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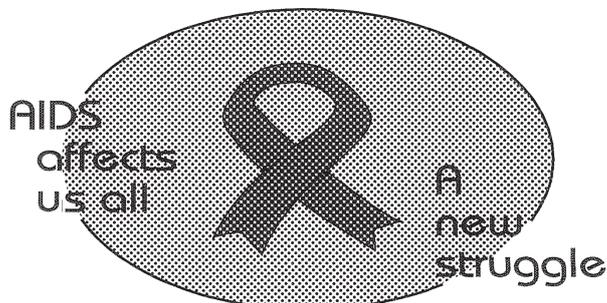
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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 506 OF 2022

CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
CITY OF EKURHULENI LAND USE SCHEME, 2021
CORRECTION OF ERRORS OR OMISSIONS NOTICE C0018C

It is hereby notified in terms of the provisions of Section 26(3) of the City of Ekurhuleni Spatial Planning and Land Use Management By-law, 2019, that the City of Ekurhuleni Metropolitan Municipality has corrected the following error or omission in the City of Ekurhuleni Land Use Scheme, 2021 (an approved Scheme as per Local Authority Notice 200 of 2022 dated 16 February 2022), vide item A-CP (02-2021) CPOC, resolution 7.

1. The correction of Clause 6. the definition of “Household”, to be replaced by the following wording:

“**HOUSEHOLD**: means an individual or a couple with or without their family and may also include a group of not more than 4 (four) unrelated persons living together as a family and does not include the subletting of a **Dwelling House** or **Dwelling Unit** or rooms therein. For the purposes of this **Scheme**, **Family** shall have the same meaning.”

2. The correction of Clause 7.6(a)(ii), to be replaced by the following wording:

“(ii) the letting of a **Dwelling House** or **Dwelling Unit** in such a manner, that not more than one **Household** may reside therein: Provided that if any additional persons and guests are to be accommodated, the use will be construed as a **Guest House** or **Bed and Breakfast** subject to Clause 6 and Table B.”

3. The correction of Clause 11.2, to be replaced by the following wording:

“11.2 The **Building Lines**, as stated in Table C may be relaxed by means of a Building Line Relaxation application, in accordance with Section 62 of the **By-law**, read with Clause 30.3 of the **Scheme**. Garages on Residential 1 and 2 zoned erven shall be in accordance with Figures 4a, 4b and 4c.”

4. The correction of Clause 23.3(c) to be replaced by the following wording:

“Clause 23.3(b) is subject to the provisions of Section 53 (4) & (5) of the **By-law** and for the purposes of notification to an adjoining owner, a subdivision in terms of Clause 23.3(b) shall be regarded as a ‘prescribed consent use application’ in terms of Section 12(2)(e) of the **By-law**.”

5. The correction of Table G, by the following insertion:

“11 – Public Garage – 2 – 60% - N/A – N/A – N/A”

6. The correction of Table H, by the following amendment:

“Boarding Houses – 0.5 parking spaces per bedroom”

7. The correction of Clause 30, to be replaced by the following wording:

30 WRITTEN CONSENT OF THE MUNICIPALITY

This Part deals with the administration of **Land Use Rights**. The **Municipality** may, in terms of the **By-law**, approve or refuse **Applications** for the following and may impose any conditions it deems necessary, and such **Applications** shall be subject to any relevant approved Policy:

- (a) **Written Consent A** of the **Municipality**
- (b) **Written Consent B** of the **Municipality**
- (c) **Building Line Relaxation**

30.1 WRITTEN CONSENT A OF THE MUNICIPALITY

30.1.1 Applications requiring only an **SDP**, in terms of Schedule 90 to the **By-law**, shall ensure that same

complies with the requirements of Clause 29. Should the **Municipality** approve the **SDP**, it shall be regarded as a **Written Consent A** having been approved, provided that the **Municipality** may require the **Applicant** to comply with Section 12 of the **By-law** and/or provide any additional information.

30.1.2 Applications requiring only a building plan, in terms of Schedule 90 to the **By-law**, shall ensure that same complies with the **National Building Regulations**. Should the **Municipality Approve** the building plan, it shall be regarded as a **Written Consent A** having been approved, provided that the City Planning: Operations Division has recommended the building plan for **Approval**. The **Municipality** may require the **Applicant** to additionally comply with Section 12 of the **By-law** and/or provide any additional information.

30.1.3 No **Written Consent A** may be approved by the **Municipality**, contrary to a restrictive condition contained within a Title Deed / Deed of Transfer to an **Erf**.

30.2 WRITTEN CONSENT B OF THE MUNICIPALITY: COUNCIL OWNED LAND

30.2.1 An **Application** for **Written Consent B** shall only be permitted on land owned by the City of Ekurhuleni Metropolitan Municipality;

30.2.2 CONDITIONS REGULATING MUNICIPAL PURPOSES AS A WRITTEN CONSENT B APPLICATION

A Written Consent B Application is subject to strict compliance with the following conditions, should any of these conditions not be met then an alternative Land Use Application process must be considered as provided for in the by-law:

- (a) On **Farm Portions** and **Agricultural Holdings**, **Municipal Purposes** may be permitted to the extent that it does not constitute an illegal township as defined in the **By-law**;
- (b) The size of the subject property must be able to comply with the requirements of Table G and parking requirements of Table H.
- (c) The proposed use must be compatible with the adjacent **Land Uses**;
- (d) The proposed use/s must comply with the requirements of the approved relevant Policy, Regional Spatial Development Framework or Precinct Plan or Local Spatial Development Framework;
- (e) The proposed use must comply with any requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Local Government Ordinance, 1939 (Ordinance 17 of 1939) when necessary;
- (f) The **Municipality** must be satisfied that **Engineering Services**, social infrastructure and **Open Spaces** can be provided and installed.

30.3 BUILDING LINE RELAXATION

30.3.1 The **Municipality** may on application relax the **Building Line** stipulated in Table C for properties in any Use Zone, if such relaxation would, in its opinion, constitute an improvement in the development of the **Property**.

30.1.2 The Municipality may permit that an application for the relaxation of a **Building Line**, be considered as part of a building plan approval process, provided that the same complies with the **National Building Regulations**. Should the **Municipality Approve** the building plan, it shall be regarded as a **Building Line Relaxation Application** having been approved. For the purposes of notification to an affected owner, a **Building Line Relaxation** in terms of Clause 11 shall be regarded as a 'prescribed **Consent Use Application**' in terms of Section 12(2)(e) of the **By-law**."

This correction shall come into operation from date of publication of this notice.

Dr Imogen Mashazi, City Manager, City of Ekurhuleni Metropolitan Municipality, 2nd Floor, Head

Office Building, Corner Cross and Roses Streets, Private Bag X1069, Germiston, 1400
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