



CONSOLIDATED OUTER WEST TOWN PLANNING SCHEME

SCHEME CLAUSES

PREPARED BY

PLANNING AND DEVELOPMENT

HILLCREST AREA OFFICE

DEVELOPMENT PLANNING & MANAGEMENT

ETHEKWINI MUNICIPALITY

As Amended 29 June 2001 & 25 May 2004

August 2000

CONSOLIDATED OUTER WEST TOWN PLANNING SCHEME**SCHEME CLAUSES****CONTENTS****PART I**

1.1	Title	1
1.2	Definitions	1
1.3	Scheme Area	10
1.4	Effective Date	10
1.5	Planning Authority	10
1.6	Scheme Map	10

PART 2

2.1	Reservation of Land	12
2.2	Road Proposals	12

PART 3

3.1	Building Lines	13
3.2	Side and Rear Space	14

PART 4

4.1	Building Restrictions and the Use of Land	16
4.2	Erection anti Use of Buildings and Use of Land	16
4.3	Siting of Building and Access Points	16
4.4	Non-conforming Existing Uses	17
4.5	Design and Layout of Caravan Parks	17
4.6	Application Procedure, Design and Layout Home Park Site Development	18
4.7	Medium Density Housing and the Development of Land Without the Need to Subdivide.	20
4.8	Garages and Service Stations	23
4.9	Exemptions	24
4.10	Use of Hotels for Certain Purposes	26

PART 5

5.1	Floor Area Ratio, Coverage and Height	27
5.2	Erf Control	28
5.3	Ancillary Dwelling (Granny Cottage)	30
5.4	Minimum Frontage and Hatchet Access Requirements	31

PART 6

6.1	External Appearance of Buildings	32
6.2	Local Authority Approval	32
6.3	Applications	33
6.4	Advertisements	34
6.5	Loading and Parking Accommodation	34

PART 7

7.1	Inspection of Scheme	39
7.2	Amendments to the Scheme	39
7.3	Conflict of Laws	39

TABLES

Table A:	Types of Building and Land Use	40
Table B:	Reservation of Land	following 47 (2 of 2)
Table C:	Use Zones	(3 of 3)
Table D:	Density	(26 of 26)

ANNEXURES

Annexure A(1):	Guide to Section 47bis	48
Annexure A(2):	Application form in terms of Section 47bis	53
Annexure B(1):	Guide to Section 67bis	55
Annexure B(2):	Application form in terms of Section 67bis	57
Annexure C	The Right of Appeal in terms of Section 67ter	59
Annexure D	Special Industrial Buildings - Extract from Offensive Trade Regulations	60

Annexure E	Factory Controls	61
Annexure F	Policy of the Natal Provincial Administration in Regard to Planning Standards for control of Traffic Generating sites.	63
Annexure G	Policy of the Town and Regional Planning Commission with Regard to Admission of Retail Uses into Industrial Zones.	65
Annexure H	Guidelines of the Town and Regional Planning Commission in regard to the Establishment of Retirement Villages in Natal.	66
Annexure I	Policy of the Town and Regional Planning Commission with regard to the development of Physically Difficult Residential Sites.	68
Annexure J	Procedure for Regulation of Waste Water Disposal	69
Annexure K	Conservancy Zones - Additional Controls	74
Annexure L	Planned Unit Development Zones - Additional Controls	76
Annexure M	Promotion of Bed & Breakfast And Guest House Establishments	77
Annexure N	Environmental Controls	80
Annexure O	Policy Statement Regarding Development of the Old Main Rd Activity Spine within Bothas Hill - Annex. A of ZAI Report Oct. 1994	82
Annexure P	Base Telecommunications Transceiver Stations (Cellular Masts).....	83
SCHEDULES		
Schedule 1	Proclamation Numbers and Effective Dates	11
Schedule 2	Former Zone and New Zone Designations	Following 11
Schedule 3	Former Reservations and New Reservation Designations	Following 11
INDEX	84

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INTRODUCTION

Following the first fully democratic national election for the Republic of South Africa in 1994, a provincial wide local government demarcation process was undertaken in 1995/96, in terms of the Local Government Transition Act No 209 of 1993, by the erstwhile KwaZulu Natal Demarcation Board under the auspices of the Minister of Local Government, the Honourable Peter Miller with a view to bringing together previously advantaged and disadvantaged communities. This culminated in fully democratic local government elections being held in 1996, albeit that this was done with equal numbers of “A” and “B” wards for Whites, Indians and Coloured and for Blacks respectively.

