ngaba -
(a) ilitshimini (enobukhulu nobude obuyi-1,5m),
(b) umphakathi wetshimini (enobukhulu nobude obuyi-1m),
(c) imiphakathi yeelifti (enobukhulu nobude obuyi-, of 2,5 nobubanzi obuyi-2m ngeshafti yelifti nganye),
(d) iipali, kunye
(e) nee-eriyali (**iidishi zesathelayithi ezingekho ngaphezu kwe-1,5 m ngokwedayamitha yaye neegiza ezingaphandle ezingakrobanga ukudlula kwi-1,5 m ngaphezu kophahla**) azizi kubalwa ukuze kulawulwe ubude;”;
- (g) ngokuthi endaweni yenkcazelo “ukusebenzisa indlu” kufakwe le nkcazelo ilandelayo:
“**ukusebenzela endlwini**’ kuthetha ukuhlala okanye ukuqhuba ishishinini kwiyunithi yomhlaba, indlu yokuhlala, indawo yesibini yokuhlala, iyunithi eyindlu okanye isakhiwo esingaphandle ngumntu omnye okanye abaninzi abahlala kuloo propati yaye oku kubandakanya ukuthengisa utywala ngeintanethi oknye ngayo nayiphi indlela e-elektroniki ukuba ngaba akukho tywala bugcinwe, bufikela nobukhutshwa kwipropati;”;
- (h) ngokufakela emva kwenkcazelo “yesitrato sikawonkewonke” kwale nkcazelo ilandelayo:
“**iziko lokurisayiklisha**’ lithetha ipropati esetyenziselwa ukugcina okwethutyana, ukusota, ukufaka nokuqokelela amaphepha, iiplastiki, iiglas, iitoti, amalaphu okanye inkunkuma ebunjalo elungiselelwa ukurisayiklshwa, kodwa loo propati ayibandakanyi isikrephuyadi;”;

- (i) ngokufakela emva kwenkcazelo “yomcwangcisi-mhlaba obhalisiweyo” kwale nkcazelo ilandelayo:
- “**isakhelo se-eneji enokuhlaziyeka**’ sithetha isixhobo okanye izixhobo ezenzelwe ukutsala nokuguqula imitha yelanga ukuba ibe ngumbane welanga ekushishinwa ngawo, nokuba loo mbana uya kwigradi yombane okanye awuyi kuyo, yaye sibandakanya naliphi iziko lokuvavanya okanye isakhiwo esisetyenziselwa ukwenza umbane woshishino, kodwa asibandakanyi izibonelelo zombane otsalwa emoyeni;
- (j) ngokuthi endaweni yenkcazelo “yokuthengiswa kotywala” kufakwe le nkcazelo ilandelayo:
- “**ukuthengiswa kotywala**’ kuthetha ukuthengisa okanye ukubonelela ngotywala kuluntu obunokumnxilisa umthengi yaye obunokugcinwa, nobunokuboniswa okanye buselelwe kweso sakhiwo;”;
- (k) ngokufakela emva kwenkcazelo “yethala” kwale nkcazelo ilandelayo:
- “**indlu yesithathu**’ ithetha enye iyunithi eyindlu enokuthi, ngokwale nkaqubo yolawulo lophuhliso, yakhiwe kwiyunithi yomhlaba apho indlu yokuqala neyesibini sele zivunyiwe zaze zakhiwa;”;
- (l) ngokuthi endaweni yenkcazelo “yesahlulo sesakhiwo” kufakwe le nkcazelo ilandelayo:
- “**isahlulo sesakhiwo**’ sithetha inxalenye yesakhiwo angaphakathi nangaphandle, esithi xa sihlanganiswe nangayiphi indlela sibe namadonga angaphandle (**kunye/okanye**) nangaphakathi, apho loo nxalenye, ngokwedizayini, ibonakala ngokucacileyo njengento emileyo eyahlula isakhiwo kwezinye iinxalenye zesakhiwo (**izahlulo azinakuba ngaphezulo kwe-3 m okanye isithuba sobubanzi obumtyaba, nokuba yeyiphi enkulu;**); Isixeko singagqiba ukuba isakhiwo sahlulwe ngokwezahlulo ezime nkqo apho isahlulo ngasinye siya kuba nomgangatho osisiseko owahlukileyo ngenjongo yokubeka iliso kule nkaqubo yolawulo lophuhliso;”;
- (m) ngokufakela emva kwenkcazelo of “yesahlulo sesakhiwo” kwale nkcazelo ilandelayo:
- “**indawo yogqirha wezilwanyana**’ ithetha isakhiwo okanye inxalenye yesakhiwo esisetyenziswa ngugqirha wezilwanyana obhalisiweyo ukuba axilongwe okanye atyande izilwanyana yaye isenokubandakanya ukuthengiswa kokutya kwezilwanyana nezinto ezihambelana nazo;”;

Ukwenziwa kwezilungiso kuMba 3 weShedyuli 3: Inkaqubo yoLawulo loPhuhliso yeSixeko saseKapa

27. Umba 3 weShedyuli 3 wenziwa izilungiso -

(a) ngokutshintshwa kwesihloko nesivakalisi esiphambi komhlathi (a) womba 3, wesi sihloko nesi sivakalisi silandelayo:

“3 lindlela zokumeta imigama, ubude namazinga okanye nemiqathango yendawo emakuphelwe kuyo

Le miqathango ilandelayo iyasebenza ekumetweni kwemigama, imigangatho okanye ubude okanye yeendawo emakuphelwe kuyo;”;

(b) nangokufakela emva komhlathi (f) womba 3, ngolu hlobo lulandelayo:

“(g) Ukuba kuyimfuneko ukugqiba ngenani leebheyi zokupaka iimoto okanye nawuphi umgaqo wophuhliso wosetyenziso lomhlaba onokuthotyelwa ngenani elipheleleyo, kusenokuba yimfuneko ukunyusa okanye ukuthoba izibalo. Kuloo meko, umeto olungu-0.5 nangaphezulu luya kusondeliswa kwinani elipheleleyo elilandelayo yaye ukuba lingaphantsi kwe-0.5 liya kuhliswa lisiwe kwinani elipheleleyo elilandelayo ngaphandle komaqathango weyona yunithi incinci eya kuba ngu-1 (isinye), ngaphandle kokuba kukho enye into echaziweyo.”.

Ukwenziwa kwezilungiso kuMba 7 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

28. Umba 7 weShedyuli 3 wenziwa izilungiso -

(a) ngokufakela endaweni yesihloko somba 7, kwesi sihloko silandelayo:

“7 (Imiqathango) Imigaqo yophuhliso esebenza kusetyenziso ngemvume olwamkelweyo”;

(b) ngokuthi endaweni yombana (1), kufakwe lo mbana ulandelayo:

“(1) Xa usetyenziso ngemvume lwamkelwe, kuya kusebenza **(le miqathango-gabalala)** oku kulandelayo:

- (a) Ukuba olo setyenziso ngemvume njengoko luxeliwe kuzowuno oluthile lusetyenziswa kwenye indawo ezowuniweyo, luya kuba lulo kuxhomekeke kwimigaqo yophuhliso esebenza kolo zowuno okanye kolwa zowuno;
- (b) Ukuba olo setyenziso ngemvume njengoko luxeliwe kuzowuno asilo setyenziso olunngundoqo kwenye indawo ezowuniweyo, luya kuba lulo kuxhomekeke kwimigaqo yophuhliso esebenza kulo zowuni;
- (c) Usetyenziso ngemvume luya kuxhomekeka kuwo nawuphi umgaqo wophuhliso obekwe njengomqathango kunikezo lwemvume; (Noxa kukho u-(a) no- (b) apha ngentla, usetyenziso ngemvume lwendawo yesibini yokuhlala kwiZowuni 1 yeZindlu zoSapho olunye luxhomekeke kwimiqathango yemigaqo yophuhliso yalo zowuni.)”.

Ukwenziwa kwezilungiso kuMba 15 weShedyuli 3: Inkqubo yoLawulo loPhuhliso: yeSixeko saseKapa

29. Umba 15 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (2), kufakwe lo mbana ulandelayo:

“(2) **(Lonke usetyenziso olulodwa olwamkelweyo luya kufakwa kwiSihlomelo A.)** Usetyenziso olulodwa oluhleliweyo noluvunyelweyo kuzowuno ngemvume yeSixeko, kufuneka lupapashwe kwiGazethi yePhondo.”.

Ukutshintshwa kweSihloko esisemva komba 15 kwiShedyuli 3: Inkqubo yoLawulo loPhuhliso: yeSixeko saseKapa

30. Isihloko esisemva komba 15 kwiShedyuli 3 siyatshintshwa ngesi sihloko silandelayo:

“Isiqendu 4: Umhlaba othathwa njengozowuniweyo okanye umhlaba ozowuniweyo”.

