



**MANGAUNG**

LOCAL MUNICIPALITY  
PLAASLIKE MUNISIPALITEIT  
LEKGOTLA LA MOTSE

DIRECTORATE ECONOMIC  
DEVELOPMENT & PLANNING

*Environmental Management*

# URBAN OPEN SPACE POLICY

*September 2004*



**towards  
sustainable  
development**

*City on the move*

SECOND DRAFT

# TABLE OF CONTENTS

<b>1. POLICY FOCUS .....</b>	<b>4</b>
<b>2. DEFINITIONS .....</b>	<b>4</b>
<b>3. RESPONSIBILITIES .....</b>	<b>8</b>
3.1.1 <i>Local Government Responsibilities .....</i>	8
3.1.2 <i>Civil Responsibilities .....</i>	8
<b>4. OUR YEAR 2020 VISION FOR URBAN OPEN SPACES .....</b>	<b>8</b>
4.1. CITIZEN RIGHTS .....	9
<b>5. GENERAL POLICY PRINCIPLES .....</b>	<b>9</b>
5.1. IMPLEMENTATION OF THE URBAN OPEN SPACE FRAMEWORK .....	10
5.2. SECTORAL APPROACHES TO THE UOSF .....	11
<b>6. CONSERVATION AND MAINTENANCE.....</b>	<b>11</b>
6.1. MAINTENANCE OF PUBLIC OPEN SPACES .....	11
6.2. WATERING POLICIES .....	12
6.3. CONSERVATION .....	12
6.4. SAFETY AND SECURITY .....	12
<b>7. DESIGN AND DEVELOPMENT .....</b>	<b>12</b>
7.1. COMMUNITY BENEFITS.....	12
7.1.1 <i>Personal benefits.....</i>	12
7.1.2 <i>Social benefits.....</i>	13
7.1.3 <i>Economic benefits .....</i>	13
7.1.4 <i>Environmental benefits .....</i>	14
7.2. URBAN OPEN SPACE DESIGN PRINCIPLES .....	14
7.3. URBAN OPEN SPACE DEVELOPMENT PRINCIPLES .....	14
7.4. COMMUNITY CONSULTATION DURING DEVELOPMENT .....	15
<b>8. LAND USE .....</b>	<b>17</b>
8.1. GENERAL USE OF URBAN OPEN SPACES .....	17
8.1.1 <i>Co-ordination and Management .....</i>	17
8.1.2 <i>Disturbance of the Peace.....</i>	17
8.1.3 <i>Prohibited actions .....</i>	17
8.1.4 <i>Entrance Fees and times .....</i>	19
8.1.5 <i>Exclusive use of a public amenity .....</i>	20
8.1.6 <i>Liquor and Foods .....</i>	20
8.1.7 <i>Animals.....</i>	20
8.1.8 <i>Use of a public amenity.....</i>	20
8.1.9 <i>Vehicles.....</i>	21
8.1.10 <i>Use of Water/Lake.....</i>	21
8.1.11 <i>Offences and penalties.....</i>	21
8.2. INDUSTRIAL & COMMERCIAL.....	21
8.3. AGRICULTURAL.....	21
8.3.1 <i>Relevant Legislation of Agricultural uses of Urban Open Spaces .....</i>	21
8.3.2 <i>Zoning of Urban Open Spaces for Agricultural uses .....</i>	22
8.3.3 <i>Keeping of Livestock.....</i>	22
8.3.4 <i>Commonages.....</i>	24
8.3.5 <i>Kraal Systems.....</i>	25
8.3.6 <i>Vegetables, cutflowers and agricultural crop production .....</i>	28
8.4. OUTDOOR ADVERTISING .....	29
8.5. COMMUNITY BASED PROJECTS .....	29
8.6. HAWKING AND TRADE .....	29
8.7. CHURCHES .....	29

8.8.	RESIDENTIAL USES .....	30
8.9.	SPORTFIELDS AND FACILITIES.....	30
8.10.	URBANCONSERVATION .....	30
8.11.	CEMETERIES .....	30
<b>9.</b>	<b>ALIENATION OF URBAN OPEN SPACES .....</b>	<b>32</b>

# 1. POLICY FOCUS

The focus of this policy document is aimed at defining the official position of the Mangaung Local Municipality towards the conservation and maintenance of its urban open spaces, the utilisation thereof by various users, the design and development of current and additional urban open spaces as well as the alienation of certain areas which is not suited as urban open spaces.

Furthermore the incorporation of previously existing policies as well as new issues emerging from the discussions in the formulation of the Urban Open Space Framework was included within this policy.

## 2. DEFINITIONS

In this policy, unless the context otherwise indicates, an expression to which a meaning has been assigned in the Local Government Ordinance, 1962 (Ordinance No 8 of 1962), the Structures Act and the Systems Act or any other applicable legislation, shall have the meaning so assigned to it, and –

- Agriculture:** means the use of land for afforestation, animal husbandry or for the production of crops for human and animal consumption. [PLAGR-1.20]
- Birds:** birds and pigeons both exotic and indigenous kept for breeding purposes in the pet or food market. [PLAGR-1.17]
- Commercial production:** the primary purpose is to raise enough animals/agricultural produce for sale, and secondary for occasional home consumption. Depending on the size of the enterprise, such commercial concerns are either smallholder or larger scale enterprises. [PLAGR-1.26]
- Commonage:** municipal owned land obtained, and reserved for the purpose of future urban growth, which may, by proclamation or notification also be utilized for other purposes such as agriculture in the interim. [PLAGR-1.23]
- Community Based Organization (CBO):** is an organization of and driven mainly by private individuals from the relevant community, with representation of institutions which provide scientific, financial and social support. Such institutions may be assisted by tertiary educational facilities or private companies, government departments or the MLM. [PLAGR-1.28]
- Council:** [BLPOS] means the municipal council of the Mangaung local municipality, its legal successors in title and its delegates;
- Cut and carry:** an agricultural activity which refers to the cutting of natural veld hay or other plant food sources and the transporting of such hay or food to a collective livestock unit. (Refer to community kraal). [PLAGR-1.14]
- Dogs and cats:** and domesticated pets, are deemed excluded from the policy. [PLAGR-1.18]

<b>Domesticate pets:</b>	tamed animals which are classified as not being game animals and other than dogs and cats, such as guinea pigs, hamsters, white rates and mice, etc. [PLAGR-1.19]
<b>Environmental Impact Assessment:</b>	(EIA's) as prescribed by the applicable regulations of the Environmental Conservation Act, (Act 73 of 1989). [PLAGR-1.27]
<b>Extensive:</b>	in relation with agricultural activities means, when used in relation to animal husbandry, the traditional, low-density occupation and stands in direct relation to the carrying capacity of the land without the provision of additional feed or nutrition. [PLAGR-1.21]
<b>Farmland:</b>	agricultural land situated within the boundaries of the area of jurisdiction of the MLM, but not included in either urban or peri-urban areas as defined. [PLAGR-1.9]
<b>Government owned with community/CBO interest or control:</b>	Includes tribal-, trust land, etc. [PLAGR-1.12]
<b>Government/parastatal land:</b>	Utilized for agricultural purposes – leased from government – or in the process of, or with option to purchase land. [PLAGR-1.11]
<b>Intensive:</b>	in relation with agricultural activities means, when used in relation to animal husbandry, a high-density of occupation and is not connected to the carrying capacity of the land due to the provision of additional feed or nutrition. [PLAGR-1.22]
<b>Lake:</b>	[BLPOS] means any body of water situated within the municipality and which is under the direct control of the Municipality, “dam” has a corresponding meaning;
<b>Large Stock Unit (LSU):</b>	According to the grazing capacity norms laid down by the Department of Agriculture for the central grass veld of the Free State, one LSU requires 6 ha of veld per year. The carrying capacity of veld differs according to climate and veld condition. The latter should be determined regularly by grassland scientists. The LSU is not equal to one head of cattle, because the defined LSU is based on the daily energy requirement (food intake per day) by a specific animal. The energy requirement of animals varies according to their body mass and production function (maintenance, growth, gestation or lactation). [PLAGR-1.3]
<b>Lease agreement:</b>	a written agreement entered upon between Council and an individual or legal entity (group of people, company, organization or CBO) in accordance with foregoing communication. [PLAGR-1.13]
<b>Livestock:</b>	refers specifically to cattle, pigs, sheep, goats, horses and donkeys. [PLAGR-1.15]
<b>Municipal area:</b>	[BLPOS] means the area comprised and included within the municipal boundaries of the Council as determined by the Municipal Demarcation Board in terms of the Municipal Demarcation Act;