In respect of the Greater Durban Area, there were at that time, apart from the erstwhile City of Durban, some forty separate local government bodies/areas of varying sophistication in the former White, Indian and Coloured areas, including Boroughs, Town Boards, Health Committees and Development Areas. In addition, apart from farmland and tribal land, there were a variety of R293 Townships in areas previously falling under the KwaZulu Government. The demarcation process resulted in a single Durban Metropolitan Council being established and located within that Council, and charged with different functions generally of a more local nature, six local councils, namely the North, North Central, South Central, South, Inner West and Outer West Local Councils.

The above seven Councils are currently working towards the establishment of a single UniCity Council which will encompass their respective current areas and in addition, following the 2000 re-demarcation of the country by the national Municipal Demarcation Board, include approximately a further 68 percent of added areas.

From when the Town Planning Ordinance No 27 of 1949 was first promulgated in 1949, the erstwhile Province of Natal has been administered in terms of this ordinance on all town planning matters. Over the years this ordinance has been amended and updated. The former Black areas under Apartheid were however administered in terms of a variety of other legislation such as the Black Communities Development Act No 4 of 1984, the KwaZulu Land Act No 11 of 1992 etc. In 1998 the KwaZulu-Natal Planning and Development Act No 5 of 1998 was promulgated and which sought to bring together the previous disparate legislation under a single umbrella and simultaneously encapsulate the requirements of other new or pending legislation such as the Development Facilitation Act, the Local Government Transition Act Amendment Act, the then Municipal Structures Bill etc.

Although the KwaZulu-Natal Planning and Development Act No 5 of 1998 was promulgated during 1998, to date the regulations required to be prepared in terms of this Act have not been promulgated despite several published draft versions. Currently (in April 2000), the expected operational date of the Regulations is June 2001. It is however expected, based on the process to date, that this date may yet change several times before the Act and its Regulations finally become operational.

This Act, and its draft regulations, provide for Land Use Management Systems to replace the current Town Planning Schemes. They further provide for the conversion of existing town planning schemes to land use management systems.

The Outer West Local Council currently has fourteen separate town planning schemes prepared in terms of Section 47*bis* of the Town Planning Ordinance No 27 of 1949. In addition it has R293 Townships which have land use zone controls in terms of the KwaZulu Land Act No 11 of 1992 and Less Formal Township Establishment Act townships with land use control applied in terms of their respective

conditions of establishment. These variously “zoned” areas cover roughly only a third of the entire surface area of the Council. The balance of the land is either farm land, tribal land or townships under no specific town planning control other than the Ordinance or the Development and Services Board Regulations.

The intention of these Scheme Clauses is to bring together in the interim, prior to the initiation of the Planning and the Development Act and its Regulations and ultimately the new Land Use Management System, the fourteen separate Town Planning Ordinance schemes under a single uniform control to provide greater equity and to simplify administrative control. All the separate schemes owe their respective beginnings to a provincial model scheme(s) and which have been variously modified over the years. These current scheme clauses have similarly been based on the provincial model - in this case the comprehensive model.

These scheme clauses are to cover the town planning scheme areas of Assagay, Bothas Hill, Cato Ridge, Craiglea, Drummond, Gillitts, Hammarsdale, Harrison, Hillcrest, Hillcrest 2, Kloof, Langefontein, Sterkspruit and Waterfall as respectively amended from time to time in terms of Section 44(2A) of the Town Planning Ordinance No 27 of 1949. It is also intended simultaneously to cover the Less Formal Township Establishment Act No 113 of 1991 townships which currently only have land use controls in terms of their respective conditions of establishment.