Ukwenziwa kwezilungiso kuMba 16 weShedyuli 3: Inkqubo yoLawulo loPhuhliso: yeSixeko saseKapa

31. Umba 16 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (8) kufakwe lo mbana ulandelayo:

“(8) Apho nayiphi na inxalenye yomhlaba (ngaphandle komhlaba ekubhekiswe kuwo kumbana (4) (7) owawusitrato sikawonkewonke okanye umhlaba ongamabala kawonke-wonke obungoweSixeko, uvaliwe waze wanikezwa kumnini omelene nawo, loo nxalenye yomhlaba iya kuthathwa njengezowunwe ngokufanayo nomhlaba omelene nawo ongowaloo mnini, kubandakanywa nayiphi imiqathango yolwamkelo, ukuba ngaba:”;

Ukwenziwa kwezilungiso kuMba 20 weShedyuli 3: Inkqubo yoLawulo loPhuhliso: yeSixeko saseKapa

32. Umba 20 weShedyuli 3 wenziwa izilungiso ngokutshintshwa kweTheyibhile A: Isishwankathelo seendawo eziZowuniweyo nemigaqo yophuhliso, ngale theyibhile ilandelayo:

“Itheyibhile A: Isishwankathelo seendawo eziZowuniweyo nemigaqo yophuhliso

IINDAWO ZOKUHLALA EZIZINDLU ZOSAPHO OLUNYE	UMMANDL AWEYUNIT HIYOMHLA BA (m ²)	UMLINGAN ISELO WOMGAN GATHO	UBUNGAKAN ANI BOMGANGA THO OBUPHEZUL U	OBONA BUDE BUPHAKAMILEYO NGAPHEZU KOMGANGATHO OSISEKO		IMIDA YEZAKHIWO		UMBIN DI WOMD A	EZINYE IZIBONELELO
				Kwisixhasi sophahla	Ukuya eluphahleni	Umda wesitrato	Imida efanayo		
UKUZOWUNWA KWEZINDLU ZOSAPHO OLUNYE 1: IZINDLU ZESIQHELO (SR1)	>2 000	N/a	1 500 m ²	9,0 m	11,0 m	6,0 m	6,0 m	N/a	Ifestile neeGaraji, indawo yokumisa imoto nezakhiwo ezingaphandle Ukupaka nokungena Amalungelo osetyenziso ongezilekileyo – Ukusebenzisa indlu, Indlu yeendwendwe yokulala neyokudla isidlo sakusasa kunye nendlu eliziko lokukhathalela abantwana
USETYENZISO OLUNGUNDOQO Indlu yokuhlala, nendlela yomntu yabucala namalungelo osetyenziso ongezilekileyo	>1 000 ukuya kuma ku-2 000	N/a	1 500 m ²	9,0 m	11,0 m	4,5 m	3,0 m		
AMALUNGELO OSETYENZISO ONGEZELEKILEYO Indlu yesibini; ukusebenzisa indlu okanye Indlu yeendwendwe yokulala neyokudla isidlo sakusasa okanye Indlu eliziko lokukhathalela abantwana	>650 ukuya kuma ku-1 000	N/a	1 500 m ²	9,0 m	11,0 m	3,5 m	3,0 m		
	>350 ukuya kuma ku-650	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 ukusuka esitratweni kunye ne-60%) yesiphelo		
	>200 ukuya kuma ku-350	1,0	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 ukusuka esitratweni kunye ne-60%) yesiphelo		
	≤200	1,0	N/a	8,0 m	10,0 m	1,0 m	0,0 m (12,0 ukusuka esitratweni kunye ne-60%) yesiphelo		

<p>USETYENZISO NGEMVUME [Indawo yesibini yokuhlala, i] inkonzo ezilulutho, indawo yokufundisela, indawo yokukhonza, ivenkile esendlwini, iziko, indlu yeendwendwe, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya, indawo elibala, ulimo lwasezidolophini, [kunye] iziko lobuyiselo lwezimo zabantu <u>kunye nendawo yokunyanga izilwanyana</u></p>		<p>Jonga kumba 22(a)</p>	<p>Jonga kumba 22(b)</p>	<p>Jonga kumba 22(c)</p>	<p>Jonga kumba 22(c)</p>	<p>Jonga kumba 22(d) & 22(e)</p>	<p>Jonga kumba 22(d)&22(e)</p>		
<p>UKUZOWUNWA KWEZINDLU ZOSAPHO OLUNYE 2:IZINDLU EZIMANA ZIXOKOZELELWA (SR2)</p> <p>USETYENZISO OLUNGUNDOQO Indlu yokuhlala, indawo yesibini yokuhlala, inkonzo elulutho, indlela yabucala yomntu, ulimo lwasezidolophini namalungelo osetyenziso ongezelekileyo</p> <p>AMALUNGELO OSETYENZISO ONGEZELEKILEYO Indawo yokuhlala, ivenkile esendlwini, Ukusebenzisa indlu, Indlu yeendwendwe yokulala neyokudla isidlo sakusasa, indlu eliziko lokukhathalela abantwana, urhwebo olungekho sikweni kunye nayiphi injongo yokufundisa, yenkolo, yomsebenzi okanye yeshishini kuxhomekeke kwimiqathango</p> <p>USETYENZISO NGEMVUME Iqela lezindlu, ihostele, indawo yokukhonza, iziko, ikloniki, indawo yokuhlanganela, indawo yokufundisela, iofisi, iresty, indlu yeendwendwe, indawo yolonwabo, urhwebo ngeenkono, usetyenziso ngegunya, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya, iziko lobuyiselo lwezimo zabantu <u>kunye nendawo yokunyanga izilwanyana</u></p>	<p>1,0</p>	<p>N/a</p>	<p>6,0 m iiyunithi ezizindlu zokuhlala;</p> <p>8,0 m kwezinye izakhiwo</p>	<p>8,0 m iiyunithi ezizindlu zokuhlala;</p> <p>10,0 m kwezinye izakhiwo</p>	<p>Ilokishi:1,0 m</p> <p>Apho kungekho lokishi:1,0 m</p>	<p>Ilokishi:0,0 m kwi60% ne-1,0 m kwintsalela eyi-2,5 m phakathi kweendawo zokuhlala nezinye izakhiwo</p> <p>Apho kungekho lokishi:3,0 m kwiperimitha eyi;2,5 m phakathi kweendawo zokuhlala nezinye izakhiwo</p>	<p>N/a</p>	<p>Ukupaka nokungena lvenkile esendlwini Indawo yokuhlala Urhwebo olungekho sikweni Umhlaba ekwenziwe kuwo iindlela okanye obekelwe iindlela Umhlaba osetyenzisiweyo okanye ochongelwe ukunqanda ukuqhambuka kwemililo Ukwamkelwa kweepalani zokwakha</p>	
	<p>Jonga kumba 27(a)</p>		<p>Jonga kumba 27(b)</p>	<p>Jonga kumba 27(b)</p>	<p>Jonga kumba 27(c) & 27(d)</p>	<p>Jonga kumba 27(c) & 27(d)</p>			

UZOWUNO LWEZINDLU	UZOWUNO LWEEMIMA NDLANA	INGXINA NO	UBUNGA KANANI	OBONA BUDE BUPHAKAMILEY O NGAPHEZU KOMGANGATHO OSISISEKO		IMIDA YEZAKHIWO		UMBINDI WOMDA	EZINYE IZIBONELELO
				Ukuya edong eni	Ukuye phahle ni	Umda wesitrato	Imida efanayo		
IINDAWANA EZOWUNELWE UKUHLALA ULUNTU 1: IQELA LEZINDLU (GR1) USETYENZISO OLUNGUNDOQO Indlu yokuhlala, iqela lezindlu, indlela yomntu, ibala namalungelo osetyenziso ongezelelekileyo AMALUNGELO OSETYENZISO ONGEZELELEKI LEYO liflethi nokusebenzisa indlu, kuxhomekeke kwisithintelo USETYENZISO NGEMVUME linkonzo ezilulutho, indlu eliziko lokukhathalela abantwana nesitishi sonxibelelwano esikuphahla lwesakhiwo	GR1	35 du/ha	N/a	8,0 m	10,0 m	5,0 m isitrato esingaphandle sikawonkewonke 0,0 m indlela ngaphakathi ligaraji 5,0 m ukusuka kwikhebhu	3,0 m imida engaphandle 0,0 m imida engaphakathi	N/a	Iziseko zokudizayina Indawo elibala Ukupaka nokungena Iplani yophuhliso lwesiza liflethi nokusebenzisa indlu njengelungelo lokusebenzisa elongezelelekileyo Indlu yokuhlala ngaphandle kwenkqubo yeqela
				Jonga kumba 35(c)	Jonga kumba 35(c)	Jonga kumba 35(e) & 35(f)	Jonga kumba 35(e) & 35(f)		
IINDAWANA EZIZOWUNWE NJENGEZINDLU ZOKUHLALA ULUNTU (GR2-GR6) USETYENZISO OLUNGUNDOQO Indlu yokuhlala, indawo yesibini yokuhlala, iqela lezindlu, ihostele, indlu yeendwendwe, iiflethi, indlela yomntu kunye nebala USETYENZISO NGEMVUME Inkonzo elulutho, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, Ukusebenzisa indlu, ivenkile, ihotele indawo yokubambela inkomfa, isitishi sonxibelelwano esikuphahla lwesakhiwo <u>kunye nendawo yokunyanga izilwanyana</u>	GR2	UMLING ANISELO WOMGANGATHO 1,0	60%	Ukuya eluphahle ni 15,0 m	4,5 m	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni)	8,0 m	Ukupaka nokungena Uhlolo lokunqanda umoya	
	GR3	1,0	60%	20,0 m	4,5 m	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni)	8,0 m	Indlu yokuhlala kunye nokuhlala Iqela lezindlu Iziko, isikolo nendawo yokuhlanganela	
	GR4	1,5	60%	24,0 m	4,5 m	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni)	8,0 m	Ivenkile	
	GR5	2,5	60%	35,0 m	4,5 m; 9 m ngaphezu kwe-25 m ubude	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni); 15,0 m ngaphezu kwe-25,0 m ubude	8,0 m		
	GR6	5,0	60%	50,0 m	4,5 m; 9 m ngaphezu kwe-25 m ubude	4,5 m okanye 0,6 H (0,0 m ukuya kuma ku-15,0 m ubude ku-18,0 m ukusuka esitratweni); 15,0 m ngaphezu kwe-25,0 m ubude	8,0 m		
			Jonga kumba 41(b)	Jonga kumba 41(a)	Jonga kumba 41(c)	Jonga kumba 41(e)	Jonga kumba 41(e)	Jonga kumba 41(d)	