<b>Municipal Land Committee:</b>	a sub-committee advisory to the Section 80 Committee: Rural Development, with prescribed composition addressing internal and external stakeholders within the ambient of urban and peri-urban agriculture environment. [PLAGR-1.4]
<b>Municipal manager:</b>	[BLPOS] means a person appointed in terms of section 82 of the Municipal Structures Act;
<b>Municipality:</b>	[BLPOS] means the Mangaung local municipality, and when referred to as – <ul style="list-style-type: none"> <li>(a) an entity, means a municipality as described in section 2 of the Systems Act; and</li> <li>(b) a geographic area, means a municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998)</li> </ul>
<b>Peri-urban:</b>	any area which can be described as surrounding the Urban area (see definition above) within city boundaries. [PLAGR-1.6]
<b>Permaculture:</b>	is the approach to land use which integrates climate, plants, animals, soil and water management, as well as human needs, into highly productive communities. It is a way of using natural means to provide for oneself, one's family and the community. It also teaches the use of natural resources and the recycling of what would normally be considered waste. [PLAGR-1.24]
<b>Poultry:</b>	refers to fowls, ducks, geese, turkeys and Muscovy ducks and these birds are excluded from the term livestock. [PLAGR-1.16]
<b>Prescribed fees:</b>	[BLPOS] means the fees as determined from time to time by the Council by means of resolution;
<b>Private land:</b>	Utilized for agricultural or any other purpose, based on title ownership, long term lease or by proxy [PLAGR-1.10]
<b>Public amenity:</b>	[BLPOS] means: <ul style="list-style-type: none"> <li>(a) any land, square, camping site, swimming-pool, public resort, sports complex, nature reserve, zoological, botanical or other garden, park or biking trail, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street;</li> <li>(b) any building, structure, hall, room or office including any part thereof on any facility or apparatus therein, which is the property of, or is possessed by, controlled or leased by the Municipality and to with the general public has access, whether on payment of admission fees or not;</li> <li>(c) also any public amenity contemplated in subsection (a) or (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the Municipality;</li> </ul>
<b>Public place:</b>	[BLPOS] includes any street, road, thoroughfare, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in any deeds' registry or surveyor-general's office and all land (other than erven shown on the general plan) the control whereof is vested, to the entire exclusion

of the owner, in the Municipality or to which the owners of erven in the township have a common right;

- Public road:** [BLPOS] means any road, street, thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public or any section thereof has a right of access and includes –
- (a) the verge of any such road, street or thoroughfare;
  - (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
  - (c) any other work or object forming part of or connected with or belong to such road, street or thoroughfare,
- Section 80  
Committee: Rural  
Development:** a committee which functions supportive to the Mayoral Committee (Maycom) and is responsible for orderly planned Rural Development, including urban and peri-urban agriculture. [PLAGR-1.2]
- Smallholders:** land owner(s) or lessee(s) of a small holding. [PLAGR-1.8]
- Smallholding:** agricultural land zoned as such in terms of an approved town planning or land use scheme and of size between 2.5 and 10ha [PLAGR-1.7]
- Subsistence  
production:** the primary purpose being to meet family needs, and involves little or no commercial exchanges. Little or no investment is made into the feeding or health care of the animals. [PLAGR-1.25]
- Urban:** an established and proclaimed township with an Erven Register [PLAGR-1.5]

## **3. RESPONSIBILITIES**

### **3.1.1 Local Government Responsibilities**

The South African Constitution (Act 108 of 1996) guarantees everyone the right to an environment that is not harmful to their health or well being. Further, the Constitution commits all levels of government to sustainable development so as to ensure that the environment is protected for present and future generations. The Mangaung Local Municipality's constitutional roles and responsibilities are reinforced in the commitment of the municipality to the principles contained in this policy.

Mangaung Municipality will implement this policy as part of an integrated environmental management strategy. This strategy will give direction to the municipality's activities and programmes and thereby promote sustainable development of its open spaces. Management of the open spaces of the MLM is also guided by national as well as international law and legislation.

### **3.1.2 Civil Responsibilities**

The variety of urban open spaces within the MLM, its protection and enhancement, is the responsibility of all that inhabit, or visit the Municipality. This responsibility will be enhanced and promoted by local government while civil society will play an active role in supporting, ensuring and monitoring the implementation of the policy.

## **4. OUR YEAR 2020 VISION FOR URBAN OPEN SPACES**

The development and management of the urban open spaces within MLM will be guided in its activities by the following vision for the Year 2020:

### **In fifteen year's time...**

- There will be a high expectation from the people, of MLM in respect of the management, monitoring and enhancement of urban open spaces. Urban open spaces will be managed with in a structured and efficient way, and enhanced, dedicated public open spaces will have ensured a better quality of life in the Mangaung Local Municipality.
- There will be a positive relationship between the municipality and civil society, collective responsibility for the management and development of urban open spaces, and an ethic of partnership building.
- The urban open spaces will be a vital component in maintaining the urban environment and health n terms of air quality, safe water and a diversity of fauna and flora species.
- The Mangaung Local Municipality population will be environmentally educated, ensuring that people care for and respect their local urban open spaces on principles of sustainable development.
- The environmental quality of all the urban open spaces will have improved in terms of health and diversity of species and all communities will have access to urban open spaces that is not detrimental to their health or well being.



- The cultural resources and cultural significance of our urban open spaces will be enhanced, restored, protected and managed in a co-ordinated way, while diverse religious and cultural uses of our open spaces will enrich the social fabric of the Mangaung Local Municipality.

#### 4.1. CITIZEN RIGHTS

This vision will be achieved through implementing mechanisms aimed at developing and protecting the following citizen rights on urban open spaces:

- Every citizen has the right to know where public open spaces are located and what it may be used for.
- Every citizen has the right to safe and secure public open spaces.
- Every citizen has the right to public open space which are clean and aesthetically pleasing and non-repulsive.
- Every citizen has the right to public open spaces that are easily accessible.
- Every citizen has the right to public open spaces that are safe from injury and secure from crime.
- Every citizen has the right to functional public open spaces that are not isolated from the municipal urban open space system.
- Every citizen has the right to be buried in sufficient and accessible cemeteries.
- Every citizen has the right to public sport facilities which accommodate the most supported sports within highly maintained and accessible formal sport facilities.

### 5. GENERAL POLICY PRINCIPLES

In working towards our 2020 Vision for the urban open spaces of MLM, we commit the MLM to the following general policy principles and tools for the implementation of strategies and programmes for action.

A commitment to **adopting and implementing the principles and underling approaches to sustainable development** of the Mangaung Local Municipality, and ensuring the integration of environmental issues into local government decision-making at all levels. A commitment to ensuring that current generations use urban open spaces in such a way as to maximise the benefit to all, while ensuring that those spaces are protected for the use of future generations.

A commitment to the **protection of the Constitutional rights to a healthy environment** and the recognition of the responsibilities and obligations of sustainable service delivery and ecologically sustainable development of our urban open spaces for the benefit of all.

A commitment by the Mangaung Local Municipality to **developing and implementing detailed sectoral strategies**, in order to implement and enforce the general policy principles, **for all urban open spaces** so as to meet the commitments described in the sectoral approaches.

A commitment to a holistic approach to an **integrated and interdependent system** of urban open spaces which is aimed at protecting the Mangaung Local Municipality's biodiversity.

A commitment to, as a minimum, meeting or where practical; exceeding the relevant local, national and international **standards in the provision and** quality of urban open spaces.