The overall number of zones and controls have accordingly been rationalised, uniform nomenclature adopted, and existing zones fitted into the appropriate position in an expanded zone list. The number of Special Zones (which is meant to deal with exceptional or special cases) has also been sought to be substantially reduced and which the expanded zone list helps facilitate.

The spirit of the prior schemes has hopefully not been lost in the process. The Consolidated Outer West Town Planning Scheme clauses are accordingly not seen as a major rewriting of the original planning controls bearing in mind their similar beginnings. That will no doubt come with the introduction of the required Land Use Management Systems under the Planning and Development Act in the future under the UniCity administration and which will also embrace all the areas not currently covered.

Notwithstanding, the opportunity has been taken to introduce a number of land use categories previously not specifically identified namely, Arts and Crafts Workshop, Cottage Industry Building, Guest Houses or Lodges, Home Business, Tea Garden, Tavern and Tuck Shop which accord with a number of the activities currently or likely to be undertaken in more the rural and less advantaged areas particularly if greater individual entrepreneurship and tourism are to be promoted for economic growth in the region. An Equestrian Residential Zone has also been introduced to cater for low density residential estates for the horse riding fraternity. The Land Use Management Systems will likely allow for a variety of levels of consent, particularly in the case of these uses. However, for the interim these uses will in the main require special consent.

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MANAGER: PLANNING AND DEVELOPMENT
OUTER WEST LOCAL COUNCIL**

14 August 2000.

ACKNOWLEDGEMENTS

The following known individuals are acknowledged for their part in the preparation/evolution of either the original respective town planning scheme clauses and/or the current scheme clauses. This list is unfortunately not fully comprehensive and sincere apologies are extended to all those whose names do not appear below and who have contributed in the past.

Channing-Pierce, C - Town Clerk, Gillitts Town Board
Cragg, J - Works Manager Hillcrest
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Froud, E - Provincial Town Planner
Gillig, D - Works Manager, Kloof
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Green, K - Town Planning Consultant
Hattingh, AH - Kloof Town Clerk
Hobson, K - Director Engineering Services OWLC
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Mangia, M - Provincial Town Planner
Montgomery, A - Town Planning Consultant
Montgomery, R - Town Planning Consultant
Platt, C - Town Planning Consultant
Povall, M - Provincial Town Planner
Stops, B - Town Clerk Hillcrest
Tolmay, SA - Assagay Secretary, Hillcrest Councillor & Administration Officer Planning OWLC
Vosloo, U - Town Planner Kloof/Hillcrest and Manager Planning and Development OWLC
Wexs, J - Chairman, Gillitts Town Board
Williams, M - Member, Gillitts Town Board

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August 2000.

CRITICAL DATES

Adopted by Outer West Local Council - 20 September 2000
Advice of non-Section 48(1) action by Town and Regional Planning Commission - 20 December 2000
General Amendment No 1 - Adopted by Durban Metropolitan Unicity Municipality - 29 June 2001
General Amendment No 2 - Adopted by eThekwin Municipality - 25 May 2004

CONSOLIDATED OUTER WEST TOWN PLANNING SCHEME

SCHEME CLAUSES

PART I:

1.1 TITLE:

This scheme shall be known as the Consolidated Outer West Town Planning Scheme in the course of preparation.

1.2 DEFINITIONS

In these clauses unless the context otherwise indicates any word shall, when used in this Scheme have the same meaning as is assigned to it in the Ordinance, otherwise it shall have the meaning assigned to it in these definitions below or those defined in Table A:

(1) "Administrator"

Administrator means the erstwhile Administrator of the Province of Natal acting upon the advice and with the consent of the Executive Committee of the said Province as referred to in the Ordinance. This now means the Premier of the Province of KwaZulu-Natal acting in like capacity.

(2) "Ancillary Building"

Means a self contained residential building of limited size. It may be attached or detached but must be clearly associated with a dwelling house or main building erected on an erf. It is sometimes known colloquially as a "granny flat". Other than in the case of an existing building, it shall be architecturally compatible in both style and finish with the main building.