IINDAWO EZIZOWUNWE UKUBA ZIBE NGAMAZIKO OLUNTU	UMLINGANISELO WOMGANGATHO	UBUNGAKANA NI	OBONA BUDE BUPHAKA MILEYO NGAPHEZ U KOMGANGATHO OSISISEKO Ukuya eluphahleni	IMIDA YEZAKHIWO		UMBINDI WOMDA	EZINYE IZIBONELELO
				Umda wesitrato	Imida efanayo		
<p>UKUZOWUNA AMAZIKO OLUNTU 1: KWIINGINGQI (CO1)</p> <p>USETYENZISO OLUNGUNDOQO Indawo yokufundisela, indawo yokukhonza, ikloniki, isitishi sonxibelelwano esikuphahla lwesakhiwo, [kunye] indawo elibala, <u>nokwenziwa kweefilimu</u></p> <p>USETYENZISO NGEMVUME Iziko, isibhedlele, indawo yokuhlanganela, amangcwaba, isitishi sonxibelelwano esizimele ngokwaso, [kunye] ulimo lwasezidolophini kunye nendawo yokunyanga izilwanyana</p>	0,8 Jonga kumba47(a)	60% Jonga kumba 47(b)	12,0 m Jonga kumba 47(c)	5,0 m Jonga kumba 47(d)	5,0 m Jonga kumba 47(e)	N/a	Ukupaka nokungena Ukulayisha Uhlolo Ukunqanda ingxolo
<p>UKUZOWUNA AMAZIKO OLUNTU 2: KWIMIMANDLA (CO2)</p> <p>USETYENZISO OLUNGUNDOQO Iziko, isibhedlele, indawo yokufundisela, indawo yokukhonza, indawo yokuhlanganela, isitishi sonxibelelwano esikuphahla lwesakhiwo, [kunye] indawo elibala <u>kunye nendawo yefilimu</u></p> <p>USETYENZISO NGEMVUME Ihostele, indawo yokubambela inkomfa, amangcwaba, indawo yokutshisa izidumbu, indawo yomngcwabi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya [kunye] ulimo lwasezidolophini, <u>kunye nendawo yokunyanga izilwanyana</u></p>	2,0 Jonga kumba 49(a)	60% Jonga kumba 49(b)	18,0 m Jonga kumba 49(c)	5,0 m Jonga kumba 49(d)	5,0 m Jonga kumba 49(e)	N/a	Ukupaka nokungena Ukulayisha Uhlolo Ukunqanda ingxolo

INDAWO EZOWUNWE NJENGESHISHINI LENGINGQI	UMMANDLA WEYUNITHI YOMHLABA (m ²)	UMLINGANISELO WOMGANGATHO	UBUNGAKA NANI	OBONA BUDE BUPHAKAMILEYO NGAPHEZU KOMGANGATHO OSISISEKO		IMIDA YEZAKHIWO		UMBIND IWOMD A	EZINYE IZIBONELELO
				Kwisixhasi sophahla	Ukuya eluphahleni	Umda wesitrat o	Imida efanayo		
INDAWO EZOWUNWE NJENGESHISHINI LENGINGQI 1:ISHISHINI ELIPHAKATHI (LB1)	>1 000	1,0	N/a	9,0 m	11,0 m	3,5 m	3,0 m	N/a	ligaraji neekhapoti
USETYENZISO OLUNGUNDOQO lofisi, indlu yokuhlala, ihostele, iinkonzo ezilulutho, iifiethi namalungelo osetyenziso ongezelelekileyo	>650 ukuya kuma ku- 1 000	1,0		9,0 m	11,0 m	3,5 m	3,0 m		Ukupaka nokungena Ukulayisha
AMALUNGELO OSETYENZISO ONGEZELELEKILEYO Indawo yesibini yokuhlala nokusebenzisa indlu okanye ivenkile esendlwini okanye Indlu yeendwendwe yokulala neyokudla isidlo sakusasa okanye Indlu eliziko lokukhathalela abantwana	>350 ukuya kuma ku-650	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 ukusuka esitratweni kunye ne- 60%) yesiphelo		Uhlobo Ukusebenzisa indlu, indlu yeendwendwe yokulala neyesidlo sakusasa kunye nendlu eliziko lokukhathalela abantwana
USETYENZISO NGEMVUME Indawo yokufundisela, indawo yokukhonza, iziko, iikliniki, indawo yokuhlanganela, indlu yeendwendwe, ivenkile, urhwebo olungekho sikweni, urhwebo ngeenkonzo, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya, [kunye] iziko lobuyiselo lwezimo zabantu kunye nendawo yokunyanga izilwanyana	>200 ukuya kuma ku-350	1,0		8,0 m	10,0 m	3,5 m	0,0 m (12,0 ukusuka esitratweni kunye ne- 60%) yesiphelo		Indawo yesibini yokuhlala Ivenkile esendlwini
	≤200	1,0		8,0 m	10,0 m	1,0 m	0,0 m (12,0 ukusuka esitratweni kunye ne- 60%) yesiphelo		
		Jonga kumba 51(a)		Jonga kumba 51(b)	Jonga kumba 51(b)	Jonga kumba 51(c)	Jonga kumba 51(c)		

<p>INDAWO EZOWUNWE NJENGESHISHINI LENGINGQI 2:ISHISHINI LENGINGQI (LB2)</p> <p>USETYENZISO OLUNGUNDOQO Ivenkile, iofisi, indlu yokuhlala, indawo yesibini yokuhlala, Indlu yeendwendwe yokulala neyokudla isidlo sakusasa, ihostele, iifiethi, indawo yokufundisela, indawo yokukhonza, iziko, iikliniki, indlu yeendwendwe, urhwebo ngeenkonzo, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, indlela yomntu, [kunye] ibala kunye nendawo yokunyanga izilwanyana</p> <p>USETYENZISO NGENVUME Indawo yokuhlanganela, urhwebo olungekho sikweni, iresty, ukuthengiswa kotywala, indawo yomngcwabi, indawo yolonwabo, ivenkile yezinto zesondo, izakhiwo zoshishino, isuphamakethi, indawo yokukhulisa izityalo, ihotele indawo yokubambela inkomfa, igaraji yokulungisa iimoto, igaraji yokutha amafutha eemoto, usetyenziso ngegunya, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, usetyenziso lwezithuthi kunye negaraji yokupaka iimoto ezininzi</p>	1,0	75%	Ukuya eluphahleni			
	Jonga kumba 56(a)	Jonga kumba 56(b)	12,0 m	Jonga kumba 56(c)	0,0 m	Jonga kumba 56(d)

IINDAWO EZIZOWUNELWE UKUSETYENZISELWA USHISHINO KUNYE NEZINYE IZINTO	SUB-UKUZOWUNA	UMLINGANISE LO WOMGANGATHO	UBUNGAKANANI	OBONA BUDE BUPHAKAMILE YO NGAPHEZU KOMGANGATHO OSISISEKO	IMIDA YEZAKHIWO		UMBINDI WOMDA	EZINYE IZIBONELELO	
					Umda wesitrato	Imida efanayo			
<p>IINDAWO EZIZOWUNELWE UKUSETYENZISELWA USHISHINO GABALALA (GB1-GB7)</p> <p>USETYENZISO OLUNGUNDOQO Izakhiwo zoshishino, indlu yokuhlala, indawo yesibini yokuhlala, ihostele, iiflethi, indawo yokufundisela, indawo yokukhonzisa, iziko, isibhedlele, indawo yokuhlanganela, indawo yolonwabo, ihotele indawo yokubambela inkomfa, urhwebo ngeenkonzo, usetyenziso ngegunya, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, igaraji yokupaka iimoto ezininzi, indlela yomntu, [kunye] ibala. <u>indawo yokunyanga izilwanyana kunye nokwenza iifilimu</u></p> <p>USETYENZISO NGEMVUME Ivenkile yezinto zesondo, ishishini lokonwabisa abantu abadala, iinkonzo zesondo, urhwebo olungekho sikweni, iziko loboniso, iwehawusi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, usetyenziso lwezithuthi, indawo yokuchopha ihelikhopta negaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, <u>indawo yokunyanga izilwanyana kunye neziko lokurisayiklisha</u></p>	GB1	1,5	100%	15,0 m	0,0 m ukuya kuma ku-10,0 m ubude; 4,5 m ngaphezu kwe-10,0 m	0,0 m	8,0 m	Imbuyekezo yezindlu kwiGB7 Ihotele ubungakanani bomgangatho Imboniselo yesigqubuthelo okanye yebhalkhoni	
	GB2	2,0	100%	15,0 m	0,0 m ukuya kuma ku-10,0 m ubude; 4,5 m ngaphezu kwe-10,0 m	0,0 m	8,0 m	Indlela ehamba abantu ekumda wesitrato	
	GB3	2,0							likona zezitalato
	GB4	3,0							Ukupaka nokungena
	GB5	4,0							Ukulayisha
	GB6	6,0							Uhlobo
	GB7			100%	25,0 m	0,0 m ukuya kuma ku-10,0 m ubude; 4,5 m ngaphezu kwe-10,0 m	0,0 m	8,0 m	Unqando lomoya
				100%	25,0 m	0,0 m ukuya kuma ku-10,0 m ubude; 4,5 m ngaphezu kwe-10,0 m	0,0 m	8,0 m	Igaraji yokutha amafutha emoto neyokulungisa iimoto
				100%	25,0 m	0,0 m ukuya kuma ku-10,0 m ubude; 4,5 m ngaphezu kwe-10,0 m	0,0 m	8,0 m	Urhwebo olungekho sikweni
				100%	38,0 m	0,0 m ukuya kuma ku-25,0 m ubude; ½ (H-25 m) ngaphezu kwe-25,0 m	0,0 m	8,0 m	
			12,0	100%	60,0 m	0,0 m ukuya kuma ku-38,0 m ubude; ½ (H-38 m) ngaphezu kwe-38,0 m	0,0 m	8,0 m	
			Jonga kumba 60(c)	Jonga kumba 60(a)	Jonga kumba 60(d)	Jonga kumba 60(e)	Jonga kumba 60(e)	Jonga kumba 60(b)	

IINDAWANA EZIZOWUNIWEYO UKUSETYENZISELWA IZINTO EZIXUBILEYO (MU1-MU3) USETYENZISO OLUNGUNDOQO Izakhiwo zoshishino, ifemu, indlu yokuhlala, indawo yesibini yokuhlala, ihotele, iiflethi, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, indawo yolonwabo, ihotele indawo yokubambela inkomfa, usetyenziso ngegunya, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, usetyenziso lwezithuthi, igaraji yokupaka iimoto ezininzi, indlela yomntu, [kunye] ibala nokwenziwa kwefilimu USETYENZISO NGEMVUME Ivenkile yezinto zesondo, ishishini lokonwabisa abantu abadala, iinkonzo zesondo, urhwebo olungekho sikweni, iziko loboniso, isikirephuyadi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, indawo yokuchopha ihelikhoptha, igaraji yokutha amafutha emoto neyokulungisa iimoto, <u>indawo yokunyanga izilwanyana kunye neziko lokurisayiklisa</u>	MU1	1,5	75%	15,0 m	0,0 m ukuya kuma ku-10,0 m ubude; 4,5 m ngaphezu kwe-10,0 m	8,0 m	Imboniselo yesigqubuthelo okanye yebhalkhoni
	MU2	4,0	100%	25,0 m	0,0 m ukuya kuma ku-10,0 m ubude; 4,5 m ngaphezu kwe-10,0 m	8,0 m	Ukupaka nokungena Ukulayisha
	MU3	6,0	100%	38,0 m	0,0 m ukuya kuma ku-25,0 m ubude; ½ (H-25 m) ngaphezu kwe-25,0 m	8,0 m	Uhlobo lgaraji yokutha amafutha emoto neyokulungisa iimoto
		Jonga kumba 64(a)	Jonga kumba 64(a)	Jonga kumba 64(a)	Jonga kumba 64(c)	Jonga kumba 64(b)	Urhwebo olungekho sikweni