A commitment to the **responsible stewardship of the urban open spaces within the municipality's charge**, through open, consultative, integrated and transparent governance of the Mangaung Local Municipality. This will be achieved by ensuring that best practice environmental management solutions and activities are implemented on our open spaces at all times and that sustained partnerships with communities are achieved.

A commitment to **applying the precautionary principle**, which states that if the environmental consequences of a proposed activity on a urban open spaces are of significant impact and/or concern, and are uncertain, that activity should not be undertaken.

A commitment to the **involvement of, and partnerships with, civil society** in decision-making processes regarding the development and management of all the urban open spaces of the Mangaung Local Municipality.

A commitment by the Mangaung Local Municipality to recognising and governing the **minimising the impact of surrounding activities on the quality and diversity of species on urban open spaces**, through constant monitoring.

A commitment to **promoting an ethic of collective responsibility for the urban open spaces** in the Mangaung Local Municipality by means of **environmental education and awareness programmes**.

A commitment by the Mangaung Local Municipality to recognising the **role of disadvantaged communities** (particularly the youth and woman and persons with disabilities) in the development and enhancement of the open spaces of the Municipality.

A commitment by the Mangaung Local Municipality to **open, transparent and effective environmental governance** of all urban open spaces.

## **5.1. IMPLEMENTATION OF THE URBAN OPEN SPACE FRAMEWORK**

The Urban Open Space Framework (UOSF) will be implemented at the highest level in the MLM. The General Policy Principles will give guidance and act as a framework for environmental governance by the various directorates and service units. Detailed sectoral strategies will be developed in such a way that plans, actions, targets, indicators and programmes will be implemented to address particular urban open space issues.

Implementation of the UOSF and the sectoral strategies will thus occur through, with and by the sectors and line functions of MLM in an integrated approach.

This will be given effect by:

- The adoption of this policy, the UOSF and the Open Space Scheme as a corporate policy.
- The alignment and integration of the UOSF with other corporate policies and strategies.
- The development and implementation of detailed sectoral strategies, as described in the sectoral approaches, within five years of the adoption of this policy.
- A commitment to establishing a policy implementation team which includes representatives from senior management of all relevant financial, operational and service delivery units.
- A commitment to taking a strong position on all urban open space related issues in MLM.
- A commitment to implementing an institutional framework that best integrates the UOSF throughout the municipality and which effectively facilitates the implementation of the UOSF through projects and actions within all activities of the MLM.

## 5.2. SECTORAL APPROACHES TO THE UOSF

The following section details sectoral approaches for the UOSF. The sectoral approaches, which take the form of focus area, are based on the issues identified during the UOSF formulation process. The main commitments to be achieved by the sectoral approaches are listed below:

## 6. CONSERVATION AND MAINTENANCE

### 6.1. MAINTENANCE OF PUBLIC OPEN SPACES

[PROSD-1.2] The cost of maintaining public open spaces will largely depend on the following factors:

- [PROSD-1.2] Species of plants and trees planted
  - [PROSD-1.2] Amount of plants and trees planted
  - [PROSD-1.2] Design, layout and size of the public open space
  - [PROSD-1.2] Ratio of ground covered with plants to land covered with paying/hard surface
  - [PROSD-1.2] Level of irrigation automation
  - [PROSD-1.2] Level of mechanized maintenance possible with the design of the public open space
  - [PROSD-1.2] Public use of the public open space and pedestrian traffic volume
  - [PROSD-1.2] Illumination at night
  - [PROSD-1.2] Regular maintenance of equipment and machinery
  - [PROSD-1.2] Labour cost and adequate supervision
  - [PROSD-1.2] Availability of serviceable transport to optimize use of staff and reduce “waiting for transport” man hour losses
  - [PROSD-1.2] Good management practices
- Public responsibility for public open spaces should be encouraged to ensure ownership of specific open spaces by the surrounding community.
  - All developed open spaces will be maintained to the highest possible standards within the limitations of available resources.
  - The municipality may impose such restriction and/or contributions to public open spaces under the authorizations of any urban development application as may be required and determined from time to time.

## **6.2. WATERING POLICIES**

[PROSD-1.3] Water is a diminishing resource in our community, due to demographic and economic developments. As with all diminishing supplies with increasing demands, the price of water will continue to rise indefinitely.

[PROSD-1.3] World wide climatic fluctuation due to global warming will also see water planning becoming increasingly difficult in years to come.

[PROSD-1.3] To ensure open space developments are feasible in the long term, the watering requirements must be reduced/minimized as far as possible.

[PROSD-1.3] Large open space developments should therefore only be developed where access to borehole water is possible, if the provision of grassed areas is envisaged e.g. sport playing fields, etc. The selective application of water is a further critical element which should be undertaken via a computerized irrigation system to provide watering requirements at night and in line with the plant needs, in order to minimize evaporation and over watering.

- The natural flow of water over any public open space may not be obstructed by any means (e.g. groundworks, surface pollution, illegal occupation etc.)

## **6.3. CONSERVATION**

- The natural migrations of wild fauna and flora within an urban open space system will be encouraged and may not be obstructed though and redevelopment without sufficient mitigating.
- The municipality will execute its duties specified within the South African Heritage Resource Agency Act in conjunction and co-operation with the regional SAHRA structure actions.

## **6.4. SAFETY AND SECURITY**

- The safety and security of every legitimate user of public open spaces will be protected as far as possible.
- No activity which will directly or indirectly impact negatively on the health of the users of such an open space or that of any other citizen will be allowed on public open spaces.

# **7. DESIGN AND DEVELOPMENT**

## **7.1. COMMUNITY BENEFITS**

The Mangaung Local Municipality aims to develop its urban open space infrastructure towards the realisation of the following personal, social, economic, and environmental benefits to all its communities:

### **7.1.1 Personal benefits**

- (1) [PROSD-1.4] Physical recreation and fitness contribute to a full and meaningful life

- (2) [PROSD-1.4] Regular physical activity is one of the best methods of health insurance for individuals
- (3) [PROSD-1.4] Relaxation, rest and revitalization through the opportunity of leisure is essential to stress management in today's busy and demanding world
- (4) [PROSD-1.4] Meaningful leisure activity is an essential source of self-esteem and positive self-image
- (5) [PROSD-1.4] Leisure provides the opportunity to lead balanced lives, achieve our full potential, and gain life satisfaction
- (6) [PROSD-1.4] Children's play is essential to the human development process
- (7) [PROSD-1.4] Leisure opportunities for youth provide positive lifestyle choices and alternatives to self-destructive behaviour
- (8) [PROSD-1.4] Parks and open spaces bring beauty to an area while giving people satisfaction and improving their quality of life

### **7.1.2 Social benefits**

- (1) [PROSD-1.4] Leisure provides leadership opportunities that build strong communities
- (2) [PROSD-1.4] Community recreation reduces alienation, loneliness and anti-social behaviours
- (3) [PROSD-1.4] Community recreation promotes ethnic and cultural harmony
- (4) [PROSD-1.4] Recreating together build strong families, the foundation of a stronger society
- (5) [PROSD-1.4] Leisure provides opportunities for community involvement and shared management and ownership of resources
- (6) [PROSD-1.4] Integrated and accessible leisure services are critical to the quality of life of people with a disability and disadvantaged individuals
- (7) [PROSD-1.4] Leisure opportunities, facilities and the quality of the local environment are the foundations of community pride
- (8) [PROSD-1.4] Leisure services enrich and complement protective services for latchkey children through after-school and other recreational services

### **7.1.3 Economic benefits**

- (1) [PROSD-1.4] Pay now or pay more later ! Investment in recreation as a preventative health service make sense
- (2) [PROSD-1.4] A fit work force is a productive work force
- (3) [PROSD-1.4] Small investments in recreation yield big economic returns
- (4) [PROSD-1.4] Culture and recreation services motivate business relocation and expansion in the community

- (5) [PROSD-1.4] Meaningful leisure services reduce the high cost of vandalism and criminal activity
- (6) [PROSD-1.4] Recreation and park services are often the catalyst for tourism
- (7) [PROSD-1.4] Investments in environmental protection through the provision of parks and open spaces pay for themselves

#### **7.1.4 Environmental benefits**

- (1) [PROSD-1.4] Investing in the environment through parks and the provision of open space in residential areas, leads to an increase in neighbourhood property values through the accessibility to friendly green spaces and associated recreation opportunities
- (2) [PROSD-1.4] The trend toward natural environment based leisure activities is insurance for a new and improved environmental future

### **7.2. URBAN OPEN SPACE DESIGN PRINCIPLES**

- The long term maintenance cost of public open spaces will be reduced through strategic design layout and water wise maintenance.