(3) "Appeals Board"

Is the Town Planning Appeals Board established in terms of Section 73 *bis* of the Ordinance.

(4) "Arcade"

Means an area forming part of a building which may or may not be covered, reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features and shall nowhere have a total width of less than 4 metres and an unobstructed width of less than 2 metres.

(5) "Area of Scheme"

Is the area which lies within the inner edge of the boundary line coloured blue or otherwise demarcated on the respective Resolution Maps or extensions thereto.

(6) "Authority"

Is the written authority given by the local authority in terms of Section 67 of the Ordinance.

(7) "Basement"

Is the lowest part of any building, which part is constructed with more than 50 per cent of its volume below the lesser of either the mean finished ground level or the existing ground level immediately surrounding the building.

(8) "Bed and Breakfast Establishment"

Means a free-standing building wherein not more than four bedrooms may be used for the purpose of providing short stay self-catering bed and breakfast accommodation to guests, and may include other uses considered by Council to be ancillary thereto, without impairing the amenity of the adjoining properties." ^{23/03/2005}

(9) "Building"

Is any structure or erection of an immovable nature for whatever purpose used including any tank, swimming pool or radio-mast, cellular-mast and any wall, retaining wall or close-boarded fence more than two metres in height at any point, but excluding any open fence, post, steps, pier, ramp, fountain, fish-pond, pergola or other garden ornamentation.

(10) "Building Line"

Is a line parallel to any boundary of an erf which is contiguous with a street, public right of way or road reservation.

(11) "Bylaw"

Is a bylaw, or regulation made to enable the Local Authority to give proper effect to the powers and duties conferred or imposed upon it in terms of the Local Authorities Ordinance No 25 of 1974 or any other law.

(12) "Caravan"

Means any vehicle permanently fitted out for use by persons for living and sleeping purposes whether or not such vehicle is a trailer.

(13) "Commission"

Is the Town and Regional Planning Commission established in terms of Section 2 of the Ordinance. (This is now known as the Provincial Planning & Development Commission.)

(13) "Common Land"

Means that portion of a Medium Density Housing site or Mobile Home Park site which is set aside for the use and enjoyment of all the occupants of the dwelling units on that site and from which the general public may be excluded.

(14) "Coverage"

Is the proportion of an erf covered by buildings, and is expressed as a percentage of the erf area as defined. Thus 25 per cent coverage means that only one quarter of the erf may be covered by buildings.

(15) "Date of Adoption"

Means the date upon which this Scheme, or portions thereof, were first adopted by the local authority in terms of Section 47*bis* (4) of the Ordinance; provided that where any provision of this scheme is subsequently varied by way of amendment or revision, the 'date of adoption' of any such varied provision shall be the date upon which it is adopted in terms of Section 47*bis* (4) of the Ordinance.

(16) "Develop Land" or "Development"

Means to erect a building on any land or to alter or extend any building or to lay out or adapt such land for any use or purpose.

(17) "Duplex Flat"

Means a dwelling unit in a building each such unit consisting of a ground floor and one upper floor connected by an internal staircase and having direct access to a private open area.

(18) "Dwelling Unit"

Means a self-contained inter-leading group of rooms for a single family including not more than one kitchen. This shall not exclude a *bona fide* kitchenette within an associated servant's quarters. Habitable rooms, including but not limited to games rooms, private gymnasiums, pool rooms entertainment rooms and other such similar uses, not linked to, or inter-linked with the dwelling unit, but excluding a servant's quarters or ancillary unit may be permitted at the discretion of the Head of Development Planning and Management or his/her delegatee. Proposed amendment 23 November 2006.

(19) "Dwelling Unit Curtilage"

Means a single defined area of land forming part of a medium density housing site comprising the land upon which a dwelling is erected or is intended to be erected together with such private open areas and other areas as are reserved for the exclusive use of the occupants of the dwelling unit.

