

GOOSEBAY FARM (PTY) LTD.

(Registration No 2005/000686/07)

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25 April 2019

Ms Mathapelo Mosikidi
Mineral Regulation
DMR Welkom
Tel: 057 391 1389
Email: Mathapelo.Mosikidi@dmr.gov.za

Dear Mathapelo

RMDEC SITTING 25 APRIL 2019 – WELKOM DMR
MONTE CRISTO COMMERCIAL PARK (PTY) LTD
MINING RIGHT APPLICATION - RMDEC – OBJECTION FS 30/5/1/2/2/10048 MR

1. The abovementioned matter, refers.
2. Goosebay Farm (Pty) Ltd was the holder of a Prospecting Right and Mining Permits, as is more fully set out hereunder. Goosebay Farm (Pty) Ltd, is also the Land Owner of the 3 Farm Portions, which comprise Goosebay Farm, as is more fully set out hereunder.
3. Goosebay Farm (Pty) Ltd, is not the Applicant for the Mining Right currently being considered by the DMR Welkom, in terms of Mining Right Application number: **FS 30/5/1/2/2/10048 MR** and is not party to the proceedings before the RMDEC on **25 April 2019**.
4. Goosebay Farm (Pty) Ltd (and its Director), have however, been defamed by Mr Gavin Aboud, in his letter addressed to the DMR, such letter dated **2 October 2018**, and is accordingly obliged to respond, as it does hereunder.

Directors

*M. van Wyk BA LLB HDip Tax Law (Wits)

Factual Background relating to Goosebay Farm (Pty) Ltd Mining Permits and Mining Rights

4.1 Goosebay Farm (Pty) Ltd was granted:

- 4.1.1 **A Prospecting Right (FS 3015/1/1/2/608 PR)**, over all three of the farm portions (set out hereunder), in 2009, and;
- 4.1.2 **Three (3) Mining Permits**, one permit over each of the three farm portions respectively (as is more fully detailed hereunder), in 2010.

4.2 The three farm portions, which comprise Goosebay Farm (“The Property”), are the following:

REMAINING EXTENT OF THE FARM WOODLANDS 407
REF: FS30/5/1/3/2/304MP

REMAINING EXTENT OF PORTION 1 OF THE FARM WOODLANDS 407
REF: FS30/5/1/3/2/303MP

PORTION 3 OF THE FARM WOODLANDS 407
REF: FS30/5/1/3/2/302MP

- 4.3 At all material times, Goosebay Farm (Pty) Ltd, mined within the areas of its abovementioned Mining Permits (as amended), and prospected in terms of the abovementioned Prospecting Right;
- 4.4 Goosebay Farm (Pty) Ltd has carried out extensive and comprehensive rehabilitation, and continues to do so, as is more fully dealt with hereunder.

LETTER OF MR GAVIN ABOUD DATED 2 OCTOBER 2018

- 5. I specifically refer to the letter of **Mr Gavin Aboud**, dated **2 October 2018** (copy of same enclosed for your ease of reference):
 - 5.1 The abovementioned letter, was forwarded by Mr Aboud, in his purported capacity as “*Chairperson Protect Vaal Eden and Vaaloewer Ratepayers Association*”;
 - 5.2 Neither the founding documents of the abovementioned Association, nor any document confirming Mr Aboud’s alleged position or appointment to such position within said association, were forwarded to Goosebay Farm (Pty) Ltd;
 - 5.3 Notwithstanding the abovementioned concerns, I have nonetheless chosen to respond to Mr Aboud’s concerns

Zoning Issues Raised by Mr Aboud

6. Mr Aboud, in his “Summary of Key Objections”, on page 2 of the abovementioned letter, raises the following issues, in respect of the Zoning of the Farm Portions set out above, on which Goosebay Farm (Pty) Ltd conducted Mining and Prospecting operations, in terms of the abovementioned Mining Permits and Prospecting Right:

“The zoning of the land on which they propose to mine is agricultural. We request that you instruct them to please obtain the correct zoning of the land in question, before they make application for a mining right”

- 6.1 Mining activities were conducted on the abovementioned Farm Portions land in accordance with Mining Permits and a Prospecting Right, as set out hereunder.
- 6.2 Mr Aboud is apparently of the view that the property has to be re-zoned for mining purposes;
- 6.3 Mr Aboud provides no authority for his assertion, that zoning of land for mining purposes, must take place prior, to an application for a mining right being submitted to the DMR:
- 6.4 The Right Holder operated within the confines of the applicable legislation, and it is accordingly unnecessary for the Land Owner to rezone the property;
- 6.5 Silica Sand, Diamond and other mining had been conducted on the property for many decades, prior to the recent Mining and Prospecting Activities, conducted by Goosebay Farm (Pty) Ltd. The property was accordingly not subject to a Land Use Scheme at the commencement of Mining Operations;
- 6.6 The Ngwathe Local Municipality, has yet to adopt a Land Use Scheme as contemplated in Section 24(1) of The Spatial Planning and Land Use Management Act of 2013 (“SPLUMA”), nor does said Municipality’s current Land Use Scheme make provision for the zoning of farmland.
- 6.7 Consequently the property in question falls squarely within the ambit of Section 26(3) of SPLUMA, which is quoted hereunder for your ease of reference:
- “Where no town planning or land use scheme applies to a piece of land before a land use scheme is approved in terms of this Act, such land may be used only for the purposes listed in Schedule 2 of this Act and for which such land was lawfully used or could lawfully have been used immediately prior to the commencement of the Act.”*
- 6.8 Schedule 2 of SPLUMA, in turn includes “mining purposes”.
- 6.9 In the premises, the Mining Activities (as set out herein), conducted on the property in question are, and were not, in contravention of any Law. The owners were, and are, under no obligation to rezone the property as alleged by Mr Aboud.
- 6.10 The Right Holder, was and is, mindful of the value the community adds to its operations and was accordingly committed to supporting them through the creation of jobs and infrastructure.

Unlawful and Defamatory statements made by Mr Gavin Aboud

7. Mr Aboud in his summary of key objections, on page 2 of the abovementioned letter, makes the following aspersions, which relate to Goosebay Farm (Pty) Ltd and its Director:

“The Directors of this Company have a history of non-compliance with approved plans. The following is relevant:

- *Non Adherence to Mine Plan: they exceeded their approved mining rights. They mined outside their approved boundaries. This is in fact a criminal offence.*
- *Non Adherence to EMP: WUL, Rehabilitation after strip mining i.e. frequent lack of concurrent rehabilitation.*
- *The previous company operated by the directors of this company have not applied for a closure certificate, notwithstanding the fact that the mine has ceased operations. This is also a criminal offence”*

8. I shall now deal *seriatim*, with the unnumbered allegations, contained in Mr Aboud’s abovementioned **2 October 2018** letter:

- 8.1 *“The Directors of this Company have a history of non-compliance with approved plans. The following is relevant:*

8.1.1 The above is denied;

8.1.2 From the contents of what is set out hereunder, it can be seen that the directors of Goosebay Farm (Pty) Ltd have at all times complied with their statutory obligations;

8.1.3 The defamatory nature of Mr Aboud’s comments are noted, and the rights of Goosebay Farm (Pty) Ltd and its Director, are hereby reserved.

- 8.2 *“Non Adherence to Mine Plan: they exceeded their approved mining rights. They mined outside their approved boundaries. This is in fact a criminal offence.”*

8.2.1 The above is denied;

8.2.2 I repeat that, as stated hereinabove, Goosebay Farm (Pty) Ltd mined within the area of its Mining Permits (as amended) and prospected in terms of the Prospecting Right. The Prospecting Right covered the entire area of the Farm of approximately 850 Ha, which was not covered by the Mining Permits;

8.2.3 From the contents of what is set out hereunder, it can be seen that the Directors of Goosebay Farm (Pty) Ltd have at all times complied with their statutory obligations;

8.2.4 The defamatory nature of Mr Aboud's comments are noted and the rights of Goosebay Farm (Pty) Ltd and its Director, are hereby reserved. In particular punitive damages will be sought in respect of the unjustified and unlawful claims by Mr Aboud, that the Right Holder has committed a criminal offence.

8.3 *“Non Adherence to EMP: WUL, Rehabilitation after strip mining i.e. frequent lack of concurrent rehabilitation”*

8.3.1 The above is denied;

8.3.2 From the contents of what is set out hereunder, it can be seen that the Directors of Goosebay Farm (Pty) Ltd have at all times complied with their statutory obligations;

Ongoing and comprehensive rehabilitation strategy

8.3.3 I enclose herewith the following documentation, which clearly shows that Goosebay Farm (Pty) Ltd has an ongoing and comprehensive rehabilitation strategy, which was submitted to, and approved by, the DMR:

8.3.3.1 An overview of the Rehabilitation Plan and Program, entitled: *“Rehabilitation Program – Remaining Extent of Portion 1 of the Farm Woodlands 407, Mining Permit Area 1, Mining Permit Number: FS 30/5/1/3/2/303 MP”*, dated 23 April 2019. The abovementioned document:

8.3.3.1.1 Was submitted to the DMR during 2016, and;

8.3.3.1.2 Has evolved since, in consultation with the DMR;

8.3.3.2 Ongoing Rehabilitation Progress Reports (the most recent of which, is enclosed herewith and entitled *“REHABILITATION PROGRESS SUMMARY FOR GOOSEBAY FARM (PTY) LTD SAND QUARRY OPERATIONS MARCH 2019”*). The abovementioned Rehabilitation Progress Reports:

8.3.3.2.1 Are forwarded to the DMR on an ongoing basis;

8.3.3.2.2 Provide a detailed record of the progress of rehabilitation activities carried out by the Right Holder.

8.3.4 It must be noted, that rehabilitation has often been interrupted due to the sporadic nature of the Mining Process, as is set out more fully hereunder:

8.3.4.1 Bulk Sampling, in terms of the Prospecting Right, only commenced during 2014;

8.3.4.2 The DMR halted Mining Operations during early 2015, by way of a Section 54 Notice (No Mining or Rehabilitation was permitted until the Notice was lifted);

- 8.3.4.3 There were subsequent stoppages of Mining Activities on the instructions of the DMR, *inter alia* whilst the DMR considered the renewal of Mining Permits (in certain instances, out of an abundance of caution, and on the express instructions of the DMR, Goosebay Farm (Pty) Ltd, conducted no Mining, Prospecting or Rehabilitation activities, whilst awaiting confirmation from the DMR that such activities could be continued).
- 8.3.4.4 The most recent renewal of Mining Permits, was granted on the **30th October 2017**, such 3rd renewal of the Mining Permits, expiring on the **29th of January 2018**);
- 8.3.4.4.1 It was only during a subsequent visit from the DMR during **August 2018**, that the then RM of the Free State DMR, the Esteemed Mr Azwihangwisi Mulaudzi, gave further clear instructions as to how the rehabilitation was to be carried out;
- 8.3.4.4.2 Goosebay Farm (Pty) Ltd, strictly adhered to Mr Mulaudzi's instruction regarding rehabilitation, and such instructions were incorporated into the Rehabilitation Program Reports, referred to hereinabove;
- 8.3.4.4.3 Goosebay Farm (Pty) Ltd completed Bulk Earthworks and Fine Grading during 2018, as part of its ongoing comprehensive rehabilitation strategy, to all areas requiring rehabilitation;
- 8.3.4.4.4 All areas have been (and due to adverse climatic conditions, continue to be), reseeded in accordance with the approved Rehabilitation Plan and Program, as is detailed in terms of ongoing Rehabilitation Progress Reports (the most recent of which, is enclosed herewith and entitled "*REHABILITATION PROGRESS SUMMARY FOR GOOSEBAY FARM (PTY) LTD SAND QUARRY OPERATIONS MARCH 2019*");