### **7.3. URBAN OPEN SPACE DEVELOPMENT PRINCIPLES**

[PROSD-1] Principles applicable to Open Space development and plant and tree selection will have a major effect on the long term maintenance costs of the public open space and is undertaken with due consideration to the following:

- [PROSD-1] Local climatological profile
- [PROSD-1] Availability of water including seasonal and long term fluctuations
- [PROSD-1] Commercial availability of suitable species
- [PROSD-1] Ability of plants to withstand vandalism
- [PROSD-1] Invader status
- [PROSD-1] Maintenance costs
- [PROSD-1] Seasonal colour in public spaces
- [PROSD-1] Minimum impact on the natural environment
- [PROSD-1] Utilization of indigenous trees, shrubs and water wise principles, as and where possible
- [PROSD-1] Provision of larger trees as opposed to small saplings to minimize tree loss due to vandalism and long term maintenance and watering requirements. Will further serve to establish a green canopy to aesthetically and environmentally enhance areas
- [PROSD-1] Given the climatologic conditions and impact of high volume of users, vandalism of irrigation systems and high maintenance requirements, no lawn is provided. However, this is compensated for by the provision of additional passive and active recreational activities in the park, as follows:
- ◆ [PROSD-1] Recreational parks are developed currently with the following infrastructure, as and where possible:
  - play equipment
  - informal netball/volleyball courts with compacted gravel surface
  - informal soccer field with goal posts

- braai facilities
- picnic benches
- the communal needs in consultation with the Ward Councilor and LDC
- availability or accessibility of borehole water
- to prohibit vehicle access and ensure the safety of park users at all times

[PROSD-1] The objective of recreational parks, is to serve as a communal leisure area, whereby the needs of children, teenagers and adults are integrated to ensure interaction and the establishment of an social upliftment framework.

- A sufficient portion of quality urban parks will be fully accessible and usable by physically disabled persons.
- Any public open spaces provided within urban developments will only be acceptable if such open spaces adhere to and strengthen the municipal wide open space system.
- Urban open spaces will be designed and developed in such a way as to ensure:
  - The needs of the intended users are incorporated as far as possible within resource limitations.
  - Easy (although controlled) access to the intended users of such an open space.
  - Maximum usability and incorporation of all areas of a specific open space (e.g. service and servitude areas).
  - Optimum visibility and natural safety and security measures.
  - The lowest possible long term maintenance cost without compromising on quality.
  - The optimum use of natural and municipal provided water supplies.
- The municipal urban open space system will be formulated for at least 10 years in advance and incorporated within the Spatial Development Framework as part of the Integrated Development Plan of the municipality.
- Any public open spaces provided within urban developments will only be acceptable if such open spaces adhere to and strengthen the municipal wide open space system.

#### **7.4. COMMUNITY CONSULTATION DURING DEVELOPMENT**

[PROSD-1.5] In order to adequately address the process of space development, it is essential that the community, via the ward councilor and LDC's are afforded the opportunity to give input and are consulted, which is undertaken as follows:

- (1) [PROSD-1.5(a)] Ward councilors consult with their Local Development Committees (LDC) to determine the need for park development in their ward and direct these requests to either The City Treasurer/Budget committee for inclusion in the Capital budget; or The Department Parks and Recreation
- (2) [PROSD-1.5(b)] The Department Parks and Recreation makes provision for the development of either a specific park individually or a number of parks under the vote Open Space Development. The budget committee evaluates the requests and provide an allocated amount to be used for park development.
- (3) [PROSD-1.5(c)] As the requests for park development far exceeds the available funds, the difficult task of allocating resources in terms of priorities, are undertaken by the Open Space Development Committee.
- (4) [PROSD-1.5(d)] Ward Councilors who forwarded requests, officials from the Department Parks and Recreation, relevant LDC members (as mandated by the ward councilor) and Masakhane officer comprise the Open Space Development Committee.
- (5) [PROSD-1.5(e)] The Department Parks and Recreation gives guidance to this process via the park inventory register of previously developed parks and to bring to

the Committee's attention those wards who have not yet been attended to, or who are inadequately provided for on a comparative base. The establishment of urban/township conservancies with their allocated urban rangers and/or an environmental committee, also serves as an incentive when deciding which areas should be prioritized.

- (6) [PROSD-1.5(f)] The said committee will structure its discussion in terms of the above criteria and reach agreement as to allocation of the relevant funds. If an agreement is not concluded, the chairperson of the standing committee: Environment consultation with the Director parks and Recreation, will take the final decision.
  - (7) [PROSD-1.5(g)] The ward councilor of the prioritized park development, Masakhane Officer and Department Parks and Recreation will liaise thereafter on the type of development to be undertaken (given the available funds).
  - (8) [PROSD-1.5(h)] After the completion of the park, the ward councilor, Masakhane officer and Department Parks and Cemeteries will officially open the park and request surrounding residents to form a park committee to oversee the utilization of the park, care of trees, etc, and to interact with urban rangers, if the area in question is located in a conservancy.
  - (9) [PROSD-1.5(i)] Ward councilors are to strive to establish conservancies with the assistance and guidance of the Department Parks and Recreation and Free State Department of Environmental Affairs and Tourism.
  - (10) [PROSD-1.5(j)] All requests for open space development must indicate the erf number of the applicable area and must be relevant to the zoning of the particular erf.
- The establishment of structured public-private-partnerships will be encouraged towards the development, management and maintenance of public open spaces and associated facilities.
  - The design and development of public open spaces is a multifunctional process and will be done in structured co-ordination between the various services units within the municipality as well relevant external roleplayers.
  - The design and development of public open spaces will be done in co-operation with the affected and surrounding community.
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## 8. LAND USE

### 8.1. GENERAL USE OF URBAN OPEN SPACES

#### 8.1.1 Co-ordination and Management

- All land use activities on urban open spaces will be co-ordinated by an central municipal agent who will serve as first contact with the public as well as co-ordinator of any joined decisions and/or activities between various roleplayers.
- The overutilisation of natural resources will be prevented, monitored and managed in partnership with relevant national, provincial and local structures.

#### 8.1.2 Disturbance of the Peace

- (1) [BLPOS-2(1)] No person shall perform or permit any of the following acts to be performed in or at a public amenity:-
- (a) [BLPOS-2(1)(a)] the use of language or the performance of any other act with the purpose of disturbing the good order;
  - (b) [BLPOS-2(1)(b)] the firing of firearms, airguns, fireworks, crackers or the use of sling-shots or catapults;
  - (c) [BLPOS-2(1)(c)] the performance of any indecent or improper act, or by exposing him- or herself indecently, or inciting any other person to perform such an act;
  - (d) [BLPOS-2(1)(d)] to draw, write, paint or display in any matter, any indecent figure, drawing, writing or representation;
  - (e) [BLPOS-2(1)(e)] the lighting of a fire to burn, or the burning or rubble, refuse, plant material or any other material;
  - (f) [BLPOS-2(1)(f)] the causing of unpleasant or offensive smells;
  - (g) [BLPOS-2(1)(g)] the production of smoke nuisances;
  - (h) [BLPOS-2(1)(h)] playing or making any noise on any music-instruments, or causing any noise-nuisance to any visitor, bystanders or neighbours to the public place or public amenity except with the with the written permission of the Municipality or
  - (i) [BLPOS-2(1)(i)] the causing of disturbances by fighting, shooting, arguing, singing or the playing of musical instruments, gambling, being intoxicated, or the use of loudspeakers, radio reception devices, television sets or similar equipment.
  - (j) [BLPOS-2(1)(j)] the playing or making preparation to play any game except on the places indicated and set apart for such games by the Council.
  - (k) [BLPOS-2(2)] Any person performing or permitting any of the acts in subsection (1) above shall be guilty of an offence.