(20) "Equestrian Residential Estate"

Means a residential estate established for the purposes of allowing the pursuit of equestrian activities and in which the residential development has been clustered on curtilages within an overall site containing stables, barns, training rings etc. associated with the keeping of horses.

(21) "Erection of a Building"

Means the construction of a new building or a structural alteration or additions to any building.

(22) "Erf"

Is a registered subdivision of land; provided that where, as a provision of the Scheme, a proposed road reservation or a change in zoning divides a registered subdivision into two or more portions, the term "Erf" shall for the purposes of this scheme apply to each of such portions as if they had been separately registered. Provided further that, subject to the written approval of the local authority, where two or more erven of similar zoning in common ownership and separated by a public road, are tied together by a Notarial Deed in Restraint of Free Alienation, the density controls and parking requirements of the scheme may be applied to the individual erven as if they were consolidated as a single registered subdivision of land.

(23) "Erf Area"

Is the area of an erf, less the area of any public right of way, road servitude, new road reservation or road widening reservation to which the erf may be subject, but shall include any registered servitude for overhead or underground services.

(24) "Existing Building"

Means a building lawfully erected before the date of adoption or a building erected in accordance with plans which were approved by the local authority prior to that date.

(25) "Existing Use"

Means in relation to any building or land, a continuous use of that building or land after the date of adoption for the purpose for which it was designed and lawfully authorised by the local authority at that date.

(26) "Family"

Means a man or a woman or both, with or without their parents and with or without the children of one or the other or both of them, living together as one household.

(27) "Floor Area"

Subject to Clause 5.1, the floor area of a building shall be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses, lift shafts, staircases, balconies and access galleries. Provided that staircases shall be counted over all floors less one and lift shafts shall be counted on only one floor.

(28) "Floor Area Ratio"

Subject to Clause 5.1, is the ratio of the total floor area of the buildings on an erf to the erf area and is expressed as a decimal, e.g. a Floor Area Ratio of 0,5 means that the floor area of the buildings on a particular erf is half the erf area.

(29) "Frontage"

Is the length of the boundary or an erf which is coincident with the boundary of an existing or proposed street.

(30) "Gross Office Area"

Is the sum of the floor areas of the office space in a building including storage, corridors, lift shafts, staircases, kitchens and conveniences, and shall include wall thicknesses and basements used other than for parking purposes.

(31) "Gross Shop Area"

Is the sum of the floor areas of both the storage and retail areas of a shop and shall include wall thicknesses and basements used other than for parking purposes, but shall exclude public conveniences.

(32) "Ground Floor"

Means the storey of a building or portion of a building on or nearest the mean finished ground level immediately surrounding the building, provided it is not a basement.

(33) "Height"

Is the height in storeys and is expressed as a number, provided that where the ground floor of a building is on more than one level, such building shall be regarded as formed of portions in relation to each respective level and the height of such a building shall be calculated separately in respect of each portion as if such portion were a separate building.

(34) "Home Owners Association"

Means a association to administer and maintain the common land, control the external appearance of buildings within the Medium Density housing site and deal with any other matter pertaining to the Medium Density housing site which is of common interest to its members. Membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilages in a Medium Density Housing site. The affairs of the Association shall be regulated by a Memorandum and Articles of Association.

(35) "Industrial Building"

Means a Factory as defined in Annexure E.

(36) "Kiosk"

Means a building or part of a building, designed to replicate late Victorian and Edwardian architecture, the size of which shall be limited to a maximum floor area of 25 m² . Two or more kiosks may be attached, or provided within one building, provided each kiosk retains its individuality and each unit does not exceed 25 m² . A kiosk may be used for the sale and procurement of goods and services.

(37) "Kitchenette"

Means a limited food preparation and/or washup area associated with self catering facilities provided within a Bed and Breakfast establishment or a Guest House or with servant quarters. Other than in the case of servant quarters it is not for permanent use by an individual person or persons.

(38) "Local Authority"

Is the Outer West Local Council or its legal successor.