<p>IINDAWO EZIZOWUNELWE AMASHISHINI ANOBUNGOZI (RI)</p> <p>USETYENZISO OLUNGUNDOQO Ushishino olunobungozi, umsebenzi onobungozi, indawo yokutshisa izidumbu, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, indlela yomntu, ibala, amalungelo osetyenziso ongezelekileyo <u>kunye nokwenziwa kweefilimu</u></p>	2,0	75%	18,0 m, kodwa akukho miqathango kushishino olunobungozi, umsebenzi onobungozi okanye izakhiwo zoveliso	5,0 m	5,0 m	N/a	Ukupaka nokungena Ukulayisha Uhlolo Amadonga ayimida Izinto ezinobungozi
<p>AMALUNGELO OSETYENZISO ONGEZELEKILEYO Ifektri</p> <p>USETYENZISO NGEMVUME Ivenkile, iresty, urhwebo olungekho sikweni, igaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, ifemu, isikirephuyadi, indawo yokuxhela, usetyenziso ngegunya, inkonzo elulutho, indawo yokuchopha ihelikhoptha, izibonelelo zenjini ejikeleziswa ngumoya, isiza seekhonteyina, usetyenziso lwezithuthi [kunye] igaraji yokupaka iimoto ezininzi <u>kunye neziko lokurisayiklisha</u></p>	Jonga kumba 75(a)	Jonga kumba 75(b)	Jonga kumba 75(c)	Jonga kumba 75(d)	Jonga kumba 75(d)		Igaraji yokutha amafutha emoto neyokulungisa iimoto Ifektri Urhwebo olungekho sikweni

IINDAWO EZIZOWUNWE NJENGEZISETYENZISWA NJENGEZIBONELELO, EZOTHUTHO NAMANXWEME ESIZWE	UMLING ANISELO WOMGA NGATHO	UBUNGA KANANI	OBONA BUDE BUPHAKAMI LEYO NGAPHEZU KOMGANGA THO OSISISEKO	IMIDA YEZAKHIWO		UMBINDI WOMDA	EZINYE IZIBONELELO
				Umda wesitrato	Imida efanayo		
IINDAWO EZIZOWUNWE NJENGEZISETYENZISWA NJENGEZIBONELELO (UT) USETYENZISO OLUNGUNDOQO Inkonzo elulutho, usetyenziso ngegunya, isitishi sonxibelelwano esikuphahla lwesakhiwo nesitishi sonxibelelwano esizimele ngokwaso USETYENZISO NGENMVUME Amangcwaba, urhwebo olungekho sikweni, indawo yomngcwabi, indawo yokutshisa izidumbu, ulimo lwasezidolophini, iziko leenqwelomoya, izibonelelo zenjini ejikeleziswa ngumoya nendawo yokuchopha ihelikhophtha	Ngokweplani yophuhliso lwesiza (Jonga kumba 81)						
IINDAWO EZIZOWUNWE NJENGEZISETYENZISELWA EZOTHUTHO 1:USETYENZISO LWEZITHUTHI (TR1) USETYENZISO OLUNGUNDOQO Usetyenziso lwezithuthi, igaraji yokupaka iimoto ezininzi, inkonzo elulutho, iwehawusi, isitishi sonxibelelwano esikuphahla lwesakhiwo nesiza seekhonteyina USETYENZISO NGENMVUME Izakhiwo zoshishino, iifethi, indawo yokuhlanganela, indawo yolonwabo, ihotele indawo yokubambela inkomfa, igaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, urhwebo ngeenkono, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, iziko leenqwelomoya, indawo yokuchopha ihelikhophtha, urhwebo olungekho sikweni, ifemu nelungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni	2,0	75%	15,0 m kwikhonteyina ezipakishiwey o 18,0 m yaso nasiphi esinye isakhiwo	0,0 m	3,0 m	N/a	Ukupaka nokungena Igaraji yokutha amafutha emoto neyokulungisa iimoto Urhwebo olungekho sikweni Ilungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni
IINDAWO EZIZOWUNWE NJENGEZISETYENZISELWA EZOTHUTHO 2:INDLELA KAWONKEWONKE NENDAWO YOKUPAKA KAWONKEWONKE (TR2) USETYENZISO OLUNGUNDOQO Isitrato sikawonkewonke, indlela kawonke-wonke nenkonzo elulutho USETYENZISO NGENMVUME Igaraji yokupaka iimoto ezininzi, urhwebo olungekho sikweni, izibonelelo zenjini ejikeleziswa ngumoya nelungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni	Ngokweplani yophuhliso lwesiza (Jonga kumba 88)						Umhlaba othathwa njengozowuniweyo Ukwakha nokulahl imathiriyeli Ilungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni Isitrato sikawonke-wonke esicitywayo, ukongezwa kwendlela nokuvalwa kwesitrato Urhwebo olungekho sikweni
IINDAWO EZIZOWUNWE NJENGAMANXWEME ESIZWE (NPZ) USETYENZISO OLUNGUNDOQO Usetyenziso-mhlaba njengoko ichaziwe kwisicwangciso esamkelweyo sesikhokelo sophuhliso lwamachweba USETYENZISO NGENMVUME Alukho	Njengoko kugqitywe by isicwangciso esamkelweyo sesikhokelo sophuhliso lwamachweba (Jonga kumba 95)						Umhlaba othathwa njengozowuniweyo Umhlaba othathwa njengozowuniweyo onikezwe kwiNational Ports Authority

IINDAWO EZIZOWUNWE NJENGAMABALA	UMLINGAN ISELO WOMGAN GATHO	UBUNGA KANANI	OBONA BUDE BUPHAKAMI LEYO NGAPHEZU KOMGANGA THO OSISISEKO	IMIDA YEZAKHIWO		umgama ukuya esitratwe ni	EZINYE IZIBONELELO
				Umda wesitrato	Imida efanayo		
<p>IINDAWO EZIZOWUNWE NJENGAMABALA 1:ULONDOLOZO LOKUSINGQONGILEYO (OS1)</p> <p>USETYENZISO OLUNGUNDOQO Usetyenziselo lolondolozo lokusingqongileyo</p> <p>USETYENZISO NGEMVUME Ukusetyenziswa kwezibonelelo zendalo, izibonelelo zokusingqongileyo, indawo yokulala yabakhenkethi, izibonelelo zabakhenkethi, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwazo, izibonelelo zenjini ejikeleziswa ngumoya nemibhiyozo yenkcubeko neyoluntu</p>	Ngokweplani yophuhliso lwesiza (Jonga kumba 98)						
<p>IINDAWO EZIZOWUNWE NJENGAMABALA 2: UMHLABA ONGAMABALA KAWONKE-WONKE (OS2)</p> <p>USETYENZISO OLUNGUNDOQO Umhlaba ongamabala kawonke-wonke nosetyenziselo lolondolozo lokusingqongileyo</p> <p>USETYENZISO NGEMVUME Izibonelelo zokusingqongileyo, izibonelelo zabakhenkethi, inkonzo elulutho, amangcwaba, izitishi zonxibelelwano ezikumaphahla, izitishi zonxibelelwano ezizimele ngokwazo, izibonelelo zezixhobo ezitsala umbane kumoya, amatheko enkcubeko nawentlalo, ulimo lwasezidolophini, urhwebo olungekho sikweni, ukusetyenziswa kwezibonelelo zendalo nelungelo lokusebenzisa isithuba esisemoyeni nesisemhlabeni</p>	Ngokweplani yophuhliso lwesiza (Jonga kumba 100)					Umhlaba othathwa njengozowuniweyo	Ulwakhiwo nokufakwa kwemathiriyeli
<p>IINDAWO EZIZOWUNWE NJENGAMABALA 3: AMABALA AWODWA (OS3)</p> <p>USETYENZISO OLUNGUNDOQO Ibala, indlela yomntu nosetyenziselo lolondolozo lokusingqongileyo</p> <p>USETYENZISO NGEMVUME Izibonelelo zokusingqongileyo, izibonelelo zabakhenkethi, indawo yokuhlangana, indawo yolonwabo, iinkonzo ezilulutho, amangcwaba, izitishi zonxibelelwano ezikumaphahla, izitishi zonxibelelwano ezizimele ngokwazo, izibonelelo zezixhobo ezitsala umbane kumoya, amatheko enkcubeko nawentlalo, ulimo lwasezidolophini, urhwebo olungekho sikweni nokugronjwa kwezibonelelo zendalo</p>	Ngokweplani yophuhliso lwesiza (Jonga kumba 105)					Ulwamkelo losetyenziso ngemvume	Urhwebo olungekho sikweni