#### 8.1.3 Prohibited actions

- (1) No person may, in or at a public amenity or a public place:

- (a) [BLPOS-3(1)(a)] enter into a public amenity without paying the determined fee.
  - (b) [BLPOS-3(1)(b)] Remove, damage or injure any fountain, statue, monument, bust, post, chain, railing, fence, seat, barrier, gate, lamp, lamp post, notice board or plate, watch box, house, building, shed, urinal, closet, flag, mark or other article or thing, or deface or disfigure the same, or paste or affix in any way any bills, papers, placards or notices, or by cutting, writing, stamping, printing, drawing or marking thereon or in any other manner whatsoever.
  - (c) [BLPOS-3(1)(c)] Cut, gather, remove, dig up, fell, burn, pluck, break, climb up or upon or do any damage or injury to timber, or to any tree, brushwood, fencing, post, pole, fern, turf, grass, flowers or plants.
  - (d) [BLPOS-3(1)(d)] Take, Dig, cut, break, damage or remove any gravel, sand, sod, clay, turf, mould, soil, water or other substance from any public amenity or public place.
  - (e) [BLPOS-3(1)(e)] Go into or attempting to go into any enclosed place, plantation of garden or any temporary enclosure, or walk on any flower bed of any grass plot which would be damaged by so doing.
  - (f) [BLPOS-3(1)(f)] Erect or place, or cause to be erected or placed any post, rail, fence, pole, peg, spike, tent, booth, screen, stand, swing, cart, wagon, car or truck, or building, erection or obstruction of any kind whatsoever without the written consent of the Municipality, or failing to remove same after due notice from the Municipality.
  - (g) [BLPOS-3(1)(g)] Deposit, dump, drop or leave any refuse, rubbish, paper, dead animal or other matter of thing, except in a container provided for that purpose in or at the public amenity.
  - (h) [BLPOS-3(1)(h)] Turn any animal out to graze, or allow any animal to run at large or feed or tether or fasten any animal on the area of a public amenity or any Public Place, or suffering any animal to stray in the public streets, thoroughfares, and other public places.
- No activity will be allowed on open spaces that may pollute surface or underground water sources or natural and structured water run off areas or result in the degradation of water quality beyond standard safe limits.
  - No land use on public open spaces may result in the degradation or loss of soil and soil quality.
- (2) [BLPOS-3(2)] Ride, drive, draw or propel, any cycle or vehicle other than a vehicle designed for the benefit of a disabled person or a minor child, in the places where such is prohibited by notices affixed to, or set up at or near the several entrances to any such Park, Garden of Open Space or public amenity.
  - (3) [BLPOS-3(3)] Draw, drive, drag, propel, stand or place upon or over any part of a flowerbed or lawn, any wheeled vehicle or machine whatsoever.
  - (4) [BLPOS-3(4)] Using any part of any public amenity or lake for shaking, beating, brushing or cleaning any carpet, mat or other thing, or dry or bleach linen, clothing or other articles.
  - (5) [BLPOS-3(5)] Wash clothes or any other article or animal in a Lake, or in any pond, fountain or water feature or otherwise do anything to pollute any water therein.

- (6) [BLPOS-3(6)] Bath or wash any dog or animal, or allowing any dog or other animal to be washed in any pond, water trough, fountain, ornamental water or in a Lake.
- (7) [BLPOS-3(7)] Catch or snare birds of lay or placing any net, snare, or trap for the taking of birds, birds' eggs or nests, or shoot or chase or attempt to shoot any birds or animal or throw any stone or stick or other missile, with intent to injure, worry or catch any bird or animal, or in any way interfere with any fish, water-fowl or other animal or feed or attempt to feed any animal, bird or reptile in the Zoo.
- (8) [BLPOS-3(8)] Throw any stone stick, or other missile, use any squirt, syringe, switch, or other instrument, or doing anything which may endanger the life or safety of any person, animal or thing, or be deemed a nuisance, obstruction or annoyance to the public.
- (9) [BLPOS-3(9)] Sell or offer for sale or for hire any commodity, article or service, with the exception of articles sold at events held by persons who applied for the exclusive use of a public amenity in terms of section 4 of these By-Laws.
- (10) [BLPOS-3(10)] Affix or distribute any pamphlet, book or other printed or written matter, except by consent of the Municipality.
- (11) [BLPOS-3(11)] Use, intrude upon or attempting to intrude upon or use any water closet, urinal or toilet provided for the opposite sex.
- (12) [BLPOS-3(12)] Refuse to leave any Park, Garden or other public amenity when requested to do so by any servant of the Municipality, member of the South-African Police Services, or any person authorised thereto by the Municipality, or unlawfully remain therein after the gates are closed or climb on or over the gates, fences or railings, or enter or leave otherwise than through the existing entrances or exits.
- (13) [BLPOS-3(13)] Refuse to give his or her proper name and address, when requested to do so by any servant of the Municipality, member of the South African Police Services or person duly authorised thereto by the Municipality.
- (14) [BLPOS-3(14)] Taking into or having in any public amenity or public place or other enclosed place any animal not led by a chain or leash.
- (15) [BLPOS-3(15)] Obstruct, disturb, interrupt or annoy any person in die proper use of any public amenity or lake.
- (16) [BLPOS-3(16)] Erect advertising boards of any nature in any public amenity or public place.

#### **8.1.4 Entrance Fees and times**

- (1) [BLPOS-4(1)] A visitor to a public amenity shall pay the entrance fees as determined by the Municipality from time to time.
- (2) [BLPOS-4(2)] Different entrance-fees may be so determined in respect of visitors of different ages.
- (3) [BLPOS-4(3)] The times that public amenities are open may vary from amenity to amenity and these times will be determined by the Municipality.

### **8.1.5 Exclusive use of a public amenity**

- (1) [BLPOS-5(1)] The Municipality may grant the exclusive use of any public amenity, or any part thereof to a person, organisation or body of persons at any time for the use of any sport, gathering, function or public meeting.
  - (2) [BLPOS-5(2)] When the Municipality has granted such exclusive use of a public amenity or a part thereof to an applicant in terms of sub-section(1), no other person may enter into or upon such public amenity without the prior approval of the applicant: Provided that no person may be unfairly discriminated against by an applicant.
- Events: Events will only be allowed on public open spaces if such events and/or the participants in such events:
    - Does not contravene any legislation, regulations and rules which are imposed on such an event and/or specific public open space as may be determined from time to time.
    - Does not exceed surface, noise, air and water pollution standards.
    - Does not threaten or damage human lives.
    - Does not threaten or damage civil decency.
    - Does not threaten or damage any public or private property.

### **8.1.6 Liquor and Foods**

- (1) [BLPOS-6(1)] No person shall, contrary to any provision of a notice erected at any public amenity bring into a public amenity any alcoholic beverage or any other food of whatever nature.
- (2) [BLPOS-6(2)] Subject to the provisions of sub-section(1) no person shall in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice.
- (3) [BLPOS-6(3)] No live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

### **8.1.7 Animals**

[BLPOS-7] No person shall bring into or upon a public amenity any animal, bird, fish or poultry except in accordance with the directions of the Municipality: Provided that different directions may be determined in respect of different amenities and different type of animal.

### **8.1.8 Use of a public amenity**

- (1) [BLPOS-8(1)] No person shall without the prior consent of the Municipality, or contrary to any condition which the Municipality may impose when granting such consent:
  - (a) [BLPOS-8(1)(a)] arrange, present or attend any kind of entertainment;
  - (b) [BLPOS-8(1)(b)] collect money or any other goods for any purpose;
  - (c) [BLPOS-8(1)(c)] arrange, hold or address any meeting or gathering of persons;
  - (d) [BLPOS-8(1)(d)] conduct any trade, occupation or business, including the selling of any goods or services
- (2) [BLPOS-8(2)] Any person who requires the Municipality's written consent for any action contemplated in subsection (1), shall apply in writing to the Municipality at

least 48 hours prior to the commencement of the event or gathering on the form provided for those purposes.