(39) "Maisonette (or pair of Maisonettes)"

Means a two storey building consisting of two dwelling units placed one above the other with separate entrances.

(40) "Mall"

Means an area reserved exclusively for pedestrian traffic but may include fountains, benches and other similar features as well as mobile kiosks.

(41) "Medium Density Housing Site"

Means a defined area of land upon which medium density housing is established or is proposed to be established and which comprises dwelling unit curtilages and common land, but excludes any land required by the local authority for public purposes.

(42) "Mobile Home Park Site"

Means a portion of land upon which mobile homes are accommodated or are intended to be accommodated, regardless of whether or not a charge is made for such accommodation.

(43) "Mobile Home Stand"

Means a portion of a Mobile Home Park site that has been demarcated and set aside for the placement of a Mobile Home and for the exclusive use of the occupants of the Mobile Home.

(44) "Net Developable Area"

Means the surveyed area of an erf less that area which by virtue of soil instability, liability to flooding, inaccessibility of topography or slopes steeper than 1:3 renders such area in the opinion of the local authority as being undevelopable.

(45) "Ordinance"

Is the Natal Town Planning Ordinance No. 27 of 1949, as amended.

(46) "Outbuilding"

Means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, private laundry, servant's rooms, servant's toilet, workroom and other such similar uses. Games rooms, private gymnasiums, pool rooms, entertainment rooms and other such similar uses are not deemed out-building uses. It shall be architecturally compatible in both style and finish with the main building. Access at a first floor level shall only be permitted under exceptional circumstances. Proposed amendment 23 November 2006

(47) "Private Open Area"

Means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and which has direct access from a dwelling unit on a medium density housing site, such private open area being reserved for the exclusive use of the occupants of the associated dwelling unit, but may include covered open areas (patios) and verandahs.

(48) "Professional Office"

Shall mean an office used primarily for the purposes of conducting a professional business or calling such as that normally undertaken by an architect, attorney, building professional, chartered

accountant, civil engineer, land surveyor, quantity surveyor, project manager, town planner or similar.

(49) "Rear Boundary"

Shall mean that boundary or an erf which is furthest from any street boundary, and which does not meet any street boundary.

(50) "Reservation"

Is that portion of the area shown on the Scheme Map, by distinctive colouring or edging or in some other distinctive manner (other than any such portion which is zoned for the purposes included in Table C), for the purpose of indicating the reservation imposed by this Scheme on the erection and use of buildings or structures, or the use of land. Schedule 3 indicates the former reservation or zone designation in terms of the original scheme maps and the new reservation designation in terms of the consolidated scheme regulations.

(51) "Scheme"

Is the Consolidated Outer West Town Planning Scheme in the course of preparation. as amended from time to time. This consolidated scheme includes the Town Planning Schemes for Assagay, Bothas Hill, Cato Ridge, Craiglea, Drummond, Gillitts, Hammarsdale, Harrison, Hillcrest, Hillcrest 2, Kloof, Langefontein, Sterkspruit and Waterfall.

(52) "Scheme Map"

Are the Maps forming part of the consolidated scheme as adopted by the local authority in terms of Section 47bis (4) of the Ordinance. (See Clause 1.6). These Maps includes those for the town planning scheme areas of Assagay, Bothas Hill, Cato Ridge, Craiglea, Drummond, Gillitts, Hammarsdale, Harrison, Hillcrest, Hillcrest 2, Kloof, Langefontein, Sterkspruit and Waterfall as amended from time to time in terms of Section 44 (2A).

(53) "Semi-Detached House"

Means a building other than a dwelling house comprising two dwelling units contained in one building, both on the ground floor and each provided with a separate entrance.

(54) "Side Boundary"

Is any boundary of an erf which meets a street boundary and any other boundary and which is neither a street boundary nor a rear boundary.

(55) "Site Owners Association"

Means a association to administer and maintain the common land, control the external appearance of buildings within an industrial park or estate and/or deal with any other matter pertaining to the an industrial park or estate which is of common interest to its members. Membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of curtilages

in an industrial park or estate containing common land in which all the curtilage owners have an interest. The affairs of the Association shall be regulated by a Memorandum and Articles of Association.