IINDAWO EZIZOWUNWE NJENGEZOLIMO, EZAMAPHANDLE NEZEZINTO EZITHILE	UMGANGATHO UWONKE	IKHAVAREJI	OWONA MGANGATHO UPHAKAMILEYO UKUSUKA KWISISEKO		IMIDA YESAKHIWO		UMDA WESITRATO	EMINYE IMIQATHANGO
			Ukuya eludongeni	Ukuya kuphahla	Umda wesitrato	Imida efanayo		
IINDAWO EZIZOWUNWE NJENGEZOLIMO (AG) USETYENZISO OLUNGUNDOQO Ulimo, ukusebenza ngezityalo, indlu yokuhlala, izitali zamahashe, usetyenziselo lolondolozo lokusingqongileyo, izibonelelo zokusingqongileyo, isitishi sonxibelelwano esikuphahla lwesakhiwo namalungelo osetyenziso ongezelelekileyo AMALUNGELO OSETYENZISO ONGEZELELEKILEYO Indawo yesibini yokuhlala nokusebenzisa indlu okanye Indlu yeendwendwe yokulala neyokudla isidlo sakusasa okanye Indlu eliziko lokukhathalela abantwana USETYENZISO NGEMVUME Iiyunithi ezongezelelekileyo ezizindlu zokuhlala, indlu yeendwendwe, ihoteli indawo yokulala yabakhenkethi, izibonelelo zabakhenkethi, ukufama izilwanyana okumandla, ukusetyenziswa kwezibonelelo zendalo, umgodi, inkonzo elulutho, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, ukufama izilwanyana zasemanzini, iziko lokukhathalela izilwanyana, iivenkile yasezifama nefemu yezolimo	1 500 m ² kuzo zonke iiyunithi ezizindlu zokuhlala 100 m ² kwiivenkile zasezifama Jonga kumba 109(a)	N/a	9,0 m yendlu yokuhlala Jonga kumba 109(d)	11,0 m yendlu yokuhlala 12,0 m kwizakhi wo zolimo ngaphand le kwendlu yokuhlala Jonga kumba 109(d)	> 20 ha : 30,0 m ≤ 20 ha : 15,0 m Jonga kumba 109(b)	> 20 ha : 30,0 m ≤ 20 ha : 15,0 m Jonga kumba 109(b)	N/a	Ukupaka Owona mlinganiselo mncinci wolwahlahlulo Ushishino lwezolimo Indawo yesibini yokuhlala neeyunithi zokuhlala ezongezelelekil eyo
IINDAWO EZIZOWUNWE NJENGAMAPHANDLE (RU) USETYENZISO OLUNGUNDOQO Indlu yokuhlala, ulimo namalungelo osetyenziso ongezelelekileyo AMALUNGELO OSETYENZISO ONGEZELELEKILEYO Indawo yesibini yokuhlala nokusebenzisa indlu okanye Indlu yeendwendwe yokulala neyokudla isidlo sakusasa okanye Indlu eliziko lokukhathalela abantwana	1 500 m ² wazo zonke izakhiwo 100 m ² kwivenkile yasezifama	40%	9,0 m	11,0 m	10,0 m	5,0 m	N/a	Ukupaka Owona mlinganiselo mncinci wolwahlahlulo Ushishino lwezolimo Indawo yesibini yokuhlala

<p>USETYENZISO NGEMVUME Indlu yeendwendwe, indawo yokulala yabakhenkethi, izibonelelo zabakhenkethi, ukusetyenziswa kwezibonelelo zendalo, umgodi, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, ukufama izilwanyana zasemanzini, ukufama izilwanyana okumandla, ukusebenza ngezityalo, izitali zamahashe, iziko lokukhathalela izilwanyana, ivenkile yasezifama kunye noshishino lwezolimo</p>	<p>Jonga kumba 113(a)</p>	<p>Jonga kumba 113(b)</p>	<p>Jonga kumba 113(e)</p>	<p>Jonga kumba 113(e)</p>	<p>Jonga kumba 113(c)</p>	<p>Jonga kumba 113(c)</p>		
<p>IINDAWO EZIZOWUNWE UOKUSETYENZISELWA IZINTO EZITHILE KUPHELA (LU) USETYENZISO OLUNGUNDOQO Usetyenziso olusemthethweni olukhoyo ngoku kuphela USETYENZISO NGEMVUME Alukho</p>	<p>Jonga kumba 118</p>							<p>Ukungavumelek i kokuzowuna kwakhona Ukwakha kwakhona ipropati etshatyalalisiwe yo</p>

Iphela apha iTheyibhile A:”.

Ukwenziwa kwezilungiso kuMba 21 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

33. Umba 21 weShedyuli 3 wenziwa izilungiso –

(a) ngokuthi endaweni yombana (b) kufakwe lo mbana ulandelayo –

“(b) Amalungelo osetyenziso ongezelelekileyo anokusetyenziswa ngumntu ohleli kwipropati kukusebenzisa indlu, indlu yeendwendwe yokulala neyokudla isidlo sakusasa. Indlu yesibini kunye nendlu eliziko lokukhathalela abantwana, kuxhomekeke kule miqathango ilandelayo:

- (i) Ngaphandle kwakwindlu yesibini kuphela, kuya kusetyenziswa ibe nye (**kuphela**) kwizinto ezidweliswe njengamalungelo osetyenziso ongezelelekileyo kuyo nayiphi iyunithi yomhlaba njengosetyenziso olungundoqo. Apho kufunwa ngaphezu komsebenzi omnye, kuya kufunwa imvume yeSixeko;
- (ii) Usetyenziso olungundoqo lwepropati iya kuba yindlu yokuhlala yosapho olunye;
- (iii) Umnini womsebenzi ochaphazelekayo kufuneka abe uhlala kwipropati;
- (iv) Imiqathango echazwe kwimiba 23, 24, (**okanye**) 25, okanye 53 (leyo ichaphazelekayo) iya kuthotyelwa;
- (v) Any Nasiphi isakhiwo esitsha okanye utshintsho kwipropati ukulungiselela ilungelo elongezelelekileyo losetyenziso luya kuhambelana nenkangeleko neempawu zommandla, ngakumbi iimpawu zesitrato, yaye kufuneka lukwazi ukubuyiselwa kusetyenziso njengenxalenye yendlu yokuhlala, indawo yesibini yokuhlala okanye isakhiwo esingaphandle esichaphazelekayo; yaye
- (vi) Akusayi kusetyenziswa ngaphezu kwabasebenzi abathathu ngumninindlu kumsebenzi ochaphazelekayo.”;

(b) ngokuthi endaweni yombana (c) kungene lo mbana ulandelayo:

“(c) Usetyenziso ngemvume zinkonzo ezilulutho, indawo yokufundisela, indawo yokukhonza, ivenkile esendlwini, iziko, indlu yeendwendwe, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya, indawo elibala, ulimo lwasezidolophini (**indawo yesibini yokuhlala**), indawo yokunyanga izilwanyana kunye neziko lobuyiselo lwezimo zabantu.”.

Ukwenziwa kwezilungiso kuMba 22 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

34. Umba 22 weShedyuli 3 wenziwa izilungiso –

(a) ngokutshintshwa komhlathana (i) womhlathi (f), kufakwe lo mhlathana ulandelayo:

- (i) Igaraji, ikhapoti nezakhiwo ezingaphandle zivumelekile kumda wesakhiwo ofanayo okanye kumda wepropati efanayo; ukuba ngaba igaraji, (**ne**) ikhapoti nesakhiwo esingaphandle -
 - (aa) engendanga ngaphezu kwe- 3,5 m ukusuka kumgangatho osezantsi ukuya kuma eluphahleni;
 - (bb) asiqulethanga ngaphezulu komphambili weegaraji ezimbini; kunye
 - (cc) ububanzi abukho ngaphezu kwe-6,5 m.

(b) ngokutshintshwa komhlathana (iv) womhlathi (f), ngolu hlobo lulandelayo:

- (iv) Noxa kukho imihlathi (ii) no-(iii), igaraji okanye ikhapoti ingakhiwa kumda wesakhiwo ukusuka esitratweni ukuba, ngokokubona kweSixeko, akuzi kukwazeka ukuthobela umda wesakhiwo ukusuka esitratweni ngenxa yokuthambeka komhlaba phakathi kwendlela nepropati echaphazelekayo. ISixeko siya kugqiba ngomda wesakhiwo ukusuka esitratweni kuloo meko.”.

Ukutshintshwa komba 26 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

35. Umba 26 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (1) kufakwe lo mbana ulandelayo:

“(1) Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo yindlu yokuhlala, indawo yesibini yokuhlala, inkonzo elulutho, indlela yabucala yomntu, ulimo lwasezidolophini namalungelo osetyenziso ongezelelekileyo njengoko echazwe kumhlathi (b)).
- (b) Amalungelo osetyenziso ongezelelekileyo anokusetyenziswa ngumntu ohlala kuloo ndlu yindawo yokuhlala, iivenkile esendlwini, ukusebenzisa indlu, indlu yeendwendwe yokulala neyokudla isidlo sakusasa, indlu eliziko lokukhathalela abantwana, urhwebo olungekho sikweni kunye nayiphi injongo yokufundisa, yenkolo, yomsebenzi okanye yeshishini, angabandakanyi ukuthengiswa kotywala, ukuba ngaba:
 - (i) Usetyenziso olungundoqo lwalo yunithi iya kuba yindlu yokuhlala;
 - (ii) Akukho ushishino olunobungozi, umsebenzi onobungozi, ishishini lokonwabisa abantu abadala, iinkonzo zesondo okanye iivenkile yezinto zesondo luvumelekileyo apho;
 - (iii) Akukho zinto ziya kwenziwa ezenza okanye ezibonwa njengeziphazamisaa inzolo yoluntu, kubandakanywa nosetyenziso lwezixhobo ezenza ingxolo egqithisileyo, okanye nayiphi into edala uthuli, umsi okanye inkunkuma enokuba nobungozi kwimpilo okanye efuna iinkqubo ezizodwa zokususwa kwenkunkuma;
 - (iv) ISixeko singathi, nanini na, sifune kuyekwe into eyenziwayo ngokwelungelo lokusebenzisa indlu okanye sibeke imiqathango ukucutha uphazamiseko lwabamelwane okanye loluntu ngokubanzi; yaye
 - (v) Imigaqo yophuhliso echazwe kwimiba 23, 24, 25, 28, 29, no-30, leyo ichaphazelekayo, iya kuthotyelwa.
- (c) Usetyenziso ngemvume leleqela lezindlu, ihostele, indawo yokukhonza, iziko, iikliniki, indawo yokuhlanganela, indawo yokufundisela, iofisi, irestyu, indlu yeendwendwe, indawo yolonwabo, urhwebo ngeenkono, usetyenziso ngegunya, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya, indawo yokunyanga izilwanyana kunye neziko lobuyiselo lwezimo zabantu.
- (d) Usetyenziso olwahlukileyo nezakhiwo apho kungekho lokishi isesikweni.”.

Ukwenziwa kwezilungiso kuMba 40 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

36. Umba 40 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (b) kufakwe lo mbana ulandelayo:

- (b) “Usetyenziso ngemvume ngokomhlathi (c) iinkonzo ezilulutho, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, ukusebenzisa indlu, iivenkile, ihotele indawo yokubambela inkomfa, **(kunye)** isitishi sonxibelelwano esikuphahla lwendlu kunye nendawo yokunyanga izilwanyana.”.