#### **8.1.9 Vehicles**

[BLPOS-9] No person may bring into a public amenity any truck, bus, motorcar, motorcycle, quadbike, motor tricycle, bicycle or any other vehicle, craft or airplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Municipality.

#### **8.1.10 Use of Water/Lake**

- (1) [BLPOS-10(1)] No person shall, contrary to any provision of a notice erected at any lake or dam, commit any actions which is expressly prohibited by the notice.

#### **8.1.11 Offences and penalties**

- (1) [BLPOS-11(1)] Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) [BLPOS-11(2)] Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.
- (3) [BLPOS-11(3)] Any person who, after conviction in terms of these by-laws, persists in the conduct or neglect which constituted the offence, shall be guilty of a continuing offence and liable to a fine that the court in its discretion may deem fit.
- (4) [BLPOS-11(4)] Subject to an order as to costs by a competent court, the Council may recover from any person the costs incurred by the Council to collect or attempt to collect from such person, any amount due by him to the Council in terms of these by-laws.

### **8.2. INDUSTRIAL & COMMERCIAL**

- (1) No commercial, industrial or manufacturing activity will be allowed to pollute water courses, air quality or reduce general environmental quality, beyond prescribed standards, directly at the source of the pollution or indirectly affect the overall quality of associated ecosystems.
- (2) The impenetrable surfaces created within industrial and commercial zones may not extend to the degree where it will cause extensive silting up of rivers or increased flooding downstream.

### **8.3. AGRICULTURAL**

#### **8.3.1 Relevant Legislation of Agricultural uses of Urban Open Spaces**

- (1) [PLAGR-2.1] The Municipal Systems Act (Act 32 of 2000) indicates that a municipality must be responsive to the needs of its local community.

- (2) [PLAGR-2.2] The **Health Act** of 1977, prescribes that a Municipality must immediately eradicate any situation which may occur which can create a health risk for its inhabitants.
- (3) [PLAGR-2.3] Legislation which has a further bearing are the;
- (a) [PLAGR-2.3.1] Livestock Brands Act (Act no. 87 of 1962);
  - (b) [PLAGR-2.3.2] Water Services;
  - (c) [PLAGR-2.3.3] Environmental Conservation Act and Regulations;
  - (d) [PLAGR-2.3.4] NEMA (National Environmental Management Act);
  - (e) [PLAGR-2.3.5] Animal Diseases Act;
  - (f) [PLAGR-2.3.6] Animal Protection Act;
  - (g) [PLAGR-2.3.7] Pounds Ordinance of 1954;
- (4) [PLAGR-4] In terms of the Environmental conservation Act, Act 73 of 1989, environmental impact assessments are normally required in the event of any urban agriculture practice if it entails the following;
- (a) [PLAGR-4.1] the **concentration of livestock** in a confined structure for the purpose of mass commercial production;
  - (b) [PLAGR-4.2] the **change of land use from use for grazing** to any other form of agricultural use, and;
  - (c) [PLAGR-4.3] No livestock may be kept in a build-up environment, i.e. residential, industrial or business area within the area of jurisdiction of the Mangaung Local Municipality.

### 8.3.2 Zoning of Urban Open Spaces for Agricultural uses

- (1) [PLAGR-3] It is important to take note of and define the zoning of the land and other land-use control measures e.g. **structure plans** and **detail development plans** which also relates to other legislation e.g. building regulation, (Environmental Impact Assessment) Environmental Conservation Act, etc.
- (2) [PLAGR-3] Zoning implies and grants **certain usage rights** which in turn are interpreted as **land value** from an **economical perspective**.
- (3) [PLAGR-3] The implications of zoning will be extended more with the anticipated Land Use Management Act (LUMA), which implies “wall-to-wall” zoning for the entire municipal area.

### 8.3.3 Keeping of Livestock

- (1) [PLAGR-5] No livestock may be kept in a built-up environment, i.e. residential, industrial or business area within the jurisdiction of the Mangaung Local Municipality.
- (2) [PLAGR-5] Livestock owners must comply with all the relevant legislation:
- (3) [These conditions are not applicable to rural private landusers (e.g. farmowners), but relate to agricultural activities on Council land and the adjoining peri-urban and urban environments (e.g. smallholders)]
- (4) In addition the following **general conditions** will apply when keeping livestock on urban open spaces:
- (a) [PLAGR-5.1.1] Livestock may only be KEPT in specific areas demarcated for such use by the MLM, i.e. commonages, kraals,

community kraals for which formal application must be submitted for consideration, with the exclusion of zoned smallholdings (2.5 – 10 ha in size) – private landowners.

- (b) [PLAGR-5.1.2] Livestock may **ONLY graze in areas availed** by the MLM for this purpose, subject to the conclusion of an appropriate lease agreement, which may be subject to a lease fee being required.
  - (c) [PLAGR-5.1.3] Only residents of the MLM and South African citizens, will be considered in terms of applications for the availing of Council owned land and facilities.
  - (d) [PLAGR-5.1.4] All livestock must be branded in accordance with the LIVESTOCK BRANDS ACT, (ACT no. 87 of 1962).
  - (e) [PLAGR-5.1.5] Livestock which are not secured at the designated premises, or found to be wandering unattended, will be removed and the owner thereof be fined, in the event that this misdeveor is repeated, the owner will be legally prohibited from keeping livestock at any of the premises designated for such use by Council.
  - (f) [PLAGR-5.1.6] The use of these facilities may be amended from time to time, as the need dictates, e.g. declining grazing capacity, veld fires etc.
  - (g) [PLAGR-5.1.7] The keeping and use of livestock must be undertaken with the welfare of the animal and community at heart.
  - (h) [PLAGR-5.1.8] The use of dung should be encouraged as an alternative fuel source and the practice of cutting down trees for fuel purposes is forbidden.
  - (i) [PLAGR-5.1.9] No person may plant a tree on Council land without prior approval from Council.
- (5) [PLAGR-6] In all cases where applicable and where **manure and/or refuse materials** from stables, pens, kraals etc are stockpiled, the applicant must at his own expense, pile the manure etc. on a cement slab, surrounded by a cement water gutter or in accordance with prescriptions of the ity Engineer and the Medical Officer of Health. Such manure and/or refuse shall be removed monthly or as required by the Medical Officer of Health.
- (6) [PLAGR-6.1] All health requirements in terms of the **ENVIRONMENTAL HEALTH ACT**, must be adhered to, with particular attention being paid to the following;
- (7) [PLAGR-6.2] Waste products must be treated in accordance with acceptable practices – **no littering or dumping** – products must be disposed of at the waste landfill site, if not used for purposes of recycling.
- (8) [PLAGR-7.1.1] All livestock owners must register with a Livestock Association, to enable the MLM to address issues of mutual concern with a recognised institution.
- (9) [PLAGR-7.1.2] All Livestock Associations who wishes to keep livestock must register with the MLM.

- (10) [PLAGR-7.1.3] A Livestock Association must compile and submit a constitution, their membership, executive members and constituency, for Council's cognisance.
- (11) [PLAGR-8] No pigs may be kept in residential, industrial or commercial areas.
- (12) [PLAGR-9] Horses and donkeys may only be kept for purpose of herding livestock.