(56) "Special Consent"

Is the consent of the local authority where such consent relates to any application made in terms of Section 67*bis* of the Ordinance.

(57) "Static Caravan"

Means a factory-assembled structure without any accessories which is less than 12,5 m in length and 3,3 m width but greater than 7 m in length and 2,3 m in width, with the necessary service connection, so made as to be movable on a site as a unit, on its wheels, and designed as a temporary holiday dwelling unit.

(58) "Storey"

Is a room or set of rooms at any level, including any room the floor of which is split into two or more levels, and shall have the following implications:

- (1) the floors of a building not used for residential purposes but used solely for the purpose of parking vehicles, service installations, such as transformer and meter rooms, or storage shall not count as a storey provided such an area or areas constitutes a basement in terms of Clause 1.2.(7);
- (2) if the ground floor of a building is elevated above the mean finished ground level immediately surrounding the building by a structure other than a basement such structure shall count as a storey(s);
- (3) a pitched roof containing a habitable room and any other type or style of roof which contains or supports any rooms, structures or features over and above those mentioned in paragraph (4) below and which the local authority considers to be habitable shall count as a storey;
- (4) a storey shall not be higher than 4,5 metres. If a storey is higher than this, each 4.5 metres or part thereof shall count as a storey. Provided however that in a multi-storey residential building each storey shall not be higher than 3 metres and if a storey is higher than this each 3 metres or part thereof shall count as a storey;
- (5) with the exception of lift rooms, stairwells, ornamental towers or similar architectural feature, any structures or (other) architectural features situated on the roof of a building and greater than 1,2 metres in height shall constitute a storey;

- (6) other than the case of where there is a habitable room contained within a pitched or any other type or style of roof, the roof shall not count as a storey, whether or not it exceeds 4.5 metres in height Proposed amendment 23 November 2006.

(59) "Street Line"

Means a boundary of an erf which is coincident with the boundary of an existing or proposed street.

(60) "Terrace House"

Means a dwelling unit in a building comprising three or more dwelling units, each having a separate entrance on the ground floor with direct access to a private open area or areas.

(61) "Usable Common Open Space"

Means that usable portion of the common land which is not occupied by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children's playing area or areas.

(62) "Utility Area"

Means the outdoor private area adjacent to or, associated with the kitchen side of a medium density housing unit, the screening of which shall be to the satisfaction of the local authority and which includes patios, verandahs and drying areas.

(63) "Zone"

Is that portion of the area shown on the Scheme Map, by distinctive colouring or edging or in some other distinctive manner (other than any such portion which is reserved for the purposes included in Table B - Reservation of Land), for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or structures, or the use of land. Schedule 2 indicates the former zone designation in terms of the original scheme maps and the new zone designation in terms of the consolidated scheme regulations.

(64) "Guest Suite"

Means a partial self contained bedroom, living room and *en suite* bathroom forming part of a dwelling unit. The guest suite shall not include facilities for the preparation of food or washup facilities, shall be internally inter-linked and inter leading with the dwelling unit and, except by special consent, shall be limited to a total floor area of 30 m². External access may be permitted where such guest suite is located at the ground floor level. Access at a first floor level shall only be permitted under exceptional circumstances. Proposed amendment 23 November 2006.

(65) Servant Quarters or Rooms

Means accommodation designed primarily for the housing of domestic servants and may consist of, but limited to a maximum of two (2) bedrooms and ablution facilities, a kitchenette, living /dining area and total floor area not exceeding 40 m². Access at a first floor level shall only be permitted under exceptional circumstances. Proposed amendment 23 November 2006.

1.3 SCHEME AREA

The area to which this Scheme applies consists of the area of land under the jurisdiction of the local authority as set out in Proclamation as indicated in Schedule 1.

1.4 EFFECTIVE DATE

The effective date is the date of the Administrator's approval of the resolution of the local authority to prepare a scheme. These are as indicated in Schedule 1.