Ukutshintshwa komba 42 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

37. Endaweni yomba 42 kufakwa lo mba ulandelayo weShedyuli 3:

“Imiqathango yomba 21(b) no-22 usebenza kwindlu ekolu zowuno. Imiqathango yomba 21(b), 22 no-53 isebenza kwindlu yesibini ekolu zowuno. **(Amalungelo osetyenziso ongezelelekileyo, usetyenziso ngemvume nemigaqo yophuhliso yendlu yokuhlala kwimihlaba eZowunwe njengeZindlu zoSapho oLunye 1 nendawo yesibini yokuhlala kwindawo ezowunwe njengeshishini lengingqi 1 ngokulandelana aya kusebenza kwindlu yokuhlala kunye nendawo yesibini yokuhlala kolu zowuno.)**”.

Ukutshintshwa komba 46 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

38. Endaweni yalo mba ulandelayo kufakwa umba 46 weShedyuli 3:

“Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo yindawo yokufundisela, indawo yokukhonza, ikloniki, isitishi sonxibelelwano esikuphahla lwesakhiwo, ukwenziwa kwefilimu kunye nendawo elibala.
- (b) Usetyenziso ngemvume liziko, isibhedlele, indawo yokuhlanganela, amangcwaba, isitishi sonxibelelwano, indawo yokunyanga izilwanyana kunye nolimo lwasezidolophini.”.

Ukutshintshwa komba 48 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

39. Endaweni yalo mba ulandelayo kufakwa umba 48 weShedyuli 3:

“Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo liziko, isibhedlele, indawo yokufundisela, indawo yokukhonza, indawo yokuhlanganela, isitishi sonxibelelwano esikuphahla lwesakhiwo, ukwenziwa kwefilimu kunye nendawo elibala.
- (b) Usetyenziso ngemvume yihostele, indawo yokubambela inkomfa, amangcwaba, indawo yokutshisa izidumbu, indawo yomngcwabi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya kunye nolimo lwasezidolophini.”.

Ukwenziwa kwezilungiso kuMba 50 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

40. Umba 50 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (c), kufakwe lo mbana ulandelayo:

“(c) Usetyenziso ngemvume yindawo yokufundisela, indawo yokukhonza, iziko, ikloniki, indawo yokuhlanganela, indlu yeendwendwe, ivenkile, urhwebo olungekho sikweni, urhwebo ngeenkono, isitishi sonxibelelwano esikuphahla lwesakhiwo, izibonelelo zenjini ejikeleziswa ngumoya, indawo yokunyanga izilwanyana kunye neziko lobuyiselo lwezimo zabantu.”.

Ukwenziwa kwezilungiso kuMba 53 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

41. Umba 53 weShedyuli 3 wenziwa izilungiso ngokucinywa womhlathi (g).

Ukwenziwa kwezilungiso kuMba 55 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

42. Umba 55 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (a), kufakwe lo mbana ulandelayo:

“(a) Usetyenziso olungundoqo yivenkile, iofisi, indlu yokuhlala, indawo yesibini yokuhlala, ihostele, Indlu yeendwendwe yokulala neyokudla isidlo sakusasa, iiflethi, indawo yokufundisela, indawo yokukhonza, iziko, ikloniki, indlu yeendwendwe, urhwebo ngeenkono, inkono elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, indlela yomntu, indawo yokunyanga izilwanyana kunye nebala.”.

Ukwenziwa kwezilungiso kuMba 59 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

43. Umba 59 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (a), kufakwe lo mbana ulandelayo:

“(a) Usetyenziso olungundoqo zizakhiwo zoshishino, indlu yokuhlala, indawo yesibini yokuhlala, ihostele, iiflethi, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, indawo yolonwabo, ihotele indawo yokubambela inkomfa, urhwebo ngeenkonziso, usetyenziso ngegunya, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, igaraji yokupaka iimoto ezininzi, indlela yomntu, ukwenziwa kweffilimu, indawo yokunyanga izilwanyana kunye nebala.”.

Ukutshintshwa komba 63 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

44. Endaweni yalo mba ulandelayo kufakwa umba 63 weShedyuli 3:

“Le miqathango yosetyenziso ilandelayo isebenza kwipropati ekolu zowuno:

- (a) Usetyenziso olungundoqo zizakhiwo zoshishino, ifemu, indlu yokuhlala, indawo yesibini yokuhlala, ihostele, iiflethi, indawo yokufundisela, indawo yokukhonza, iziko, isibhedlele, indawo yokuhlanganela, indawo yolonwabo, ihotele indawo yokubambela inkomfa, usetyenziso ngegunya, inkonzo elulutho, isitishi sonxibelelwano esikuphahla lwesakhiwo, usetyenziso lwezithuthi, igaraji yokupaka iimoto ezininzi, indlela yomntu, ukwenziwa kweffilimu kunye nebala.
- (b) Usetyenziso ngemvume yivenkile yezinto zesondo, ishishini lokonwabisa abantu abadala, iinkonzo zesondo, urhwebo olungekho sikweni, iziko loboniso, isikirephuyadi, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, indawo yokuchopha ihelikhoptha, igaraji yokutha amafutha emoto, iziko lokurisayiklisha, indawo yokunyanga izilwanyana neyokulungisa iimoto.”.

Ukwenziwa kwezilungiso kuMba 67 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

45. Umba 67 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (a), kufakwe lo mbana ulandelayo:

“(a) Usetyenziso olungundoqo zifemu, iresty, igaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, indawo yomngcwabi, isikirephuyadi, usetyenziso ngegunya, inkonzo elulutho, indawo yokutshisa izidumbu, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, usetyenziso lwezithuthi, igaraji yokupaka iimoto ezininzi, ushishino lwezolimo, indlela yomntu, ibala, ukwenziwa kweffilimu, indawo yokunyanga izilwanyana namalungelo osetyenziso ongezelekileyo njengoko luxeliwe kumhlathi (b)

Ukwenziwa kwezilungiso kuMba 74 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

46. Umba 74 weShedyuli 3 wenziwa izilungiso –

(a) ngokuthi endaweni yombana (a), kufakwe lo mbana ulandelayo:

“(a) Usetyenziso olungundoqo lushishino olunobungozi, umsebenzi onobungozi, indawo yokutshisa izidumbu, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, indlela yomntu, ibala namalungelo osetyenziso ongezelekileyo njengoko luxeliwe kumhlathi (b)

(b) ngokuthi endaweni yombana (c) kungene lo mbana ulandelayo:

“(c) Usetyenziso ngemvume yivenkile, irestyu, urhwebo olungekho sikweni, igaraji yokutha amafutha eemoto, igaraji yokulungisa iimoto, ifemu, isikirephuyadi, indawo yokuxhela, usetyenziso ngegunya, inkonzo elulutho, izibonelelo zenjini ejikeleziswa ngumoya, indawo yokuchopha ihelikhoptha, isiza seekhonteyina, usetyenziso lwezithuthi, iziko lokurisayiklisha kunye negaraji yokupaka iimoto ezininzi.”.

Ukwenziwa kwezilungiso kumba 108 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

47. Umba 108 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (c) kufakwe lo mbana ulandelayo:

“(c) Usetyenziso ngemvume ziyunithi ezongezelelekileyo ezizindlu zokuhlala, indlu yeendwendwe, ihotele indawo yokulala yabakhenkethi, izibonelelo zabakhenkethi, ukufama izilwanyana okumandla, ukusetyenziswa kwezibonelelo zendalo, umgodi, inkonzo elulutho, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, ukufama izilwanyana zasemanzini, iziko lokukhathalela izilwanyana, iivenkile yasezifama, isakhiwo sombane ohlaziwayo, indawo yokunyanga izilwanyana noshishino lolimo.”

Ukufakwa komba 111A kuShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

48. UShedyuli 3 wenziwa izilungiso ngokufakela, emva komba 111, yalo mba ulandelayo:

“111Isakhiwo se-eneji enokuhlaziyeka

ISixeko singamkela isicelo semvume sesakhiwo se-eneji enokuhlaziyeka; ukuba ngaba –

(a) Iplani yophuhliso lwesakhiwo yamkelwe siSixeko ukuze ifumane imvume.

(b) Iplani yophuhliso lwesakhiwo njengoko yamkelwe siSixeko iba yimigaqo yophuhliso lwesakhiwo se-eneji enokuhlaziyeka kunye nemiqathango yeplani yophuhliso lwesakhiwo kumba 123.

(c) Uyekiso lwayo lunokwenziwa ngokwale miqathango;

(i) Nasiphi isakhiwo se-eneji enokuhlaziyeka esiye sayekiswa okanye sasuswa ngumnini

(ii) Xa isakhiwo se-eneji enokuhlaziyeka isiza siyekiswa, kufuneka umnini asazise iSixeko.

(iii) Umnini unoxanduva lokususa isakhiwo sonke zingaphelanga intsuku ezii-150 emva kokupheliswa okanye kokushiywa kwaso.

(d) Isakhiwo se-eneji enokuhlaziyeka sithathwa njengesishiyweyo xa isakhiwo eso sisilela ukusebenza iminyaka engaphezulu kweminyaka emibini.”.

Ukwenziwa kwezilungiso kuMba 112 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

49. Umba 112 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (c), kufakwe lo mbana ulandelayo:

“(c) Usetyenziso ngemvume yindlu yeendwendwe, indawo yokulala yabakhenkethi, izibonelelo zabakhenkethi, ukusetyenziswa kwezibonelelo zendalo, umgodi, isitishi sonxibelelwano esikuphahla lwesakhiwo, isitishi sonxibelelwano esizimele ngokwaso, izibonelelo zenjini ejikeleziswa ngumoya, ukufama izilwanyana zasemanzini, ukufama izilwanyana okumandla, ukusebenza ngezityalo, izitali zamahashe, iziko lokukhathalela izilwanyana, iivenkile yasezifama, indawo yokunyanga izilwanyana kunye noshishino lwezolimo.”.