Goosebay Farm (Pty) Ltd Compliance

- 8.3.5 It is specifically denied that Goosebay Farm (Pty) Ltd contravened the provisions of any Environmental legislation, relating to water usage.
- 8.3.6 From all of the above, it can be seen that the Right Holder has:
- 8.3.6.1 Complied diligently with the DMR's instructions and the relevant legislation;
- 8.3.6.2 Engaged numerous Professional Consultants to assist it with compiling a detailed Rehabilitation Program and Methodology;
- 8.3.6.3 Diligently, and at great expense, executed the DMR's instructions and adhered to the contents of the detailed Rehabilitation Program;

- 8.3.6.4 On an ongoing basis, consulted with the DMR as to the implementation and execution of the methodology and progress of the comprehensive rehabilitation strategy.
- 8.3.7 The DMR's records will show, that the Right Holder liaised closely with the DMR with regards to all of the above, by way of ongoing correspondence.
- 8.3.8 The defamatory nature of Mr Aboud's comments are noted and the rights of Goosebay Farm (Pty) Ltd and its Director, are hereby reserved.
- 8.4 *The previous company operated by the directors of this company have not applied for a closure certificate, notwithstanding the fact that the mine has ceased operations. This is also a criminal offence"*
- 8.4.1 The above is denied;
- 8.4.2 The Right Holder has appointed expert Consultants and is liaising with the DMR, in respect of the following:
- 8.4.2.1 EMP Final Performance Assessment Report;
- 8.4.2.2 Environmental Risk Assessment Report;
- 8.4.2.3 Mine Closure Plan, and;
- 8.4.2.4 A Mine Closure Certificate Application and the respective closure certificate application forms.
- 8.4.3 The DMR's records will show, that the Right Holder liaised closely with the DMR with regards to all of the above, by way of ongoing correspondence.
- 8.4.4 The defamatory nature of Mr Aboud's comments are noted and the rights of Goosebay Farm (Pty) Ltd and its Director, are hereby reserved. In particular punitive damages will be sought in respect of the unjustified and unlawful claims that the Right Holder committed a criminal offence.

Development of Goosebay Farm

9. The three farm portions of the Farm Woodlands, which make up Goosebay Farm, were acquired by Goosebay Farm (Pty) Ltd in 2005. The company which currently owns Goosebay Farm is Goosebay Farm (Pty) Ltd.
10. Goosebay Farm (Pty) Ltd bought Goosebay Farm with the intention of building a state of the art Exclusive Eco and River Lifestyle Estate on said property. In this regard:
- 10.1 The property, which Goosebay Farm (Pty) Ltd has purchased consists of over 8 500 000m² on the Southern banks of the Vaal River;

- 10.2 This development will offer 9 km of river frontage, game viewing, boating, birding, fly fishing, equestrian and a host of other rural activities, in close proximity to the now highly sought after “Vredefort Dome” area;
 - 10.3 It is anticipated that this development will consist of not less than 225 Erven of at least 6000m² each;
 - 10.4 It is anticipated that these vacant Erven will fetch upwards of R 1 500 000.00 each, and that the lodges to be constructed on each Erf will probably cost not less than R 3 500 000.00 each to construct (i.e. minimum area of 350m² at R 10 000.00 per m²). The total value per developed unit will accordingly be approximately R 5 Million.
11. Goosebay Farm (Pty) Ltd, after acquiring the property, launched an application in terms of the Environmental Legislation, to facilitate the proposed development of the property. This application has been approved by the relevant Authorities.
- 11.1 A copy of the relevant authorization is available upon request;
 - 11.2 After notifying the relevant authority as per the authorization, planning and preliminary construction of roads for the Estate has commenced.
12. Goosebay Farm (Pty) Ltd has taken the following steps with regards to the above development:
- 12.1 A team of Professional Consultants was appointed to evaluate, assess and advise on the development of the estate;
 - 12.2 Numerous specialist studies relating to the Fauna, Flora and Farming potential of the property, were commissioned, initially shortly after the acquisition of the property, and thereafter on an ongoing basis. The advice set out in these studies, has been implemented on the farm;
 - 12.3 The farm was restocked with indigenous game, which originally inhabited the area, at enormous cost to the Land Owner:
 - 12.3.1 Breeding Programs in respect of these herds of game have been implemented and the game is protected, fed (during the winter months when necessary), and monitored by the management and staff of Goosebay Farm;
 - 12.3.2 Residents of Vaaloewer can attest to the above, as they no doubt view the game from the comfort of their properties on a daily basis;
 - 12.4 Since Goosebay Farm (Pty) Ltd’s ultimate vision for the Farm (including the proposed initial development of the Mine) involves the development of a “state of the art” Exclusive Eco River and Lifestyle Estate as referred to above. Goosebay Farm (Pty) Ltd has, in addition to the Consultants referred to in 12.1 and 12.2 above, retained the services of:

- 12.4.1 A highly experienced and innovative firm of Environmental Consultants, (Mellett Environmental Strategic Advisors, contact person, Ms Robyn Mellett, Email: robyn@environmentalstrategies.co.za). These consultants are to assist in, *inter alia*, ensuring that the ultimate development of the Eco Estate (and the current proposed Mining), takes place in strict accordance with the applicable Legislation and best practices relating to Environmental Issues, Game Conservation, sustainable farming practices, and proper utilization of resources such as water;
- 12.4.2 A young and dynamic Vaal Triangle firm of Architects and Landscape Architects (Skets Architects and Planning, Contact person: Mader van den Berg, Email Address: mader@skets.co.za), to ensure that the current planning for, and future development of, the Eco Estate and the proposed Mine, is carried out in accordance with current best practices and aesthetic considerations. All of the above to be implemented and monitored in order to protect and enhance the environment of the farm;
- 12.4.3 Umsizi (Contact Person: John-Mark Kilian, Email Address: johnmark@umsizi.co.za), a firm to assist Goosebay Farm (Pty) Ltd with implementing a program relating to Social Responsibility:
- 12.4.3.1 Goosebay Farm (Pty) Ltd as a socially responsible employer, has a policy of empowering and developing the employees who currently assist in running the farm (and the proposed mine);
- 12.4.3.2 These policies involve proper nutrition, on the job training, specialised external training, self-sufficiency with regards to food security (including the growing of vegetables and animal husbandry), proper accommodation, recreation, Life Skills Training, internships and bursary schemes.
- 12.5 Goosebay Farm has also instituted a program of removing invader plant species and furthermore, maintains the Anglo Boer War rebouts (“Boere Skanse”), on the Farm.
13. In short, without laboring the point, Goosebay Farm (Pty) Ltd proposes that the ultimate use of the farm, post the mining, will involve the complete rehabilitation and redevelopment of the Farm into a state of the art and upmarket Exclusive Eco River and Lifestyle Estate.
- 13.1 It is intended that, the vision, extent, quality, infrastructure and locality of the proposed Estate will surpass other Residential Estates developed by the Group of Companies with which Goosebay Farm (Pty) Ltd, is associated;
- 13.2 I firmly believe that a market exists for such a development, given:
- 13.2.1 The ongoing success of the Pont De Vaal Restaurant and Hotel, and other upmarket Residential Developments in the area;
- 13.2.2 The close proximity of the site to the Vaal Triangle and the Johannesburg / Pretoria Metropolitan Areas.

Development of the Proposed Pure Source Mine

14. Goosebay Farm (Pty) Ltd became aware of the mineral potential of the farm shortly after acquiring same. Accordingly:
 - 14.1 Goosebay Farm (Pty) Ltd, initially mined and prospected on the Property, as set out hereinabove, until its Prospecting Right and Mining Permit lapsed;
 - 14.2 Goosebay Farm (Pty) Ltd has subsequently been informed that the current Applicant for the Mining Right, Monte Cristo Commercial Park (Pty) Ltd (“MCCP”), proposes to extract the minerals in a sustainable and sensible fashion, having due regard for all of the issues set out above, in accordance with the safeguards set out above and in strict accordance with all of the applicable Legislation;
 - 14.3 **Should MCCP not extract the minerals, then a strong possibility exists that some Third Party, who does not share Goosebay Farm (Pty) Ltd’s (as landowner) vested concerns and interests, relating to the ultimate destiny and end use of the Farm, may attempt to extract the minerals, without any reference to the concerns of the residents of Vaaloewer, as set out in 14.5 below;**
 - 14.4 **I respectfully ask the residents to bear in mind that such third party may not mine in a fashion, which is in accordance with Goosebay Farm (Pty) Ltd’s long term intentions and philosophy as is set out hereinabove;**
 - 14.5 Vast tracts of the Farm have been disturbed by earlier mining operations prior to Goosebay Farm (Pty) Ltd becoming owner of the Farm. These disturbed areas will be rehabilitated during the development of the Proposed Mine and Exclusive Eco, River and Lifestyle Estate;
 - 14.6 Uppermost in the minds of Goosebay Farm (Pty) Ltd Management are the rights, expectations, and concerns of the residents of Vaaloewer.
15. Based on all of the above, the development of the Mine, is viewed by Goosebay Farm (Pty) Ltd as an interim step in Goosebay Farm (Pty) Ltd’s long term vision for the development of a “state of the art” Exclusive Eco and River Lifestyle Estate on the property.
16. **Mr Mader van den Berg of Skets Architects, will present Goosebay Farm (Pty) Ltd’s vision for the development of the Eco and River Estate, both during and post (once the Mine has closed) mining operations, to the RMDEC on 25 April 2019:**
 - 16.1 It is important to note that the planning and preliminary service construction for the Eco Estate, Game Breeding Programs and Veld Rehabilitation, have already commenced;
 - 16.2 It is also noteworthy that Goosebay Farm currently offers Tourist Accommodation to the General Public, and in fact continued to do so during the entire period that it mined and prospected, such period spanning several years.
 - 16.3 The abovementioned Mining and Prospecting activities had no impact on Tourism, since the area mined formed a very small part of the total Farm Area. Furthermore, the area to be mined at any given time, in terms of the proposed MCCP Mine Works Program, will on average be approximately 7 Ha, whilst the total area of Goosebay Farm exceeds 850 Ha.

Increase in Property Values Due to Eco Estate

17. It is submitted, that the development of the Eco Estate will result in a substantial increase in Property Values in the general area, and also at Vaaloewer. I again re-iterate, that the development of the Eco Estate by Goosebay Farm (Pty) Ltd, has commenced, and it is intended that such development will continue concurrently with the proposed ongoing Mining Activities, to be conducted by MCCP.