#### 8.3.4 Commonages

Livestock may be kept on commonage land in terms of the criteria as stated previously and as follows:

- (1) [PLAGR-10] Mangaung Local Municipality will **avail existing commonage land for agricultural activities** in the event that this land is not retained for other utilization e.g. conservation, residential development, etc. and assist where possible, in ensuring that commonage land is used optimally in the interest of the community.
- (2) [PLAGR-10] The Mangaung Local Municipality shall not **purchase land** for the sole purpose of availing the land for agricultural purposes nor shall it sell commonage land for agricultural purposes, to any private or group enterprise.
- (3) [PLAGR-7.2.1(i)] In the event that commonage land is required for **residential/commercial purposes**, Council retains the right to rezone the commonage for a different land use whilst addressing its core function and serving the community interest at large.
- (4) [PLAGR-7.2.1(ii)] Any attempt by people to settle on commonage land must be communicated to council immediately by the lessee.
- (5) [PLAGR-7.2.1(iii)] Council will react immediately to remove all illegal settlement on Council land.
- (6) [PLAGR-7.2.1(iv)] All health requirements in terms of the ENVIRONMENTAL HEALTH ACT must be adhered to.
- (7) [PLAGR-7.2.1(v)] No structures may be erected on Council premises, without the necessary Council approval, prior to the erection of any such structure in question.
- (8) [PLAGR-7.3(i)] In the event that livestock are accommodated on commonages, which do **not have the necessary infrastructure**, i.e fences, watering points – the onus rests upon the lessee to ensure that the following measures are taken;
  - (a) [PLAGR-7.3(ii)] that all livestock are attended to and properly cared for regarding feed and fresh drinking water and accompanied by a major or responsible herdsman, to ensure that livestock do not wander off the demarcated area and trespass onto adjoining land, roads, residential property, or any area which is not designated in terms of the lease agreement.
  - (b) [PLAGR-7.3(iii)] that all livestock kept on a commonage, which is not secured by means of an **adequate fence**, must be kept in a **designated overnight kraal** at night, to ensure that private property and traveller's lives are not put at risk.



- (9) [PLAGR-7.4(i)] The maintenance of all fences and relevant infrastructure that is in place upon the conclusion of the lease agreement, will become the responsibility of the lessee to maintain, in terms of the condition in which it was received.
- (10) [PLAGR-7.4(ii)] It is further important that the lessee ensures that all fences are patrolled daily to repair any damages immediately/or as soon as possible, that might lead to the possible escape of the livestock.
- (11) [PLAGR-7.4(iii)] The theft of any portion of the fence or infrastructure such as borehole pumps, must be reported immediately, and it is understood that the lessee will do everything in his/her power to ensure that these items are secured from any possible theft.

### 8.3.5 Kraal Systems

(1) [PLAGR-7.5] The following considerations and conditions should be taken into cognisance when evaluating the suitability of a site for location of a community kraal/overnight kraal accommodation:

- (a) [PLAGR-7.5(i)] must be located in an area designated for such use – public open space/commonage/agriculture in terms of the structure plan;
  - (b) [PLAGR-7.5(ii)] adequate drainage coupled with sufficient exposure to sunlight to maximize drying of area;
  - (c) [PLAGR-7.5(iii)] prevailing winds must carry possible obnoxious odours away from residential areas;
  - (d) [PLAGR-7.5(iv)] minimum impact on the environment – with specific emphasis on the possible effects of trampling and soil erosion;
  - (e) [PLAGR-7.5(v)] underground water table should not be exposed to possible contamination by nitrates and other chemicals as a result of the kraal activities;
  - (f) [PLAGR-7.5(vi)] utilization of the existing access roads, with minimum need to provide additional road infrastructure;
  - (g) [PLAGR-7.5(vii)] accessibility to the residential area which houses the majority of the applicants/users;
  - (h) [PLAGR-7.5(viii)] abattoir facilities should be within reach;
  - (i) [PLAGR-7.5(ix)] production of fodder should also be accommodated within the vicinity of the kraal;
  - (j) [PLAGR-7.5(x)] long-term availability of the commonage for agricultural activities, must be secured as far as possible, i.e. the area should not be designated for residential/commercial development in the near future;
- (2) The following general conditions will apply to all **kraals situated on council land**:
- (a) [PLAGR-7.6] In the event that Council initiates the erection of a kraal on Council land, the required scoping report and if deemed necessary, the environmental impact assessment, will be undertaken by Council as the developer.

- (b) [PLAGR-7.6] However, where private enterprise applies for the erection of a kraal en related structures, all such costs as referred above, will be for the cost of the applicant.
- (c) [PLAGR-7.6] It is understood that the Department of Agriculture and Land Affairs will strive to provide training and assistance as and where deemed necessary, to ensure the long term feasibility of the project and to capacitate livestock owners to provide the necessary care and improve agricultural skills within participants.
- (d) [PLAGR-7.6] It is further understood, that once an applicant/participant has acquired the necessary agricultural skills and has expanded his herd (or wishes to do so) and wants to acquire agricultural land, the participant will be encouraged to apply to the Department of Land Affairs to access the necessary land to enable him to continue these practises on a greater commercial scale, outside the parameters of Council's responsibility.

- (e) Subject to the following:
- i. [PLAGR-7.6] A formal application must be submitted for consideration by Council via the Section 80 Committee: Rural Development.
  - ii. [PLAGR-7.6] Must comply with all legislative requirements.
  - iii. [PLAGR-7.6] Council will only recognise a designated livestock association, with which an agreement must be concluded, not individual members of the public.
  - iv. [PLAGR-7.6] The lessee will be responsible to ensure that no livestock escape from the allocated premises.
  - v. [PLAGR-7.6] An adequate, quality water supply must be provided by the lessee, to address the need of the livestock being kept.
  - vi. [PLAGR-7.6] All livestock nutritional and health requirements must be adequately catered for by the members of the Livestock Association (lessee).
  - vii. [PLAGR-7.6] Council will be indemnified from any claims arising from the keeping of livestock in the designated kraal.
  - viii. [PLAGR-7.6] the lessee ensures that the designated number of livestock that may be kept is not exceeded, failure to comply will result in the lease being cancelled.
  - ix. [PLAGR-7.6] Additional infrastructure that the lessee wishes to erect on Council property, is subject to a formal application being received and written approval for such buildings and structures etc, being issued by Council.
- (3) The following conditions will apply to all **community kraals** situated on council land, as a system whereby livestock are kept permanently housed, and may not graze freely, but are fed within the system from feed bought, or grown for this purpose:
- (a) [PLAGR-7.6(A)(i)] Must be governed by a formal lease agreement between the applicant, i.e relevant Livestock Association, and Council.
  - (b) [PLAGR-7.6(A)(ii)] The applicable Livestock Association shall be responsible to manage its members in terms of its constitution and the lease agreement, and must ensure that all members comply with the requirements accordingly.
  - (c) [PLAGR-7.6(A)(iii)] Council will not interact with individual members on issues of mutual concern, but only with the elected executive committee of the Livestock Association.
  - (d) [PLAGR-7.6(A)(iv)] It is understood that livestock that are kept in the community kraal, **will not be allowed to graze outside the kraal**, but must be kept within the kraal structure permanently.
  - (e) [PLAGR-7.6(A)(v)] Veld grass may be harvested from appropriate surrounds, with the approval, where necessary, from the applicable authority. The onus rests upon the "harvester"/livestock association to ensure that permission is obtained.
- (4) The following conditions will apply to all **overnight communal kraals** situated on council land:
- (a) [PLAGR-7.6(B)] These are kraals which are usually placed on Council land (commonages) for the specific purpose to provide a facility which caters for

livestock being secured during night time as addressed under the heading and topic **"GENERAL CONDITIONS APPLICABLE TO ALL LIVE-STOCK OWNERS IN A PERI-URBAN AND URBAN ENVIRONMENT"**.

- (b) [PLAGR-7.6(B)] They are managed by the applicable Livestock Association and livestock mix freely and are release to graze in the commonage, during the day.
  - (c) [PLAGR-7.6(B)] As previously stated, commonages which do not have the necessary infrastructure to secure animals during the night, must be provided with an overnight communal kraal, prior to the formalization of a lease agreement.
  - (d) [PLAGR-7.6(B)] If a need has been identified or application received to provide a commonage with an overnight communal kraal, the carrying capacity, Large Stock Unit (LSU) of the commonage will be used to depict the size of the kraal.
  - (e) [PLAGR-7.6(B)] Finding for these types of kraals should be applied for from the Department of Agriculture.
- (5) [PLAGR-7.6(C)] It is been observed that a number of **private overnight kraals** have been erected on municipal land. These facilities are normally placed close to an informal shack, for easy access, control and security purposes.