Ukwenziwa kwezilungiso kuMba 121 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

50. Umba 121 weShedyuli 3 wenziwa izilungiso –

(a) ngokufakela, emva komhlathana (x) wecandelwana (a) emva kwalo mhlathana ulandelayo:

“(xi) idonga elingumda kumda wesitrato sesakhiwo, kuxhomekeke kumba 126, okanye nasiphi isitrato sokunqanda okuthile ephantsi komgangatho okhoyo.”; kunye

(b) ngokuthi endaweni yombana (2) kufakwe lo mbana ulandelayo:

“(2) Kuya kusebenza umgca wesakhiwo oyi-5 m kuwo nawuphi na umda omelene nendlela yezixeko ezikhulu, ngaphandle kokuba okunye kuvunywe siSixeko nalapho umbana (1)(a)(i) usebenza khona.”.

Ukwenziwa kwezilungiso kuMba 123 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

51. Umba 123 weShedyuli 3 wenziwa izilungiso ngokufakela, emva kwecandelwana 7, kwalo mbana ulandelayo:

“(8) Iplani yophuhliso lwesakhiwo iya kuphelelwa ukuba endaweni yayo kuye kwangena enye iplani yophuhliso lwesiza.”.

Ukwenziwa kwezilungiso kuMba 136 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

51A. Umba 136 weShedyuli 3 wenziwa izilungiso ngokufakela, emva kwecandelwana 10, kwalo mbana ulandelayo:

(11) Imvume enikezelwe icandelo lepakeji yeeplani ekubhekiswe kuzo kumbana (4) (a) ukuya ku-(c) ayiphelelwa.”.

Ukufakwa komba 136A kuShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

52. Lo mba ulandelayo ufakwa emva komba 136 weShedyuli 3:

“136A Izakhiwana eziseyadini

Ngaphandle kokuba umntu ufumene imvume kwiSixeko, akukho mntu unokusebenzisa okanye ahlale kwisakhiwo esingaphandle phambi kokuba kwakhiwe esona sakhiwo singundoqo seso sakhiwo.”.

Ukutshintshwa komba 138 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

53. Umba 138 wenziwa izilungiso ngokutshintshwa kwetheyibhile enesihloko esithi, "Ezona mfuno zingundoqo zendawo yokupaka esesitratweni", ze kufakwe le theyibhile ilandelayo:

"Ezona mfuno zingundoqo zendawo yokupaka esesitratweni

Usetyenziso-mhlaba	Imimandla yesiqhelo	Imimandla yePT1	Imimandla yePT2
Indlu engundoqo yokuhlala (Ezowune njengeSR1)	iibheyi ezi-2 kwiyunithi nganye eyindlu (Ibheyi e-1 kwindlu eneziza ezingu- < 350 m²)	Ibheyi e-1 kwiyunithi nganye eyindlu	Ayikho
Indlu engundoqo yokuhlala (Ezowune njengeSR2)	Ibheyi e-1 kwiyunithi nganye eyindlu (Ayikho kwindlu eneziza ezingu- < 100 m²)	Ayikho	Ayikho
Indawo yesibini yokuhlala	Ibheyi e-1 kwiyunithi nganye yesi-2 eyindlu	Ibheyi e-1 kwiyunithi nganye yesi-2 eyindlu	Ayikho (Ibheyi e-1 kwiyunithi nganye yesi-2 eyindlu)
Indawo ehlala abantu abaninzi	1,75 yebheyi kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe	Ibheyi e-1 kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe	Ayikho (0,75 yebheyi kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe)
liflethi	1,75 yebheyi kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe	Ibheyi e-1 kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe	Ayikho (0,75 yebheyi kwiyunithi nganye eyindlu, kunye neebheyi eziyi-0,25 kwiyunithi nganye eyindlu zeendwendwe)
Indlu yeendwendwe yokulala neyesidlo sakusasa	ibheyi e-1 eyongezelelweyo kwigumbi ngalinye labatyeleli	ibheyi e-1 eyongezelelweyo kwigumbi ngalinye labatyeleli	<u>Ayikho</u>
Ihostele, indlu yeendwendwe	1,25 yebheyi kwikamire nganye	0,75 yebheyi kwikamire nganye	Ayikho (0,5 yebheyi kwikamire nganye)

Usetyenziso-mhlaba	Imimandla yesiqhelo	Imimandla yePT1	Imimandla yePT2
Indawo enamagunjana okulalisa abatyeleli	Ibheyi e-1 kwibhedi ezi-6	Ibheyi e-1 kwibhedi ezi-8	<u>Ayikho</u> Ibheyi e-1 kwibhedi ezili-10
Ihotele	0,75 yebheyi kwikamire nganye, neebheyi ezingama-20 ukuba zinelayisenisi	0,75 yebheyi kwikamire nganye, neebheyi ezingama-20 ukuba zinelayisenisi	<u>Ayikho</u> (0,5 yebheyi kwikamire nganye, kunye neebheyi ezili-10 ukuba zinelayisenisi)
Ikhaya labadala, ikhaya leenkedama	0,5 yebheyi kwikamire nganye	0,3 yebheyi kwikamire nganye	<u>Ayikho</u> (0,2 yebheyi kwikamire nganye)
Ikhishi	Ibheyi e-1 kubantwana abali-10, nesibonelelo sokuma nesokwehla	Ibheyi e-1 kubantwana abali-10	<u>Ayikho</u> (Ibheyi e-1 kubantwana abayi-30)
Isikolo	Ibheyi e-1 kwiklasi neofisi nganye, nesibonelelo sokuma nesokwehla	Ibheyi e-1 kwiklasi neofisi nganye, nesibonelelo sokuma nesokwehla	<u>Ayikho</u> (Ibheyi e-1 kwiklasi neofisi nganye, nesibonelelo sokuma nesokwehla)
Indawo yokufundisela (kwizinga elingaphezulu kwelesikolo)	0,4 yebheyi kumfundi ngamnye kunye neebheyi e-1 kwiklasi neofisi nganye	0,4 yebheyi kumfundi ngamnye kunye neebheyi e-1 kwiklasi neofisi nganye	<u>Ayikho</u> (Ibheyi e-1 kwiklasi neofisi nganye)
Ilayibrari, imyuziyam	Iibheyi ezi-2 kwi-100 m ² GLA nganye	1,5 yebheyi kwi-100 m ² GLA nganye	<u>Ayikho</u> (Ibheyi e-1 kwi-100 m² GLA nganye)
Indawo yokuhlanganela, indawo yokukhonza, indawo yolonwabo, indawo yomngcwabi	Ibheyi e-1 ngezitulo okanye abantu abafanayo, ezibalwa ngokwe-1,4 m ² yobungakanani bomgangatho = umntu om-1	Ibheyi e-1 ngezitulo okanye abantu abafanayo, ezibalwa ngokwe-1,4 m ² yobungakanani bomgangatho = umntu om-1	<u>Ayikho</u> (Ibheyi e-1 ngezitulo okanye abantu abafanayo, ezibalwa ngokwe-1,4 m² yobungakanani bomgangatho = umntu om-1)
Ibala lemidlalo	Ibheyi e-1 ngezitulo ezi-4 okanye abantu (okanye ngokweplani yolawulo lwezithuthi)	Iibheyi ezi-3 ngezitulo eziyi-20 okanye abantu (okanye ngokweplani yolawulo lwezithuthi)	<u>Ayikho</u> (Iibheyi ezi-3 ngezitulo eziyi-40 okanye abantu (okanye ngokweplani yolawulo lwezithuthi))

Usetyenziso-mhlaba	Imimandla yesiqhelo	Imimandla yePT1	Imimandla yePT2
Indawo yolonwabo okanye yemidlalo	Ibheyi e-1 ngezitulo ezisi-8 okanye abantu	Ibheyi e-1 ngezitulo ezili-10 okanye abantu	<u>Ayikho</u> (Ibheyi e-1 ngezitulo ezili-15 okanye abantu)
Ijimu	iibheyi ezili-10 kwi-100 m ² GLA nganye	iibheyi ezi-8 kwi-100 m ² GLA nganye	<u>Ayikho</u> (iibheyi ezi-6 kwi-100 m ² GLA nganye)
Isibhedlele (esikarhulumente nesabucala)	Ibheyi e-1 kwibhedhi nganye, kunye neebheyi ezi-3 kwigumbi ngalinye lokuxilongela	Ibheyi e-1 kwibhedhi nganye, kunye neebheyi ezi-2 kwigumbi ngalinye lokuxilongela	<u>Ayikho</u> (Ibheyi e-1 kwibhedhi nganye)
Ikliniki, amagumbi okuxilongela izigulane	iibheyi ezi-4 kwigumbi ngalinye lokuxilongela	iibheyi ezi-3 kwigumbi ngalinye lokuxilongela	<u>Ayikho</u> (iibheyi ezi-2 kwigumbi ngalinye lokuxilongela)
Iivenkile (ngaphandle isuphamakethi)	iibheyi ezi-4 kwi-100 m ² GLA nganye	iibheyi ezi-2 kwi-100 m ² GLA nganye	<u>Ayikho</u> (Ibheyi e-1 kwi-100 m ² GLA nganye)
Isuphamakethi, oobhazabhaza beevenkile	iibheyi ezi-6 kwi-100 m ² GLA nganye	iibheyi ezi-4 kwi-100 m ² GLA nganye	<u>Ayikho</u> (iibheyi ezi-2 kwi-100 m ² GLA nganye)
Irestyu	iibheyi ezi-2 nge-25 m ² GLA	Ibheyi e-1 nge-25 m ² GLA	<u>Ayikho</u> (Ibheyi e-1 nge-25 m ² GLA)
Iiofisi	iibheyi ezi-4 kwi-100 m ² GLA nganye	2,5 yeebheyi kwi-100 m ² GLA nganye	<u>Ayikho</u> (Ibheyi e-1 kwi-100 m ² GLA nganye)
Iziko leenkomfa	iibheyi ezi-6 ngezitulo ezili-10	iibheyi ezi-4 ngezitulo ezili-10	<u>Ayikho</u> (iibheyi ezi-2 ngezitulo ezili-10)
Indawo yokubonisa iimoto	iibheyi ezi-3 kwi-100 m ² GLA nganye	iibheyi ezi-3 kwi-100 m ² GLA nganye	<u>Ayikho</u> (iibheyi ezi-3 kwi-100 m ² GLA nganye)
Igaraji yokulungisa iimoto, igaraji yokutha amafutha eemoto	iibheyi ezi-4 ngebheyi nganye yokusebenzela, kunye neebheyi ezi-4 kwi-100 m ² GLA nganye, ubuncinane iibheyi ezi-8	iibheyi ezi-4 ngebheyi nganye yokusebenzela, kunye neebheyi ezi-4 kwi-100 m ² GLA nganye, ubuncinane iibheyi ezi-8	<u>Ayikho</u> (iibheyi ezi-4 ngebheyi nganye yokusebenzela)
Indawo yokulungisa iimoto	iibheyi ezi-2 ngebheyi nganye yokusebenzela	iibheyi ezi-2 ngebheyi nganye yokusebenzela	<u>Ayikho</u> (Ibheyi e-1 ngebheyi nganye yokusebenzela)