Litigation against Goosebay Farm (Pty) Ltd by Mr Abri Hanekom

18. Mr Abri Hanekom, a close associate of Mr Aboud, instituted Legal Proceedings against Goosebay Farm (Pty) Ltd, in the Free State High Court, in relation to Mr Hanekom's objections to Mining Activities on Goosebay Farm.
19. The abovementioned Honorable Court, dismissed both of Mr Hanekom's applications, with costs.
20. My reason for mentioning these issues is:
- 20.1 Certain of the issues raised by Mr Aboud, were also raised by Mr Hanekom in his applications to the High Court. As stated above, the High Court found against Mr Hanekom on two occasions;
- 20.2 To fully ventilate all relevant issues before the RMDEC, and fully appraise the RMDEC of all such issues.
21. I have enclosed copies of both Judgments herewith.

MCCP Public Participation 10 November 2018

22. I also wish to place on record, that certain of the issues raised by Mr Aboud in his abovementioned letter, were dealt with in great detail at the Public Participation Meeting held on **10 November 2018** as part of the Mining Right Application submitted to the DMR by MCCP under Mining Right Application number **FS 30/5/1/2/2/10048 MR**. I have enclosed herewith, written transcripts of these proceedings. Audio Visual Recordings are also available upon request
23. Please do not hesitate to contact our offices, should you require any further information or assistance with regards to this matter.

Yours Faithfully

Mark van Wyk
(Transmitted electronically and therefore not signed)



WEAVIND & WEAVIND

ATTORNEYS, NOTARIES AND CONVEYANCERS

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YOUR REF:
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OUR REF:
Louis van Bergen/J40001

DATE:
17 May 2018

Greenmined Environmental

yolandie.c@greenmined.co.za

Dear Sir/ Madam

PORTION 4 OF THE FARM WOODLANDS 407 NGWATHE LOCAL MUNICIPALITY

1. We act on behalf of Tja Naledi Beafase Investment Holdings.
2. Mining activities are currently being conducted on the abovementioned land in accordance with our client's mining right issued under FS 30/5/1/1/2/10020.
3. It is our instruction the community members situate in close proximity to the property has recently voiced their concern insofar as they are of the view that the property has to be re-zoned for mining purposes.
4. Our client is practising well within the confines of the applicable legislation and it is accordingly unnecessary for the owners to rezone the property.

COMPANY PARTICULARS:

Weavind & Weavind Inc:
Reg. No. 1976/002814/21
VAT NO. 4900106073

BEE CERTIFICATION:

Level 2 Contributor: BBBEE
Sworn affidavit
Practice number: F186

DIRECTORS:

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J E le Roux
J T J van Rensburg
H van Rooy
S van der Merwe
N J Viviers
B C M Ngcobo
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E J van Heerden
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ASSOCIATES:

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T K Lepinka
L G van Biljon
S Oberholzer
M J Uys
D de Bruyn
J C van Zyl
L van Bergen

BUSINESS MANAGER

J J Erasmus

5. It is our instruction that silica sand mining has been conducted on the property since the 1970's and was accordingly not subject to a land use scheme at its commencement.
6. You will appreciate that the Ngwathe Local Municipality has yet to adopt a land use scheme as contemplated in Section 24(1) of The Spatial Planning and Land Use Management Act of 2013 ("SPLUMA") nor does its current Land Use Scheme make provision for the zoning of farmland.
7. Consequently the property in question falls squarely within the ambit of Section 26(3) of SPLUMA which is quoted hereunder for your ease of reference:

"Where no town planning or land use scheme applies to a piece of land before a land use scheme is approved in terms of this Act, such land may be used only for the purposes listed in Schedule 2 of this Act and for which such land was lawfully used or could lawfully have been used immediately prior to the commencement of the Act."

8. Schedule 2 of the Act in turn includes "mining purposes".
9. In the premises the mining activities conducted on the property in question is not in contravention of any Law and we reiterate that the owners are under no obligation to rezone the property as alleged by the members of the community.
10. Our client is mindful of the value the community adds to its operations and it is accordingly committed to supporting them through the creation of jobs and infrastructure.



11. In order to maintain the longstanding relationship between our client and the community it insists that any grievance must be dealt with on the merits and is committed to settle same amicably.
12. Our client has great commercial interest in the aforesaid property and will oppose any application threatening its activities, we do however believe that this will not be necessary.
13. Please be advised accordingly.

Yours faithfully,

Weavind & Weavind
Louis van Bergen



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TOWN COUNCIL
OF
PARYS
TOWN PLANNING SCHEME NO.11965
PART I - GENERAL

ARRANGEMENT OF SCHEME

1. The scheme is divided into parts relating to the following matters respectively:

- Part I - General.
- Part II - Reservation of land.
- Part III - Streets and Building Lines.
- Part IV - Building Restrictions and Use of land.
- Part V - General Amenity and Convenience.
- Part VI - Miscellaneous - Service of Notices.

INTERPRETATION

2. In this Scheme, except where the context otherwise requires or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:

"Administrator" means the officer appointed under sub-section (1) of Section 68 of the South Africa Act 1909, and any amendment thereof acting on the authority of the Executive Committee of the Province.

"Area" means the area described in Clause 3 hereof.

"Board" means the Townships Board as constituted under Section 4 of the Ordinance.

"By-laws" means the by-laws, orders or Municipal regulations for the time being in force in the area.

"Council" means the Town Council of Parys.

"Land" includes land covered with water and any right in or over land. Any reference to land is limited to land in the area.

"Map" means the Map marked "Map No.3" as defined in the regulations promulgated under Administrator's Notice No.18 of 1949.

"Occupier" in relation to any building, structure or land means and includes: -

Any person in actual occupation of, or legally entitled to occupy such building, structure of land; or any person having the charge or management thereof and includes the agent of any person absent from the area or whose whereabouts is unknown.

"Ordinance" means the Townships Ordinance No.20 of 1947 with any amendments thereof.

"Owner" in relation to any building, structure or land means and includes:-

- (a) the person in whose name the title to such building, structure or land is registered and includes the holder of the stand licence; or
- (b) if such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, guardian or in any other capacity whatever; or
- (c) if the premises are under lease the registration whereof is in law necessary for the validity of such lease, the lessee.

When an owner as herein defined is absent from the area or his whereabouts is unknown the expression "owner" includes an agent of such owner or any person receiving, or entitled to receive, rent in respect of the premises.

"Private open space" means any land used or reserved in the scheme as private or club grounds for sports, play, recreation, rest or as an ornamental garden and includes land used as agricultural show grounds, holiday camps, picnic grounds or national festivals.

"Public open space" means any land reserved in this Scheme for use by the public as an open space, park, garden, playground, recreation ground or square.

"Regulations" means the regulations made by the Administrator under Section 58 of the Ordinance and for the time being in force in the Municipality.

"Street" or **"Road"** includes the whole or part of any street, road, bridge, subway, avenue, lane, sanitary lane, or thoroughfare, shown on the general plan of a township or in respect of which the public has acquired a prescriptive or other right-of-way.

“The erection of a building” includes the structural alteration of, or the making of, any addition to, a building.

AREA OF SCHEME

3. The area to which this Scheme applies shall consist of the part of the Municipality which lies within the inner edge of the boundary line coloured dark blue on the Map.

RESPONSIBLE AUTHORITY

4. The Council shall be the authority for enforcing and carrying into effect the provisions of the Scheme.

PART II - RESERVATION OF LAND

RESERVATION OF LAND

5. The several pieces of land specified in Column of Table "A" are reserved for use for the respective purposes indicated in column 2 of the table and, except as hereinafter provided, shall not be used for any other purposes whatsoever except for Municipal purposes with the consent of the Administrator.

TABLE "A"

INDICATION ON MAP OF LAND RESERVED	USES FOR WHICH LAND IS RESERVED
<u>Part I</u> Coloured red and numbered:- 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 53, 54, 55, 56 ¹ , 62 ²	New streets and widening of existing streets
<u>Part II</u> (1) Hatched dark green and numbered 48, 49, 50, 51 (2) Hatched light green	Proposed public open space Existing public open spaces
<u>Part III</u> Hatched dark green with broad and narrow lines and numbered: - 53, 54 ³ , 55 ⁴ , 56 ⁵	Proposed private open space
<u>Part IV</u> Cross hatched light green	Cemetery
<u>Part V</u> Bordered with a broad green line	Town lands (Commonage)

¹ [Amend Part I by adding the numbers 53,54,55 and 56 by A:H/A 16 of 1971, 22 January 1971, G5]

² [Amend Part I by adding no. 62 by A:H/A 97 of 1974, 30 May 1974, G23]

³ [Amend Part III by adding no. 54 by A:H/A 161 of 1968, 4 October 1968, G44]

⁴ [Amend Part III by adding no. 55 by A:H/A 72 of 1969, 25 April 1969, G18]

⁵ [Amend Part III by adding no. 56 by A:H/A 10 of 1970, 30 January 1970, G6]

BUILDINGS ETC. NOT TO BE ERECTED ON RESERVED LANDS

- 6.(a) Save with the consent of the Council and after the consent of the Administrator has been obtained no person shall erect a building, or execute work, or make excavations on land reserved under Clause 5 hereof other than buildings, works, or excavations required for or incidental to the purpose for which the land is reserved.

Provided that any such land may continue to be used for the purpose for which it was used on the date when the Scheme came into operation.

Provided further that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's by-laws in so far as they are not in conflict herewith.

- (b) Save as provided in sub-clause (a) no person shall spoil or waste land reserved under Clause 5 hereof so as to destroy or impair its use for the purpose for which it is reserved.

Provided that the Council may consent to the deposit on such land of waste materials or refuse.

- (c) In giving its consent under this Clause the Council and the administrator may impose such conditions as it thinks fit.

- (d) Nothing in this Clause shall be construed as prohibiting the reasonable fencing of the land.

- (e) The owner of any proposed new township within the area shall provide as public open space the following minimum proportion of the township area:

DENSITY ZONE ⁶	PERCENTAGE OF AREA
595 m ² per dwelling	8.0 %
892 m ² per dwelling	6.0 %
Up to 1071 m ² per dwelling	4.25 %
Up to 1487 m ²	3.0 %

Provided that the Townships Board has the power to dispense or amend this provision.

- (f) The new streets specified in Clause 5, Table "A" Part I shall not be deemed to be public streets until they or any portion of them fall within any township which may be established on the land traversed by such streets, or they are proclaimed as

⁶ [Amend information under "DENSITY ZONE" by replacing measurements with metric measurements by A:H/A 1 of 1965, 29 April 1966, G21]

public roads, or become vested in the Council for that purpose under any other law.

ACQUISITION OF LAND

7. Where the Council has acquired, either by agreement or expropriation, any land (together with buildings, structures or any other erections thereon) reserved under Clause 5 hereof, it may execute thereon such works as may be required for, or incidental to, the purpose for which the land is reserved or for municipal purposes, with the consent of the Administration.