### **8.3.6 Vegetables, cutflowers and agricultural crop production**

[PLAGR-10] Applications pertaining to vegetables, cutflowers and/or agricultural crop production will be subject to the following considerations;

- (1) [PLAGR-10.1.1] The longevity of the project and the possible future land use will dictate whether the land applied for, will be availed in terms of vegetable cutflowers and agricultural crop production.
- (2) [PLAGR-10.1.2] Availability of water to address the plant requirements will also be used as a guideline in assessing the feasibility of the project.
- (3) [PLAGR-10.1.3] Fodder production which provide a food resource for the keeping of livestock in the community kraal, will be given preference.
- (4) [PLAGR-10.1.4] Adequate ablution facilities must be catered for.
- (5) [PLAGR-10.1.5] Infrastructure and the erection of any facilities or buildings, is subject to prior approval before commencing with any activities related thereto.
- (6) [PLAGR-10.1.6] All relevant legislation must be adhered to.
- (7) The use of pesticides and herbicides may not be used beyond prescribed standards which may pollute water courses or reduce general environmental quality directly at the source of the pollution or idirectly affect the overall quality of associated ecosystems.
- (8) The largescale removal of any vegetation which might cause loss of habitat may will only be allowed after proper investigation (Scoping).

#### **8.4. OUTDOOR ADVERTISING**

- Outdoor advertising in all forms will only be allowed on public open spaces under the regulations of a Municipal Outdoor Advertising Policy which may be formulated and amended from time to time.
- The municipality holds the right to charge such administration fees, and require such procedural actions and regulations as may be determined from time to time for the authorisation of outdoor advertising positioned on public open space or which may be visible from public open space.
- The municipality holds the right to impose fines and require such procedural actions and regulations as may be determined from time to time towards any unauthorised outdoor advertising positioned on public open space or which may be visible from public open space.

#### **8.5. COMMUNITY BASED PROJECTS**

- The use of public open spaces for community based poverty alleviation will only be allowed where such projects and/or the participants to such projects:
  - Does not contravene any legislation, regulations and rules which are imposed on such an event and/or specific public open space as may be determined from time to time.
  - Does not exceed surface, noise, air and water pollution standards.
  - Does not threaten or damage human lives.
  - Does not threaten or damage civil decency.
  - Does not exceed the natural potential and capacity of the land and natural resources.

#### **8.6. HAWKING AND TRADE**

- **Hawking and trade activities** will be allowed on public open spaces only upon registration of such activities with the municipality and only upon approval of such an application for registration, based on criteria and/or requirements which might be imposed by the municipality from time to time.
- The use of public open spaces for hawking and trade activities will only be allowed where such activities and/or the participants to such activities:
  - Does not contravene any legislation, regulations and rules which are imposed on such an event and/or specific public open space as may be determined from time to time.
  - Does not exceed surface, noise, air and water pollution standards.
  - Does not threaten or damage human lives.
  - Does not threaten or damage civil decency.
  - Does not exceed the natural potential and capacity of the land and natural resources.
  - Practice such activities within demarcated areas dedicated for such activities.

#### **8.7. CHURCHES**

- Church and religious activities will be allowed on public open spaces only upon registration of such activities with the municipality and only upon approval of such an application for registration, based on criteria and/or requirements which might be imposed by the municipality from time to time.

## **8.8. RESIDENTIAL USES**

- (1) Pollution from residential sources may not occur on open spaces or areas where ecosystems may be polluted.
  - (2) The removal of any public vegetation is illegal, unless within authorised areas or by authorisation in controlled areas.
  - (3) The removal of protected plants on public or private open spaces is illegal, unless under license or authorisation.
  - (4) The impenetrable surfaces created within residential areas may not extent to the degree where it will cause extensive silting up of rivers or increased flooding downstream.
- No person or household will be allowed to reside on public open space which is under potential threat of unsafe and hazardous conditions such as flooding or high pollutant concentrations.
  - Public open spaces will be developed and used for their intended purpose as soon as resources allow, to ensure that unwanted occupation and activities does not occur on such open spaces.
  - The illegal occupation for any purposes of public open space will not be allowed and such occupants may be removed under procedural regulations as my be required and determined by the municipality from time to time.

## **8.9. SPORT FIELDS AND FACILITIES**

- Where utilized, informal sport fields situated on public open spaces are to be removed, similar facilities will be provided elsewhere to serve the same users.

## **8.10. URBAN CONSERVATION**

- The establishment of urban conservancies will be encouraged to enable citizens and dedicated groups to monitor, and manage public open spaces within the said conservancy.
- Where an urban conservancy is registered with the municipality, all urban development applications, situated within the demarcated area of such a conservancy will be subject to comments and inputs from the representatives of such an urban conservancy within procedural regulations as my be required and determined by the municipality from time to time.
- Public conservation programmes and activities on public open spaces will only be allowed if done in co-operation with or under authorization by the municipality.

## **8.11. CEMETERIES**

The operation, maintenance and management of all cemeteries are controlled under the provisions of the Mangaung Local Municipality by-laws relating to Municipal Cemeteries as promulgated by Local Government Notice No 97 of 27 September 2002.

Furthermore the general conduct within cemeteries are subject to the follwing provision:

- (1) No person under the age of 12 years shall enter a cemetery unless he is in the care of an adult or with the approval of the caretaker.

- (2) No person shall enter or leave any cemetery except through the gates provided for that purpose nor shall any person enter any office or enclosed place in any cemetery, except on business or with the consent of the caretaker.
- (3) No person shall make a false statement or provide false information in an application or other form or document to be completed and submitted in terms of these by-laws.
- (4) No person shall carry on any trade or hawking activity, or solicit any business, or exhibit, distribute or leave any business card or advertisement within any cemetery or on any public place within thirty metres of the boundary of any cemetery, except with the written approval of the Council and on such conditions as the Council may determine.
- (5) No person shall sit, stand or climb upon or over any tombstone, memorial work, gate, wall, fence or building in any cemetery.
- (6) No person shall hold a demonstration of any kind in any cemetery or allow or participate in such demonstration.
- (7) No person shall bring into or allow any animal to enter any cemetery. Any animal found in a cemetery may be impounded.
- (8) Directives from the caretaker to ensure the orderly procession of the ceremony concerning the placement of structures, chairs, voice amplification equipment volume and the type of music must to be played, must be adhered to.
- (9) No person shall within any cemetery obstruct, resist or oppose the caretaker or any official of the Council whilst acting in the course of their official duties, nor refuse to comply with any reasonable order or request of the caretaker or any official of the Council.
- (10) No person shall remove from the cemetery any soil, sand or other substance or thing of a similar nature without the express permission of the caretaker.
- (11) No person shall wantonly or wilfully damage or cause to be damaged, nor shall any person mark, draw or erect any advertisement, bill or placard upon or in any manner deface any grave, tombstone, monument, wall, building, fence, path or other construction within any cemetery.
- (12) No person shall bribe or try to bribe any employee in the service of the Council in regard to any matter in connection with a cemetery or burial, neither with money gifts or any other benefit.
- (13) No person shall, except where expressly permitted by these by-laws or with the consent of the caretaker, disturb the soil, or plant or uproot any plant, shrub or flower, or in any way interfere with any grave or construction in any cemetery.
- (14) No person shall play any game or take part in any sport, or discharge any firearms except as a salute at a military funeral, or discharge any airgun or catapult within any cemetery, or disturb or annoy any person present therein.
- (15) No musical instruments shall be played in a cemetery without the consent of the caretaker.

## **9. ALIENATION OF URBAN OPEN SPACES**

- The alienation of public open land for any purpose as well as the long term lease of public open land will be subject to the regulations of a public land allocation policy and guidelines which may be formulated by the municipality from time to time.
- Where a public open space is alienated or used for urban development, the municipality will require the developer to provide and/or develop a proportionate sized public open space elsewhere, to the satisfaction of the municipality and as may be needed to develop the urban open space system.