Usetyenziso-mhlaba	Imimandla yesiqhelo	Imimandla yePT1	Imimandla yePT2
Ifemu	iibheyi ezi-2 kwi-100 m ² GLA nganye	1,5 yeebheyi kwi-100 m ² GLA nganye	<u>Ayikho (Ibheyi e-1 kwi-100 m² GLA nganye)</u>
Iwehawusi, isakhiwo esisisitora	Ibheyi e-1 kwi-100 m ² GLA nganye	Ibheyi e-1 kwi-100 m ² GLA nganye	<u>Ayikho (Ibheyi e-1 kwi-100 m² GLA nganye)</u>

Ukwenziwa kwezilungiso kuMba 140 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

54. Umba 140 weShedyuli 3 wenziwa izilungiso ngokufakela, emva kwecandelwana (2) (c), ngolu hlobo ulandelayo:

“(d) Indawo ehlanganisiweyo yokungena nokuphuma izithuthi, nangona kukho indawo yokunqumla yesithuthi evumela ukungena nokuphuma kwezithuthi lisango eliya ngao kwigaraji, kwikhapoti, indawo yokumisa imoto okanye indibanisela yazo, ngoko ke, yindawo yokungena nokuphuma edityanisiweyo.”.

Ukwenziwa kwezilungiso kuMba 148 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

55. Umba 148 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yomhlathi (a) wecandelwana (1), kufakwe lo mhlathi ulandelayo:

“(a) iziseko zophuhliso eziqulethwe kwiSPLUMA (uMmiselo) iLUPA nalo Mthetho kaMasipala;”.

Ukufakwa kwemiba 158A ukuya ku-F kuShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

56. UShedyuli 3 wenziwa izilungiso ngokufakela, emva komba 158, kwalo mba ulandelayo:

“158A UZowuno oluLodwa lweNdlu yeSithathu

(1) Kummandla olungiselelwe uZowuno oluLodwa lweNdlu yeSithathu, kuya kusebenza le miqathango ilandelayo kwiiyunithi zomhlaba ezikuzowuno lweSR1 okanye lweSR2.

(2) Indlu yesithathu inomsebenzi ongundoqo kwipropati ezikuzowuno lweSR1 okanye lweSR2.

(3) Ngokwemigaqo yophuhliso esebenza kuZowuno oluLodwa lweNdlu yeSithathu, kusebenza le migaqo ilandelayo:

(a) Umda oyi-1m ukusuka kwisakhiwo ukuya esitratweni kwiiyunithi zomhlaba ezibukhulu buyi-350m².

(b) Akukho miqathango yakupaka iimoto kusetyenziso lwendlu yesithathu.

(4) Imiqathango-gabalala emalunga noZowuno oluLodwa lweNdlu yeSithathu ibandakanya oku kulandelayo:

(a) Ukwakhiwa kwendlu yesithathu kuya kuxhomekeka ekubeni amasebe eenkonzo eSixeko aginisekise ukuba zikho iinkonzo kuloo mmandla.

(b) Ubukho okanye imvume yendlu yesithathu ayisayi kuba sisizathu esaneleyo sokuba iSixeko sinikeze imvume ngokwalo Mthetho kaMasipala yokwahlula-hlula iyunithi yomhlaba eneeyunithi ezizindlu.

(c) Indlu yesithathu iya kwakhiwa ngendlela ebufana nendlu yokuqala neyesibini.

Isigendu 3: Inkqubo yokuzowuna eYodwa yaMashishini aMancinci (SMEO)

(Jonga umbala 158B – 158D)

158B Ukusetyenziswa kwepropati: Inkqubo yokuzowuna eYodwa yaMashishini aMancinci

- (1) Kule nkqubo yokuzowuna iyodwa, omnye wale miqathango okanye yomibini ingasebenza kummandla okanye kwiyunithi yomhlaba:
 - (a) engummandla onengxinano ephakathi; okanye
 - (b) ummandla onengxinano encinci.
- (2) Kummandla okanye iyunithi yomhlaba echongwe njengenenkqubo yokuzowuna yommandla onengxinano ephakathi, le misebenzi ingundoqo yongezelelekileyo ilandelayo ivumelekile kwizowuni ezisisiseko zeSR1 neSR2:
Irestyu, iofisi, indlu yeendwendwe, ushishino olunikeza inkonzo ethile, indawo yokufundisa, indawo yonqulo nesakhiwo soshishino.
- (3) Kummandla okanye iyunithi yomhlaba echongwe njengenenkqubo yokuzowuna ekummandla onengxinano encinci, le misebenzi ingundoqo yongezelelekileyo ilandelayo ivumelekile kwizowuni ezisisiseko zeSR1 neSR2:
Irestyu, iofisi, indlu yeendwendwe, indawo yokufundisa kunye nevenkile esendlwini.

158C Imigaqo yophuhliso: Inkqubo yokuzowuna eYodwa yaMashishini aMancinci

- (1) Le migaqo ilandelayo isebenza kummandla okwiyunithi yomhlaba ekuzowuno lweSR1 okanye lweSR2 echongwe njengezowuni eyodwa enengxinano ephakathi:
 - (a) Umgangatho onobukhulu obuyi-1.5 kodwa ongekho ngaphezulu kwe-1500m²
 - (b) Ubuncinane, isithathu somgangatho wezakhiwo zonke siya kusetyenziswa njengezindlu zokuhlala.
- (2) Lo mgaqo wophuhliso ulandelayo usebenza kummandla ekwiyunithi yomhlaba ekuzowuno lommandla onengxinano ephakathi:
 - (a) Akusayi kubakho mda ubekwayo ukusuka kwisakhiwo ukuya esitratweni.
- (3) ISixeko singabeka imigaqo yophuhliso ukucutha nayiphi into eza kunukuneza abamelwane abakufuphi okanye uluntu ngokubanzi njengenxalenye yokuchonga ummandla okanye iyunithi yomhlaba ukuba ibe nenkqubo eyodwa yokuzowuna.
- (4) Nayiphi imigaqo yophuhliso yommandla onenkqubo eyodwa yokuzowuna yommandla onengxinano ephakathi enikwe imvume, okanye onemiqathango enyinayo kunaleyo yezowuni ezisisiseko, iya kuthathwa njengotyeshelo-mthetho olwamkelweyo lwenkqubo yezowuni ezisisiseko.

158D Imiqathango-gabalala: Inkqubo yokuzowuna eYodwa yaMashishini aMancinciLe migaqo ilandelayo isebenza kwezi ndawo:

- (1) Imimandla enengxinano ephakathi okanye iiyunithi zemihlaba ezimelene ngqo neendlela okanye nezitalato ekushishinwayo kuzo.
- (2) Imimandla enengxinano encinci okanye iiyunithi zemihlaba ezimelene ngqo neendlela okanye izitalato okanye emelene nezowuni enengxinano ephakathi (ukutsho oko, akufunekanga ibe kwindlela okanye isitalato esinoshishino).
- (3) Imiqathango yokupaka iimoto isebenza njengakummandla wePT2 osebenza kumba 138 nemiqathango yokungena esebenza kumba 140.
- (4) Iinkonzo zikaMasipala zeSixeko kufuneka ziqinisekise ukuba kukwazeka ngokwaneleyo ukunikeza iinkonzo kuloo mmandla uchongiweyo, wenkonzo eyongezelelekileyo engundoqo.”.

Isiqendu 4: Uzowuno oluLodwa lokuSetyenziswa kweeNdawo eziZindlu

(Jonga umbala 158E – 158F)

158E Imiqathango-gabalala: Uzowuno oluLodwa lokuSetyenziswa kweeNdawo eziZindlu**Ukuseetyenziswa kwepropati: Uzowuno oluLodwa lokuSetyenziswa kweeNdawo eziZindlu**

- (1) Imisebenzi engundogo zizindlu zokuhlala nezitrato zabucala.
- (2) Amalungelo ongezelekileyo yindlu yesibini, kuxhomekeke kumba 53.
- (3) Usetyenziso ngemvume kukusebenzisa izindlu, iziko eliyindawo yokulala nokutya, iziko lokukhathalela abantwana, iinkonzo ezilulutho, indawo yokunikeza iinkonzo, indawo yokufundisa, indawo yonqulo, iivenkile esendlwini, iziko, indlu yeendwendwe, isitishi sonxibelelwano esikuphahla lwesakhiwo, iziko le-eneji etsalwa kumoya, ibala, ulimo lwasezidolophini kunye neziko lobuyiselo lwezimo zabantu.”

158F Imiqathango eyodwa: Uzowuno oNgezelekileyo oluLodwa lokuSetyenziswa kweeNdawo eziZindlu

- (1) Akukho lwahlulahlulo lomhlaba luvumelekileyo kwisiza esibukhulu bungaphantsi kwezikwemitha ezingaphantsi kwe4000.

Ukwenziwa kwezilungiso kuMba 188 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

57. Umba 188 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (3), kufakwe lo mbana ulandelayo:

“(3) Le miqathango ilandelayo isebenza eBakoven, eClifton naseGlen Beach Bungalow njengoko kubonisiwe kwiPlani LAO/ (4) 5(i):”.

Ukwenziwa kwezilungiso kuMba 189 weShedyuli 3: Inkqubo yoLawulo loPhuhliso yeSixeko saseKapa

58. Umba 189 weShedyuli 3 wenziwa izilungiso ngokuthi endaweni yombana (1), kufakwe lo mbana ulandelayo:

“(1) Imigaqo ekulo mba iya kusebenza kummandla waseClifton kwicala elingezantsi leVictoria Road, njengoko kubonisiwe kwiPlani LAO/5 ((iii)) (ii).”.

Isihloko esifutshane

59. Lo Mthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weZilungiso woCwangciso: woMasipala weSixeko saseKapa, 2016.