PART III - STREETS AND BUILDING LINES

Streets

SPLAYING OF CORNERS

8. In any township established after the coming into operation of this scheme, or subdivision of erven in existing townships where permitted in this Scheme, the corners of all road junctions shall be splayed for a distance from the intersection of the road boundaries of $5 \cot a$ meters ^{a/2} meter ⁷ (computed to the nearest even number of feet) where "a" is the angle of intersection of the road boundaries.

CLOSING AND DIVERSION OF STREETS

9. The Council may permanently close or divert any street, provided that the Council shall, in the exercise of such power be subject to the provisions of the Local Government Ordinance No.8 of 1962 or any amendment thereof.

Building Lines

BUILDING LINES IN NEW TOWNSHIPS

10. In any township established after the coming into operation of this Scheme there shall be building lines on all the streets, and such building lines shall be at a distance from the boundary of the street of not less than the distance set out in the Table "B".

TABLE "B" ⁸

DENSITY	MINIMUM BUILDING LINES
595 m ²	5m
991 m ²	6m
More than 991 m ²	3m

⁷ [Amend clause 8 by replacing measurements with metric measurements by A:H/A 1 of 1965, 29 April 1965, G 21]

⁸ [Amend Table "B" by replacing measurements with metric measurements by A:H/A 1 of 1965, 29 April 1966, G21]

Provided that in respect of a business zone where no proper setback from the general street line has been provided, the minimum building line for shops, business premises and (if permitted) industrial buildings shall be 3 meter from the boundary of the street.

BUILDING LINES IN EXISTING TOWNSHIPS

11. In the streets or portions of streets set out in the first column of Table "C" the building lines set out in the second column thereof shall be observed.

TABLE C⁹

STREET OR PORTION OF A STREET	BUILDING LINE IN METERS
All the streets in Parys Extension No.2 (Beaumont) except the National road.	6m
National Road Parys Extension No. 2 (Beaumont)	10m
All the existing streets except where a building line is shown on the map or is stipulated under Clause 10 or is determined elsewhere in this table	5m
National road Pistorius Rust ¹⁰	±88,39m

- (i) in coverage zone No. 1 there shall be no building line restriction except on Erf 659 and on Erf 658 it shall be 3m.¹¹
- (ii) in coverage zone No. 2 the building line set out in Table "C" shall apply to any buildings erected in use zones I, II, V, and XI¹², but the line for buildings erected in use zones III, IV and IX shall be 2,5m.¹³

OBSERVATION OF LAND

12.(a) Where a building line for any street or proposed street is shown Building Lines: on the Map or fixed under Clauses 10 or 11 hereof no building other than boundary walls or fences or temporary structures erected in connection with building operations or buildings permitted in pursuance of sub-Clause (a) of Clause 6 hereof, shall thereafter be erected on the land between the building line and the street boundary.

Provided that the Council may, if it thinks fit, permit the erection of a building in front of the building line in the case of comer erven or if on account of the levels of the site or of adjoining land, or the propinquity of buildings already in front of the building line or any other special circumstances, compliance with the building line would interfere with the development of the site.

⁹ [Amend Table "C" by replacing measurements with metric measurements by A:H/A 1 of 1965, 29 April 1966, G21]

¹⁰ [Amend Table "C" by inserting "National Road Pistorius Rust" by Proc. (MEC) 29 of 1998, 8 May 1998, G39]

¹¹ [Amend11(i) by replacing 10 English Ft. with 3m by A:H/A 1 of 1965, 29 April 1966, G21]

¹² [Amend Clause 11 (ii) by inserting use zones I, II, V and XI by Proc. (MEC) 29 of 1998, 8 May 1998, G39]

¹³ [Amend11(ii) by replacing 8 English Ft. with 2.5m by A:H/A 1 of 1965, 29 April 1966, G21]

- (b) Where shops, business premises and (if permitted) industrial building erected in a general business or special business zone conform to a building line fixed under Clauses 10 or 11 hereof, no goods, merchandise, wares or other obstructions shall be placed, deposited, kept or displayed, on the area between the street boundary and any such building line.

PART IV - BUILDING RESTRICTIONS AND USE OF LAND

INTERPRETATION

13. In this part of the Scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them:-

"Building" shall include a structure or erection in Clauses 14 to 18 inclusive, but not elsewhere in this part of this Scheme.

"Buildings for agricultural purposes" means a building designed for and which is normally related to, or which is reasonably necessary in using the land as agricultural land and includes a dwelling-house.¹⁴

"Business premises" means a building designed for use as an office, warehouse, or for other business purposes but does not include a place of instruction or place of amusement, or any buildings mentioned, whether by way of inclusion or exclusion, in the definition of "institution" or a building designed for use as shop, native eating house, public garage, industrial building, or noxious industrial building.

"Dwelling-house" means a house designed for use as a dwelling for a single family together with such outbuildings as are ordinarily used therewith.

"Existing building" and "Existing work" means respectively a building or work erected, constructed or carried out before the date of the approval of this scheme and includes also a building or work:-

- (i) erected, constructed, or carried out in pursuance of a contract made before the said date; or
- (ii) begun before but completed after the said date; or
- (iii) erected, constructed, or carried out in accordance with the terms of any permission granted by the Council pending the preparation and approval of this Scheme.

¹⁴ [Amend by inserting the definition "Buildings for agricultural purposes" by Proc. (MEC) 29 of 1998, 8 May 1998, G39]

"Existing erf" means any erf as defined in the Townships Ordinance No.20 of 1947, and includes any portion of an erf the subdivision of which was approved by the Council before.

"Existing use" means in relations to any building or land, a continuous lawful use of that building or land for the purpose for which it was being used on the date of the approval of the Scheme or in the case of a newly-erected building erected before such date and which has been used before that date, a use for any purpose for which it was designed including, in any case, any use permitted by the Council pending the preparation and approval of this Scheme.

Provided that:-

- (i) the discontinuance of the existing use of a building at any time after the approval of this Scheme for a period exceeding fifteen months shall be deemed to interrupt the use;
- (ii) where, on the date of approval of this Scheme, a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand or the deposit of waste material or refuse, was entitled also to use neighbouring land for any such purpose, such use of that neighbouring land, whether before or after the date of the approval of this Scheme, shall be deemed to be an existing use.

"Feet" means Cape Feet.

"Flat" means any suite of rooms not being a single dwelling- house designed for use by a single family contained in a building having more than one floor and having a common entrance.

"Group Housing" means a group of detached or semi-detached dwelling houses of similar architectural style (each with a ground floor) that constitutes a complex of dwelling houses with open spaces and internal streets, provided that:

- a) should the dwelling houses and it's demarcated sub-premises be sold as subdivisions of the original site, with separate deeds of transfer for each subdivision, the internal streets and open spaces must be designed and built to the satisfaction of the Council and may, if so agreed, be transferred to the Council;
- b) should the dwelling houses and it's demarcated sub-premises not be sold as subdivisions of the original site, it may only be sold by means of sectional title, in which case the internal streets and open spaces will be the liability of the Body Corporate of the sectional title scheme.
- c) no demarcated sub-premises for dwelling houses may be less than 400m²; and

d) the total area of the premises may not be smaller than 1 800m² including internal streets, gardens, service yards and access strips.”¹⁵

“**Guesthouse** – means a permanently inhabited dwelling house with a maximum of ten bedrooms/suites, of which a maximum of eight bedrooms/suites may be let out, which mainly serves as an overnight visitors and tourist accommodation facility and where meals are served in a central dining room by the residing family to overnight guests only, and includes a bed-and breakfast establishment, provided that:

- (a) accommodation may only be made available in the short-term on an overnight basis, in which instance the maximum number of persons that may reside on an erf shall not be more than the number of rooms multiplied by a factor 2.5;
- (b) the building may only be licensed for on-site liquor consumption for residing guests in terms of the Liquor Act, 1989 (Act No. 27 of 1989);
- (c) no self-sustaining accommodation, and, with the exception of a kettle or coffee machine, small fridge and a microwave oven, no separate facilities for the preparation of meals, besides a central kitchen, may be provided on the premises; and no conference or reception facilities or public bar may be permitted on the premises, except for a single lounge with a maximum floor area of 36m² which may only be utilized by residing guests to host meetings, receptions and presentations.”¹⁶

"Industrial building" means a building other than a light industrial building or a noxious industrial building, designed for the purposes of an industry for use as a factory or workshop for the manufacture, processing or assembly of articles, commodities, goods or foodstuffs, or for the manufacture, processing or assembly of products from materials or processed materials and includes within its meaning the following:

- (i) living accommodation required for a caretaker,
- (ii) a warehouse, depository or store,
- (iii) accommodation directly concerned with the maintenance of such aforementioned goods,
- (iv) accommodation required for the retail sale of such aforementioned goods,
- (v) accommodation for the use by employees on the site such as a restaurant and recreational buildings.

Provided that the provision of accommodation for and the retail sale of such aforementioned goods or goods which are ordinarily connected with the sale in

¹⁵ [Insert "Group housing" by Proc. (MEC) 38 of 2009, 28 August 2009, G65]

¹⁶ [Insert "Guesthouse" by Proc. (MEC) 38 of 2009, 28 August 2009, G65]

retail of such goods manufactured, processed or assembled on the premises shall only be permitted with the express approval of the Council. ¹⁷

"Institution" means a building designed for use as a public or charitable institution, hospital, nursing home, sanatorium, clinic or dispensary, whether public or private.

"Land for agricultural purposes" means plough-able land, grazing land, gardens, poultry and bee farming, nursery and land for breeding and keeping live-stock and includes buildings required in connection therewith.¹⁸

"Light industrial building" means a building in which no solid fuel is used in connection with any industrial process and in which the only power driven machines used are those driven by electricity. Provided that with the express permission of the Council the sale of any articles, commodities, goods or foodstuffs manufactured, produced, treated or assembled wholly or partly on the premises may be permitted.

The following activities are classified as Light Industrial, provided that the Council may by resolution add any other light industry to this list:

- Bakery
- Battery charging and repair
- Beverage (soft drink) manufacturer
- Boot and shoe repairer
- Cabinet makers
- Cartage contractor
- Cosmetic manufacturer
- Dairy (Milk depot) wholesale
- Dry cleaning establishment
- Electrical repairing
- Feed manufacturer
- Ice cream manufacturer
- Laundry
- Newspaper office and printing
- Panel beater
- Storage warehouse
- Upholstery
- Welding shop
- Warehouse

Provided further that if in the opinion of the Council the industry concerned, although conforming in the main to the requirements above, is such that it could or

¹⁷ [Substitute existing definition of "Industrial Building" by A:H/A 165 of 1978, 8 September 1978, G37]

¹⁸ [Amend by inserting the definition "Land for agricultural purposes" by Proc. (MEC) 29 of 1998, 8 May 1998, G39]

should be excluded from the "Light industrial " use group, may classify the industry concerned in the "Industrial" use group or several business groups. ¹⁹

"Medium density residential buildings" means attached residential units where no horizontal division but vertical division exists between the residential units, each having a ground floor and/or one floor above ground floor and where every unit has a private garden and service yard irrespective of any communal open spaces arising out of such grouping. No medium density residential building may be erected on an erf of which the area is less than 1785 m².

No medium density residential buildings may be erected in such a manner that they occupy more than 35 % of the erf in which they are to be erected. For the calculation of this coverage, garages and car-ports as well as any essential outbuildings, are excluded. ²⁰

"Noxious industrial building" means a building designed or used for the purpose of carrying on an offensive trade such as:-

blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongering, skin curing, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose works, smelting of ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pig-iron into wrought-iron, forging, converting and carburising iron and other metals, works for the production of, or which employ carbon bisulphide, cyanogen or its compounds, hot pitch or bitumen, pulverised fuel, pyridene, liquid or gaseous sulphur dioxide, sulphur chlorides works for the production of amyl acetate, cellulose lacquers, aromatic esters, butyric acid, caramel, enamelled wire, glass hexamine iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide.

"Place of amusement" includes inter alia, a building designed for use as a public hall, theatre, cinema, music hall, concert hall, billiard saloon, sport arena, skating rink, or dance hall, or for the purpose of exhibition of trade or industry.

"Place of instruction" means a building designed for use as a school, college, technical institute, academy, lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery convent, public library, art gallery ,

¹⁹ [Insert "Light Industrial Building" by A:H/A 165 of 1978, 8 September 1978. G37]

²⁰ [Insert "Medium density residential buildings" by A:H/A 30 of 1981, 23 January 1981, G4]

museum, gymnasium, but does not include a building designed for use wholly or principally as a reformatory or industrial school for mentally defective children.

"Place of public worship" means a building designed for use as a church, chapel, oratory, meeting-house, synagogue or other place of public devotion, and includes a building designed for use as a Sunday School and an institute or other building designed for purposes of social intercourse and recreation within the same site as, and associated with, any of the foregoing buildings but shall not include a funeral chapel which shall be deemed to be a "Special building".

"Public garage" means a building designed for the purpose of the storage, repair and fuelling of motor vehicles and sale of motor spare parts, or for anyone or more of these uses, by way of trade or for purpose of gain.

"Residential building" means a building, other than a dwelling-house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith and includes blocks of flats, boarding houses, hotels, residential clubs, and hostels but does not include any building mentioned whether by way of inclusion or exclusion in the definition of "place of instruction" and "institution".

"Shop" means a building designed for the purpose of carrying on retail trade not being a noxious industrial building or public garage and includes an industrial building on the same premises and ordinarily incidental to the conduct of the retail business thereon.

"Site" in relation to a building includes the piece of ground on which are any offices, outbuildings, yard, court or garden occupied or intended to be occupied therewith.

"Social hall" means a building designed to be used for social meetings, gatherings and recreation and includes a Masonic temple and a non-residential club but does not include a place of amusement.

"Special building" means a building designed for any use other than one of the uses for which buildings herein- before defined are designed.

"Zone" means a portion of the area shown on the map by distinctive manner for the purpose of indicating the restrictions imposed by this part of this Scheme on the erection and use of buildings or the use of land; and the terms "density zone", "use zone" "height zone", "height zone" and "coverage zone" mean zones indicating restrictions as to density, use height and coverage of buildings.

BUILDING USED FOR MORE THAN ONE PURPOSE

- 14.(a) Where a building is used, or a proposed building is designed for more than one use, it shall be treated for the purpose of Clause 15 and 24 hereof as being used or designed partly for each of those uses but for the purposes of other provisions of this part of the Scheme it shall be treated as being used or designed for its predominant use and the Council may, and shall, if the person having control of, or proposing to erect the building, make application for that purpose, decide which is the predominant use.
- (b) the Council shall give notice of any decision under this Clause to the applicant and the person so notified, and the person so notified, if aggrieved by the decision, may appeal.

Erection and Use of buildings and Use of Land.

ERECTION AND USE OF BUILDINGS AND USE OF LAND

15.(a) The purposes:-

- (i) for which buildings may be erected and used;
- (ii) for which buildings may be erected and use only the special consent of the Council, excluding land in the area of the Pistorius Rust Agricultural Holdings.²¹

TABLE D

(1) USE ZONE	(2) REFERENCE TO MAP	(3) PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED OR USED	(4) PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED OR USED ONLY WITH THE SPECIAL CONSENT OF THE COUNCIL	(5) PURPOSES FOR BUILDINGS MAY NOT BE ERECTED OR USED
I Special residential	Coloured density colour	Dwelling-house	Places of instruction, social halls, institutions, special buildings, medium density residential buildings, ²² guesthouse ²³	Other uses not under columns 3 and 4

²¹ [Amend 15(a)(ii) by Proc. (MEC) 29 of 1998, 8 May 1998, G39]

²² [Amend "Special Residential" under Column "4" by inserting "medium density residential buildings " by A:H/A 30 of 1981, 23 January 1981, G4]

²³ [Amend by inserting "guesthouse" by Proc. (MEC) 38 of 2009, 28 August 2009, G65]

II General residential	Hatched orange over a density colour	Dwelling-houses and residential buildings	Places of instruction, social halls, institutions, cafes, coffee houses and special buildings, medium density residential buildings, ²⁴ group housing, guesthouse ²⁵	Other uses not under columns 3 and 4
III Special business	Cross hatched neutral tint over a density colour	Shops, business premises, dwelling-houses, residential buildings	Places of amusement, places of instruction, social halls, special buildings	Other uses not under columns 3 and 4
IV General business	Hatched neutral tint over density colour	Shops, business premises, dwelling-houses, residential buildings, places of public worship, places of instruction, social halls, public garages	Other uses not under columns 3 and 5	Noxious industrial
V General industrial	Hatched purple over a density colour	Light industrial buildings, business premises, shops, public garages	Other uses not under columns 3 and 5	Noxious industrial buildings
VI Special industrial	Cross hatched Purple	Industrial buildings, Business premises, Public garages	Other uses not under Columns 3 and 5	-
VII Educational	Cross hatched blue and orange	Places of instruction, social halls, places of public worship, dwelling-houses	Residential buildings, institutions, special buildings	Other uses not under columns 3 and 4
VIII Municipal purposes	Cross hatched blue	Municipal purposes	Places of instruction, social halls, institutions, special buildings	Other uses not under columns 3 and 4
IX Special	Hatched black with broad and narrow lines	<u>Erven 20 and 21</u> Places of amusement, shops, business premises, dwelling-houses, residential buildings	Places of instruction, social halls and special buildings	Other uses not under columns 3 and 4

²⁴ [Amend "General Residential" under Column "4" by inserting "medium density residential buildings" by A:H/A 30 of 1981, 23 January 1981, G4]

²⁵ [Amend by inserting "group housing and guesthouse" by Proc. (MEC) 38 of 2009, 28 August 2009, G65]

		2. <u>Half of Erf 66</u> Dry-cleaning factory, shops, business premises, dwelling-houses, residential buildings, places of public worship, places of instruction, social halls, public garages	Other uses not under columns 3 and 5	Noxious industrial buildings
IX Special	Hatched black with broad and narrow lines	3. <u>Erf 153</u> Sausage and meat factory, shops, dwelling-houses, residential buildings, places of public worship, places of instruction, social halls, public garages	Other uses not under 3 and 5	Noxious industrial buildings
		4. <u>Portion A of Erf 330</u> Motor panel beaters, café or tearoom, hardware shop, dwelling-houses, residential building	Places of public worship, places of instruction, social halls, institutions, special buildings	Other uses not under columns 3 and 4
		5. <u>Portion A of the western portion of Erf 331</u> Furniture factory, warehouse, dwelling-house, residential building	Places of public worship, places of instruction, social halls, institutions, cafés, tearoom, special buildings	Other uses not under columns 3 and 4
		6. <u>A portion 24m x 37.78m on the corner of erf 376 and remainder of erf 384</u> ²⁶ General dealer, dwelling-house, residential building on both erven	Places of public worship, places of instruction, social halls, institutions, cafés tearooms, special buildings	Other uses not under columns 3 and 4

²⁶ [Amend Table "D", IX Special, number 6, by replacing measurements with 24m x 37.78m by A:H/A 1 of 1965, 29 April 1966, G21]

		<u>7. Remainder of Erf 337</u> Plumbers and builders business, dwelling-houses, residential buildings	Places of public worship, places of instruction, social halls, institutions, cafés, tearooms, special buildings	Other uses not under columns 3 and 4
		<u>8. Erf 426</u> Shoemakers business, dwelling-houses, residential buildings	Places of public worship, places of instruction, social halls, institutions, cafés, tearooms, special buildings	Other uses not under columns 3 and 4
		<u>9. Portion 3 of Erf 456</u> Public garage, café or tearoom, dwelling-houses, residential buildings	Places of public worship, places of instruction, social halls, institutions, café, tearooms, special buildings	Other uses not under column 3 and 4
		<u>10. Erf 458 and the corner of Erf 610</u> on both erven a café or tearoom, dwelling-houses, residential buildings	Places of public worship, places of instruction, social halls, institutions, special buildings	Other uses not under column 3 and 4
		<u>11. Portion A of Erf 521</u> General dealer, tea-room or café, dwelling houses	Places of public worship, places of instruction, social halls, institutions, special buildings	Other uses not under columns 3 and 4
		<u>12. A half portion at the back of Erf 650</u> Mineral water factory, business premises, dwelling-houses, residential buildings, places of instruction, social halls, public garages	Other uses not under columns 3 and 5	Noxious industrial buildings
		<u>13. Remainder of portion A of Erf 504, portion A of Erf 689 and Erf 681</u> A poultry farm, dwelling-houses, residential buildings	Places of public worship, places of instruction, social halls, institutions, café, tearooms, special buildings	Other uses not under columns 3 and 4

	<u>14. Portion 3 of Erf 824</u> A poultry farm Dwelling-houses	Places of public worship, places of instruction, social halls, institutions, special buildings	Other uses not under columns 3 and 4
	<u>15. Remainder of Erf 824</u> General dealer, dwelling-houses, fresh produce shop, restaurant	Places of public worship, places of instruction, social halls, institutions, special buildings	Other uses not under columns 3 and 4
	<u>16. Erf 835</u> Dairy and fresh produce shop to sell milk and milk products, dwelling- houses		Other uses not under columns 3 and 4
	<u>17. A portion of the townlands in extent of approximately 12,848 hectares adjoining Allenby street and Erf 1369</u> ²⁷ Agricultural show grounds and uses in connection therewith stock sale kraals		Other uses not under columns 3 and 4
	<u>18. Erf 328 Schonkenville</u> Administrative offices		Other uses not under columns 3 and 4
	<u>19. Erf 402 Schonkenville</u> Public garage		Other uses not under columns 3 and 4
	<u>20. Erf 355 Schonkenville</u> Community hall		Other uses not under columns 3 and 4
	<u>21. Erf 357 Schonkenville</u> Parking purposes		Other uses not under columns 3 and 4

²⁷ [Amend Table "D", IX Special, number 17, by replacing measurements with 12,848 hectares by A:H/A 1 of 1965, 29 April 1966, G21]

		<u>22.Erf 358</u> <u>Schonkenville</u> Market		Other uses not under columns 3 and 4
		<u>23.Erf 375</u> <u>Schonkenville</u> Hotel		Other uses not under columns 3 and 4
		<u>24.Erf 376</u> <u>Schonkenville</u> Theatre		Other uses not under columns 3 and 4
		<u>25.Erf 449</u> <u>Schonkenville</u> Pizza		Other uses not under columns 3 and 4
		<u>26.Erven 803 & 804</u> <u>Schonkenville</u> <u>Extention No.1</u> Municipal erf for recreational purposes		Other uses not under columns 3 and 4

		<p>27.</p> <p>(i) Horticulture</p> <p>(ii) The erection of buildings for occupation by domestic servants employed on the erf</p> <p>(iii) The erection of outbuildings for use as motor garages</p> <p>(iv) The extension for residential purposes of a dwelling - house which exists on the other portion of the consolidated erf or the extension for residential purposes of a dwelling-house which may be erected on the other portion of the consolidated erf in terms of the conditions of the title applicable on such other portion²⁸</p>		
		<p>28. A portion of Townlands, seven Morgan in extent, adjoining Allenby Road: Drive-in theatre and uses directly connected therewith²⁹</p>		<p>Other uses not under columns (3) and (4)³⁰</p>

²⁸ [Insert item 27 by A:H/A 145 of 1967, 29 September 1967, G41]

²⁹ [Insert item 28 by A:H/A 72 of 1969, 72 of 1969, 25 April 1969, G18]

³⁰ [Insert in column (5) opposite item 28, "Other uses not under columns (3) and (4)" opposite item 28 by A:H/A 72 of 1969, 25 April 1969, G18]

		29. Consolidated erf 1360, remaining extent of erf 159, erf 160, erf 163 and erf 164: such rights of use to which a qualified and graded hotel is entitled by virtue of the stipulations in the Liquor Act no. 30 of 1928, as amended. ³¹		
		30.		
		31. The remainder of erf 786, Places of public worship ³²		
		32. Portion A of erf 316 and portion A of erf 318, Places of public worship ³³		

³¹ [Amend by replacing item "29" with the new purpose for which buildings may be erected or used by A:H/A 279 of 1975, 12 December 1975, G52]

³² [Insert item 31 by A:H/A 88 of 1974, 24 May 1974, G22]

³³ [Insert item 32 by A:H/A 68 of 1975, 14 March 1975, G11]

		<p>33. <u>Erven 2876 to 3010 and 3020 to 3110 and 3116 to 3252 and 3263 to 3374</u> Use: Dwelling houses (Special Residential) Coverage: Maximum of 50% Height: 2 storeys Street building line : 5 m provided that this may be relaxed with consent of the Local Municipality Number of dwelling houses permitted: Only one dwelling per erf shall be allowed Size of dwelling house: No dwelling house will have a floor area ratio of less than 220m² Definition: Dwelling house means a house designed for use as a dwelling for a single family together with such outbuildings as are ordinarily used therewith.</p> <p><u>Erf 3375</u> Use: Boat Club Coverage: 20% Height: 1 storey FSR: 0,2 Building Lines: 5m along street boundaries which may be relaxed with the consent of the</p>		<p>None</p> <p>None</p>
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		<p>Local Municipality Parking: To the satisfaction of the Local Municipality Definition: "Boat Club" means a facility provided for members of the Home Owners Association where they can launch their boats. This facility may include a club house and restaurant.</p> <p><u>Erf 3253</u> Use: Halfway House Coverage: 30% Height: 1 storey Parking: to the satisfaction of the Local Municipality Definition: "Halfway House" means a building which is equipped to provide food and drinks to club members and their guests and to which admission may be only obtained by means of permission by the club management.</p>		None
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		<p><u>Erf 3254</u> ³⁴ Use: Offices Coverage: 40% Height: 2 storeys Building Lines: 5 m along street boundaries which may be relaxed with the consent of Local Municipality Parking: 4 parking bays for every 100m² of office floor area Definition: "Office" means a building (or portion thereof) for professional/ administrative/ general services provision provided that only sales, repair, manufacturing and storage of specialised goods specifically, directly and bona fide necessary for the provision of a professional service will be permitted; and that no goods may be visibly displayed for the general public and that no retail sales, repairs, manufacturing, storage or distribution of any of the goods will be permitted.</p>		None
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³⁴ [Insert erf 3254 in Column 3 by Proc. (MEC) 46 of 2008, 26 September 2008, G78]

		<p><u>Erf 3255</u> Use: Cluster Houses/Golf Lodge Coverage: 50% Height: 2 storeys Building Lines: 5m along street frontages which may be relaxed with consent of Local Municipality. Number of dwelling houses permitted: Not more than 25 units per hectare shall be permitted. Parking: 1 covered parking bay for every residential unit and one uncovered parking bay Definition: "Golf Lodge" means self- catering residential units that can be rented or purchased under a share block scheme.</p>		None
		<p><u>Erf 3256</u> Use: Cluster Houses Coverage: 50% Height: 2 storeys Building Lines: 5 m along street frontages which may be relaxed with consent of Local Municipality Number of cluster houses permitted. Not more than 25 units per hectare shall be permitted.</p>		None

		<p>Parking: 1 covered parking bay for every residential unit and one uncovered parking bay for every residential unit for visitors parking</p> <p>Definition: "Cluster Houses" means a group of two or more dwelling units together with such outbuildings as are ordinarily thereto with each dwelling unit having direct access to a private open area and access to common land, the whole development have been designed as a harmonious entity. Such development may include duplex flats, semi-detached houses, terrace houses, maisonettes or dwelling houses.</p>		
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		<p><u>Erf 3257</u> Use: Boat Storage Coverage: 80% Height: 1 storey Building Lines: 5m along street frontages which may be relaxed with consent of Local Municipality. Definition: "Boat Storage" means a facility where members of the Home Owners Association can rent a lock-up garage to store their boats.</p>		None
		<p><u>Erf 3376</u> Use: Driving Range Coverage: 30% Height: 2 storeys Building Lines: 5m along street frontages which may be relaxed with consent of Local Municipality Parking: To the satisfaction of the Local Municipality Other controls: Subject to a site development plan Definition: "Golf Driving Range" means a facility where the general public can practice golf. This facility may include a restaurant.</p>		None

		<p><u>Erf 3377</u> Undetermined uses Permitted uses: Undetermined (for uses to be determined at a later stage Coverage: To be determined Height: To be determined Building Lines: To be determined Parking: To be determined</p>		Shops, offices, parking garage
		<p><u>Erf 3113</u> Use: Hotel Coverage: 50% Height: 3 storeys FSR: 1,5 Building Lines: 5 m along street boundaries which may be relaxed with consent of Local Municipality Parking: 1 parking bay for every room in the hotel Definition: "Hotel" means a facility offering transient lodging, accommodation to the general public and providing additional services such as restaurants, meeting rooms, entertainment, recreational facilities, and in respect of which a hotel liquor licence has been or is intended to be issued under Schedule 1 of the</p>		None

		<p>Liquor Act, 1995 (Act Number 57 of 1995) as amended but excludes any off sales department.</p> <p><u>Erf 3013</u> Use: Golf Villas Coverage: 50% Height: 2 storeys Building Lines: 5 m along street frontages which may be relaxed with consent of Local Municipality Number of dwelling houses permitted: Total number of units will be limited to 12 units. Parking: 1 covered parking bay for every villa Other controls: Development will be subject to the approval of a site development plan Definition: "Golf Villas" means self-catering residential units that can be rented or purchased under a share block scheme.</p> <p><u>Erf 3014</u> Use: Club House Coverage: 50% Height: 2 storeys Parking: to the satisfaction of the local municipality Size of Club House: The total floor area of the Club House</p>		<p>None</p> <p>None</p>
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		<p>may not exceed 3000 m²</p> <p>Definition: "Club House" means a building which is equipped for the convenience and relaxation of club members and their guests, and to which admission may only be obtained by means of the permission by the club management and includes accommodation, sport, entertainment, shop for sale of golf equipment, dining and reception facilities as well as of a liquor licence with the prior written consent of the Local Municipality.</p>		
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		<p><u>Erven 3011 to 3012 and 3111 to 3112 and 3258 to 3260</u> Use: Golf Course Definition: "Golf Course" means any land reserved and developed for use as a terrain where the game of golf is played, access to which can be obtained only on payment of a fee or on permission granted by the owner or the golf club.</p>		None
		<p><u>Erven 3015 to 3019, 3114, 3261, 3378 to 3379</u> Use: Private Open Space</p>		None
		<p><u>Erf 3253</u> ³⁵ Use: Offices Coverage: 40% Height: 2 storeys Building Lines: 5m along street boundaries which may be relaxed with the consent of the Local Municipality Parking: 4 parking bays for every 100m² of office floor area Definition: Office means a building (or portion thereof) for professional/ administrative/</p>		None
<p>³⁵</p>	<p>[Insert erf 3253 in Column 3 by Proc. (MEC) 46 of 2008, 26 September 2008, G78]</p>			

		<p>general services provision provided that only sales repair, manufacturing and storage of specialized goods specifically, directly and bona fide necessary for the provision of a professional service will be permitted; and that no goods may be visibly displayed for the general public and that no retail sales, repairs, manufacturing, storage or distribution of any of the goods will be permitted.</p> <p>Erf 3254 ³⁶ Use: Halfway House Coverage: 30% Height: 1 storey Parking: to the satisfaction of the Local Municipality Definition: Halfway House means a building which is equipped to provide food and drinks to club members and their quests and to which admission may only be obtained by means of permission by the club management.</p>		
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³⁶ [Insert erf 3254 in Column 3 by Proc. (MEC) 46 of 2008, 26 September 2008, G78]

		<u>Erven 3115, 3262, 3380, 3381</u> Use: Public Roads ³⁷		
X Institutional	Hatched blue over density colour	Institutions, dwelling-houses, residential buildings, crèches	Places of public worship places of instruction, special buildings	Other uses not under columns 3 and 4
XI ³⁸ Agricultural	Hatched blue (Broad lines)	Dwelling-houses and agricultural buildings	Second dwelling and special buildings	Noxious industrial buildings

Provided that:-

- (i) an existing building or an existing work which is not in conformity with the provisions of this Scheme relating to the erection and use of buildings and use of land may be maintained and may be used for its existing purpose and that, subject to the provisions of this Scheme other than those relating to the erection and use of buildings and use of land, it may be altered, extended or rebuilt upon the same site for the same trade, business, industry or purpose for which it is then being used.
 - (ii) Agricultural buildings and buildings ordinarily used in connection with a market, garden or nursery may be erected on any land in the ownership of one person, provided that such buildings may only be erected and used with the special consent of the Council where the area of such land is less than 8.5653 hectare. ³⁹
 - (iii) When a dwelling-house is erected, the main building, which must be a completed building and not one partly erected with the intention to complete it later, must be erected together with or before the outbuildings.
 - (iv) The Council may, subject to Clause 19, give its consent to the erection and use of groups of holiday bungalows or rondavels in Use Zone II.
- (b) No person shall use or cause or allow to be used any building or portion thereof for a use other than that for which it has been erected unless such building has

³⁷ [Amend by inserting erven 3115, 3262, 3380, 3381 by Proc. (MEC) 44 of 2006, 20 October 2006, G79]

³⁸ [Amend Table "D" by inserting "XI Agricultural" by Proc. (MEC) 29 of 1998, 8 May 1998, G39]

³⁹ [Amend Clause 15(ii) by replacing measurements with 8.5653 hectares by A:H/A 1 of 1965, 29 April 1966, G21]

been altered for any such proposed new use and any necessary consent of the Council has been obtained therefore.

- (c) No building for use or occupation by natives other than buildings from occupation by domestic servants shall be erected in any use zone without the consent of the Council.

Provided that buildings for occupation by native domestic servants shall not be erected in any use zone in a position which would be likely to cause injury to the amenities of the neighbourhood.

- (d) In respect of any land in this Scheme but not included in a township, the Council may, subject to the approval of the Townships Board, upon application being made for the establishment of a township permit the allocation of an erf or erven for the purposes set out in use zone II and an erf or erven for general business purposes and an erf or erven for general industrial purposes and an erf or erven for a special purposes in such position and to such an extent and subject to such conditions as it may think fit and subject to such conditions as the Administrator in terms of the Ordinance may impose.

- (e) Subject to the provisions of Clause 17 hereof where any application is made to the Council for its consent to the erection and use of a building in as use zone in which a building of the type proposed may be erected and used only with the Council's consent, the Council may give or withhold its consent and shall in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building.

Provided that consideration shall be given to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood including, without generality to the foregoing, in the case of an industrial building, injury due to the emission of smoke or fumes, or of dust, or smell.

- (f) The applicant if aggrieved by the decision of the Councillor the imposition of any condition under sub clause (e) hereof may appeal.
- (g) In this Clause the expression "the erection and use" of a building for a particular use includes the conversion of the building, whether or not involving the structural alteration thereof, to that use.
- (h) Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's regulations not inconsistent herewith.

USE OF LAND

- 16.(a) The use of the land comprised in a use zone, whether forming the site of a building or not, for a purpose for which in that zone a building may not be erected or used, or may be erected and used only with the consent of the Council, shall not be commenced without the consent of the Council, provided that an existing use of land may be continued.
- (b) No land comprised in any use zone shall be used for the purpose of refuse-tipping, sewage-disposal, scrap-yard, dump-yard, motor-graveyard for used motors or cemeteries without the consent of the Council.
- (c) Subject to the provisions of Clause 17 with respect to applications for special uses, if an application is made to the Council for its consent to the use of land for a purpose for which its consent is required the Council shall notify the applicant of its decision and the applicant, if aggrieved by the decision, may appeal.

ADVERTISEMENTS AND APPEAL IN CERTAIN CASES

- 17.(a) Any person intending to make application to the Council for its consent to the erection and use of a building, or to the use of land in use zones I, II, III, IV, IX and XI whether wholly or partially for any purpose requiring the Council's consent, shall before making such application, publish at his own expense once a week for two consecutive weeks, both in English, and in Afrikaans in a newspaper circulating in an area, a notice of his intention to make such application, and shall, with such application, lodge with the Council proof of such publication. The notice shall state that any person having any objection to the erection and use of the proposed building or to the proposed use of the land may lodge such objection, together with the grounds thereof, with the Council and with the applicant in writing within fourteen (14) days after the date of the last advertisement and shall further state where the plans, if any, may be inspected.⁴⁰
- (b) The Council shall take into consideration any objections received within the said period of fourteen (14) days and shall notify the applicant and the persons of its decision and the applicant and any of the persons aforesaid by the decision may appeal. -
- (c) The decision of the Council shall not take effect until the expiration of the twenty-eight (28) days from the date on which the applicant and the objectors, if any,

⁴⁰ [Amend Clause 17.(a) by inserting use zones I, II, III, IV, IX & XI by Proc. (MEC) 29 of 1998, 8 May 1998, G39]

are notified thereof, or, if an appeal has been made under the provisions of this Clause, until such appeal is disposed of.

SAVING FOR SPECIAL PURPOSES

18. Without prejudice to any powers of the Council derived from any other law, or to the remainder of this Scheme nothing in the foregoing provisions of this Scheme shall be construed as prohibiting or restricting or enabling the Council to prohibit or restrict:-
- (a) The winning of minerals by underground working, or the winning of minerals by surface working as regards any land not included in established townships;
 - (b) the use of land or the erection of buildings required for the purposes of a sports or recreation ground not being a sports or recreation ground ordinarily open to the public on payment of a charge;
 - (c) the letting, subject to the regulations relating to lodging and boarding-houses by any occupant of a dwelling-house of any part of the house otherwise than as a separate tenement;
 - (d) the occasional use of a place for public worship, place of instruction, or institution, as a place of amusement or social hall;
 - (e) the practice, subject to the compliance with the regulations of the Council, by any occupant of a dwelling-house, or residential building of a profession or occupation which does not involve either:-
 - (i) the use of the building as an industrial building or noxious industrial building;
or
 - (ii) the public display of goods whether in a window or otherwise; or
 - (iii) the exhibition of any notice or sign other than a notice or sign ordinarily exhibited on a dwelling-house to indicate the name and profession or occupation of the occupant;
 - (iv) an interference with the amenities of the neighbourhood;
 - (f) the erection or use of structures for the purpose of advertising.

Density

NUMBER OF DWELLING-HOUSES WHICH MAY BE ERECTED AND SUBDIVIDED

19.(a) No dwelling-house shall be so erected that the number of dwelling-houses on an existing erf exceeds the number specified in Table "E" for the density zone in which the existing erf is situated nor shall any dwelling-house be erected on a site having an area less than that specified in the said table for the density zone in which the site is situated.

(b)(i) No land may be subdivided without the consent of the council except in cases where the consent of the Administrator is required for subdivision.

(ii) In areas where according to Table "E" only one dwelling-house per existing erf is permitted, the council shall not grant permission to subdivide, provided that the council may however permit subdivision subject to the condition that any portion that results there from, including the remainder, and which is less than 90 % of the area of the original erf shall not be used for the site of a dwelling-house and further that any such subdivision shall not cause the coverage permitted under the Scheme to be exceeded.

(iii) In areas where according to Table "E" a minimum area for the site of a dwelling is prescribed, the Council may not grant permission to subdivide in such a manner that the area of any portion of such land, including the remainder, is less than the prescribed minimum.

The Council may, however, permit the subdivision of land into portions smaller than the prescribed minimum on condition that no such portion shall be used as the site of a dwelling- house except in the case of an existing erf whereon a building existed prior to 29th June 1955, in which case the Council may permit a subdivision with an area not less than 10 % below the prescribed minimum for use as a site for a dwelling-house provided that as a result thereof the boundary of the subdivided land approaches nearer to straight line and provided that such subdivision does not result in the coverage permitted by the Scheme being exceeded.

(iv) Should the applicant feel aggrieved by the decision of the Council or by any condition imposed under the foregoing sub clause, he may appeal.

(c) Subject to the provisions of Clause 14 hereof and for the purpose of this Clause only the term "Dwelling-house" shall include a "residential building" and an "institution".

TABLE "E"

(1) REFERENCE TO MAP	(2) NUMBER OF DWELLING- HOUSES ALLOWED PER EXISTING ERF	(3) MINIMUM AREA OF SITE IN SQUARE METER REQUIRED PER DWELLING- HOUSE ⁴¹	(4) NUMBER OF DWELLING- HOUSES PERMITTED IN ONE CONTINUOUS ROW
<u>Coloured:</u>			
Washed Yellow	1	-	1
Washed Dark green	-	595 sq. m	1
Washed Pink	-	1071 sq. m	1
Washed Blue	-	1487 sq. m ⁴²	1

Provided:

- (i) that in use zone II the Council may grant consent to the erection and use of more than one holiday bungalow or rondavel on an erf or on the minimum area of a site as prescribed in Table "E", provided that the site for each such holiday bungalow or rondavel is not less than 99 square meter ⁴³ ;
- (ii) that in use zone XI the Council may grant consent to the erection and use of a second dwelling-house on the holding.⁴⁴

ALLOWANCE FOR EXISTING ERVEN UNDER DENSITY

20. Nothing contained in the preceding clause shall be deemed to prohibit the erection of a dwelling-house on an existing erf the size of which is not less than 357 square meter and which has a street frontage. ⁴⁵

ALLOWANCE FOR SPLAYED CORNERS

21. In calculating the area of a corner site the portion thereof cut off by the splay in accordance with Clause 8 shall be included in the area of the site for the purposes of Table "F".

⁴¹ [Amend by replacing "square feet" by "square meter" in heading of column (3) of TABLE "E" by A:H/A 1 of 1965, 29 April 1966, G21]

⁴² [Amend TABLE "E" replacing measurements in column (3) of Table "E" by A:H/A 1 of 1965, 29 April 1966, G21]

⁴³ [Amend clause 19(c)(i) by replacing measurement with 99 square meter by A:H/A 1 of 1965, 29 April 1966, G21]

⁴⁴ [Amend clause 19(c) by addition of (i) and (ii) by Proc. (MEC) 29 of 1998, 8 May 1998, G39]

⁴⁵ [Amend clause 20 by replacing measurements with 357 square meter by A:H/A 1 of 1965, 29 April 1966, G21]

PORTION OF LAND PHYSICALLY SEPARATED

22. Upon the subdivision of any land where any portion of such land is physically separated by the execution or proposed execution, or public works and provided that such portion does not fall below 75 % (seventy-five percent) of the minimum area as laid down in Column 3 of Table "E" for the said undeveloped land such portion so served may be regarded as an existing erf.

DWELLING-HOUSES ONE CONTINUOUS BLOCK

23.(a) The number of dwelling-houses which may be erected in one continuous block may not exceed the number specified in column 4 of Table "E" for any township portion of a township or density zone in which the dwelling-house is situated.

(b) Every dwelling-house shall have on each side between the external wall of the building and the side boundary of the site a space of 1,5m free of all buildings. The full width of the space on each side of the building shall extend from the front boundary of the erf to a line 0.91m⁴⁶ behind the line of the back wall of the building except where such residence and medium density residential is erected behind a shop or business premises when the side space shall extend from the rear wall of the shop or business premises.⁴⁷

(c) The provisions of sub clause (b) of this clause shall apply to all buildings in Use Zones I and II.

Height of buildings

LIMITATION OF HEIGHT OF BUILDINGS

24. No building may be erected in such manner that the height thereof is more than three (3) storeys. Provided that with the prior written consent of the Council which consent the Council is hereby authorised to give on such conditions as it may deem fit, a building higher than three (3) storeys may be erected in Use Zone VI, "Special Industrial".⁴⁸

⁴⁶ [Amend clause 23 by replacing measurements with 1,5m and 0.91m by A:H/A 1 of 1965, 29 April 1966, G21]

⁴⁷ [Amend by inserting " medium density residential" by A:H/A 30 of 1981, 23 January 1981, G4]

⁴⁸ [Amend Clause 24 by A:H/A 195 of 1971, 8 October 1971, G45]

Coverage

PROPORTION OF SITE WHICH MAY BE OCCUPIED BY BUILDINGS

25.(a) No building shall be erected so as to cover a greater proportion of its site than is indicated in Table "F" for be occupied by that zone.

TABLE "F"

(1) COVERAGE ZONE	(2) RESIDENTIAL BUILDINGS	(3) DWELLING- HOUSES	(4) OTHER BUILDINGS NOT UNDER COLUMNS 2 AND 3
1	70% In Use zones III and IV	50%	85%
2	60% In other Use zones – 35%	35%	75%

Provided that:-

- (i) a veranda and/or balcony forming portion of a dwelling-house, residential building, or an institution shall not be taken into account where the outer side of the veranda and/or balcony is not enclosed in any way whatsoever other than by means of a parapet wall not exceeding 1 meter ⁴⁹ in height or a wire gauze screen;
- (ii) where a proposed building is designed for more than one use the maximum proportion of the site to be occupied by the building at the floor level of each storey shall comply with the provisions of Table "F" in respect of the uses of such storey.

(b) For the purpose of this Clause:-

- (i) a building includes fire escapes and all outbuildings on the same site;
- (ii) a dwelling-house includes a building designed externally in the form of a dwelling-house, though intended as dwelling for more than one family.
- (iii) in measuring the area occupied by any floor above ground-floor level, space occupied by the sky-lights, parapets, pitched-roofing, or similar projections in so far as they do not project more than 0,76 meter ⁵⁰ above the level of the floor and space occupied by chimneys shall count as unoccupied space.

⁴⁹ [Amend clause 25(a) (i) by replacing measurement with 1m by A:H/A 1 of 1965, 29 April 1966, G21]

⁵⁰ [Amend clause 25 (b) (iii) by replacing measurements with 0,76 meter by A:H/A 1 of 1965, 29 April 1966, G21]

External Appearance of Buildings

SUBMISSION OF DRAWINGS AND PARTICULARS

- 26.(a) A person, in this Clause referred to as the "Building owner", intending to erect a building in any Use Zone shall furnish the Council (in addition to any plans and particulars required to be submitted under the regulations with drawings or other sufficient indication of the external appearance of the proposed building including such description of the materials to be used in its construction as may be necessary for that purpose (all of which are hereafter in this Clause referred to as "the particulars "). The drawings shall be upon suitable and durable material to a scale of not less than 1:100 except that, where the building is so extensive as to render a smaller scale necessary the drawings may be to a scale of 1:200.⁵¹
- (b) The council shall within thirty (30) days from the submission to it of particulars under this Clause:
- (i) approve the particulars; or
 - (ii) if it considers that having regard to the character of the locality or of the buildings erected or proposed to be erected therein, the building would disfigure the locality by reason of its external appearance disapprove the particulars and shall forthwith give notice of its decision to the building owner and if it disapproves, of the reasons for its decision.
- (c) Within twenty-eight (28) days after receiving notice of the decision of the Council the building owner, if aggrieved by the decision, may appeal and the grounds of his appeal may include the ground that compliance with the Council's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and the neighbouring buildings.
- (d) No person shall commence the erection of any building until such time as the particulars hereinbefore referred to have been approved by the councillor by the Board on appeal.

⁵¹ [Amend clause 26 (a) by replacing drawing scales with 1:100 and 1:200 by A:H/A 1 of 1965, 29 April 1966, G21]

PART V - GENERAL AMENITY AND CONVENIENCE

ADVERTISEMENTS AND BOARDINGS

- 27.(a) No advertisement boarding's shall be erected or advertisements be displayed without the consent of the Council.

Provided that the consent of the Council, granted under this Clause, shall not in any way be taken to excuse compliance with the regulations of the Council, if any such regulations exist, relating to the erection and display of advertisement boarding's and advertisements.

- (b) If an application is made to the Council for its consent under this Clause the Council shall be entitled to impose such conditions as it may deem fit governing the erection and use of any boarding such or advertisement,

provided that consideration shall be given to the question whether the proposed boarding or the display of the proposed advertisement is likely to cause injury to the amenities of the neighbourhood.

- (c)⁵² No hoarding or advertisement may be erected in use zones I, II and XI ⁵³ provided, however, that with the consent of the Council such hoarding or advertisement, the size, location and nature of which is subject to the approval of the Council, may be erected in respect of a hotel, bottle store, café or tearoom and undertakings which, in the opinion of the Council, provide temporary accommodation to holiday-makers ⁵⁴ and tourists in the zones mentioned: Provided further that the provisions of this sub-clause shall not apply to a brass plate or board not exceeding 0,61m x 0,46m ⁵⁵ in size, affixed to the fence or entrance door or gate of a dwelling-house, and, in the case of a residential building, to the wall of the entrance hall or the entrance door of a flat, or to the display of an advertisement relating solely to an entertainment, meeting, auction or sale to be held upon or in relation to the premises upon which such advertisement is displayed, provided that the advertisement does not contain letters, figures or advertising emblems or devices exceeding 0,15 m in height and does not exceed a height of 3,66 m ⁵⁶ from the ground.

⁵² [Substitute Sub clause 27 (c) by A:H/A 99 of 1968, 21 June 1968, G27]

⁵³ [Amend Sub clause 27 (c) by inserting use zones I, II and XI by Proc. (MEC) 29 of 1998, 8May1998, G39]

⁵⁴ [Amend Sub clause 27 (c) by inserting words which concern temporary accommodation to holiday-makers by A:H/A 128 of 1971, 18 June 1971, G28]

⁵⁵ [Amend clause 27 (c) by replacing measurements with 0,61m x 0,46m by A:H/A 1 of 1965, 29 April 1966, G21]

⁵⁶ [Amend clause 27 (c) by replacing measurements with 0,15m and 3,66m by A:H/A 1 of 1965, 29 April 1966, G21]

- (d) The Council may, subject to the provisions of this Clause, authorise the display or any particular class of advertisement either unconditionally or subject to conditions in respect of the position or manner in which, or the period in which, the advertisement may be displayed.

PART VI - MISCELLANEOUS

PERMISSION GRANTED BEFORE APPROVAL OF SCHEME

28. The Council may in its discretion permit, in before approval accordance with the terms of permission granted pending the preparation or approval of this Scheme the erection of a building or the carrying out of works for which the permission was granted but which has not been commenced before the date of the approval of this Scheme.

BINDING FORCE OF CONDITIONS IMPOSED

29. Where permission to erect any building of execute any works or to use any building or land for any particular purpose or to do any other act or thing is granted under this Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of this scheme.

APPROPRIATION OF LAND FOR OTHER USES

30. Land belonging to the Council (other than land reserved under part II, Table "A" parts I, II, III and V, of this Scheme) may be appropriated for any other purpose approved by the Administrator for which the Council is authorised to acquire land and which is not inconsistent with the provisions of this Scheme.

ENTRY AND INSPECTION OF PREMISES

- 31.(a) The Council shall have power, by its duly authorised officers, and after giving not less than forty-eight (48) hours notice to the owner or occupier of any premises within the area, to enter into and upon such premises at any time between the hours of nine in the forenoon and four in the afternoon, for the purposes of any inspection which the Council may deem necessary or desirable for the purpose of this Scheme.
- (b) No person shall in any way hinder obstruct or interfere with any duly authorised officer of the council, or cause, or in so far as he has any authority, permit such officer to be hindered, obstructed or interfered with in the exercise of the powers hereby granted.

CONTRAVENTION OF SCHEME

32. Any person who commits, or permits, a contravention of any of the provisions of this Scheme or of the requirements of any order or notice issued or conditions imposed under the provisions of this Scheme, shall be deemed to have contravened the provisions of this Scheme.

APPEALS

- 33.(a) Where provision is made in this Scheme for an appeal from a decision of the Council, the appeal shall be to be Board, whose decision shall be final.
- (b) If the decision is one which the Council is required to give upon the application of any person or upon the submission by any person of plans or proposals, an appeal shall, in addition, lie against a refusal of the Council to give, or unreasonably delay on its part in giving a decision, as if it were an appeal against a decision of the Council.
- (c) Written notice of an appeal shall be given to the Board and to the Council. If the appeal is against a decision of the Council the notice shall be given within twenty-eight (28) days from the date of the service on the appellant of the notice of the Council's decision.
- (d) The board may, on the application of any person desiring to appeal to it, extend by not more than twenty-eight (28) days the time for making the appeal specified in the last preceding paragraph whether or not the time specified for making the appeal has expired.
- (e) The Board may affirm, vary, or reverse the decision of the Councillor, if the Council has refused or has unreasonably delayed to give a decision, may give any decision which it would have been competent for the Council to give.
- (f) The Board may order by whom, and in what manner, any costs incurred in connection with the appeal shall be paid, and any costs so ordered to be paid shall be recoverable as a civil debt.

RECORD OF PERMISSION AND CONDITIONS

34. The Council shall keep, so as to be available for mission and inspection at all reasonable times by any person conditions: interested, a record of approvals, consents authorities or permissions granted by it, or on appeal from the decision under any provision of this Scheme, and of any conditions imposed or agreed between the Council and the applicant in connection therewith.

INSPECTION OF SCHEME

35. The Council shall permit any person to any reasonable time this Scheme and the Map deposited in the offices of the Council.

SERVICE OF NOTICES

36.(a) Any order, notice, or other document, required or authorised to be served under this Scheme may be signed by the Town Clerk or other official duly authorised thereto, and may be served by delivery of a copy thereof in one or other of the following manners:-

- (i) To the said person personally, or to his duly authorised agent, or
 - (ii) if service cannot be effected in terms of the preceding paragraph at his residence or place of business or employment to some person apparently not less than sixteen (16) years of age and apparently residing at or employed there; or
 - (iii) if there is no such person on the premises as is mentioned in the preceding paragraph by fixing such order, notice or other document, on some conspicuous part of the premises and by despatching such order, notice or other document by prepaid registered post in an envelope whereon the latest known address is written, and this may be the latest known residence business or work place or post box number.
 - (iv) if such person to be served has chosen a domicilium citandi, at the domicile so chosen.
- (b) Where any service is effected in accordance with the provisions of paragraph (iii) of the preceding sub-clause, such service shall be deemed to have been effected at the time when the letter containing such order, notice, or other document, would have been delivered in the ordinary course of post and, in proving such service, it shall be sufficient to prove that the order, notice, or other document, was properly addressed and registered.
- (c) Any order, notice, or other document, by this Scheme required to be given to the owner or occupier of any particular premises, may be addressed by the description of the "owner" or "occupier" of such premises in respect of which the order, notice, or other document, is given, without further name or description.

SAVINGS FOR POWERS OF COUNCIL

37. Nothing in this Scheme shall operate to prevent powers of the Council erecting, maintaining, or using, any building work, or land, in any part of the area for the purpose of any undertaking which it may be empowered to carry out under any other law.

SHORT TITLE

38. This Scheme shall be known as the PARYS TOWN PLANNING SCHEME No.1 of 1965.