1.5 PLANNING AUTHORITY

The Outer West Local Council or its legal successor hereinafter referred to as the local authority, shall be the authority, responsible for enforcing and carrying into effect the provisions of the Scheme.

1.6 SCHEME MAP

The Scheme Map(s) comprises Drawings Numbers as indicated in Schedule 1.

SCHEDULE 1

ORIGINAL SCHEME	PROCLAMATION NO.	EFFECTIVE DATE	SCHEME MAP NO.
Assagay	54/1993	12 & 19 January 1994	2812
	13/1994	30 November 1994	
Botha's Hill	4/1965	17 February 1970	3250
	18/1972	5 February 1974	
Cato Ridge	8/1955	12 December 1957	
	57/1956	12 December 1957	
	87/1957	12 December 1957	
	45/1960	9 January 1961	
	7/1961	1 August 1961	
	1/1963	8 April 1963	
	57/1963	22 April 1964	
Craiglea	224/1975	20 August 1957	206/6
Drummond	27/1955	7 August 1972	5367

	66/1972	2 May 1973	
Gillitts	43/44	23872	
	4/53	11 May 1965	
Hammarsdale	Orig.part of Harrison	19 June 1961	210/6
Harrison	Res. 10 July 1957	20 August 1957	212/6/4
	Res. 9 April 1958	8 May 1958	
	Res. 8 June 1960	8 November 1960	
	Res. 8 February 1961	19 June 1961	
Hillcrest	21/1943	27 August 1958	TP 195.12
	78/1948	27 August 1958	
	27/1951	27 August 1958	
	51/1951	27 August 1958	
	19/1956	23808	
	7/1957	23808	
	42/1964	23808	
	87/1967	25 March 1969	
	216/1969	11 August 1970	
	233/1970	11 August 1970	
	100/1971	26 October 1971	
	41/1974	26 October 1971	
	168/1977	28585	
Hillcrest 2	114/1995	-- May 1995	HIL TP Sc2
Kloof	32/1948	8 November 1948	41/9B
	20/1954	28 June 1960	
	23/1955	28 June 1960	
Langefontein	22/1991	33555	TP1
Sterkspruit			228/1
Waterfall		22 March 1971	225/1
		18 November 1980	
Crestholme (Waterfall)		26000	

PART 2:

2.1 RESERVATION OF LAND

- (i) The areas of land shown on the Scheme Map and listed in Table B (Reservation of Land) are reserved for the purposes indicated. They shall not be used for any purpose which would conflict with the use for which they have been reserved, save that any such land may continue to be used for the purpose for which it was used on the date of adoption. Where any of the land is in local authority ownership the local authority may execute thereon any development necessary or incidental to the purpose for which the land is reserved.
- (ii) Where reservations, for purposes such as public open space, road, central, provincial and local government, railway or essential services appear on an erf, no person shall erect a building or execute any other work on the reserved land save with the Special Consent of the local authority after approval by the body concerned; provided that any existing land use or existing building may continue until such time as the local authority has acquired

Consolidated Outer West Town Planning Scheme - SCHEDULE 2

TOWN PLANNING SCHEME OR LAND USE AREA	FORMER ZONE DESIGNATION	NEW ZONE DESIGNATION
Assagay	Agriculture 1	Agriculture 1
Assagay	Agriculture 2	Agriculture 2
Assagay	Conservancy	Conservancy
Assagay	General Residential	Intermediate Residential 3
Assagay	Intermediate Residential	Intermediate Residential 2
Assagay	Limited Commercial	Limited Commercial 2
Assagay	Public Open Space	Public Open Space
Assagay	Service Industry	Service Industry 1
Assagay	Service Station	Petrol Filling Station
Assagay	Special Residential 1	Special Residential 1800
Assagay	Special Residential 2	Rural Residential 1
Assagay	Special Zone 1	Special Zone 2 (Crocodile Farm)
Assagay	Special Zone 2	Limited Commercial 1
Assagay	Special Zone 3	Limited Commercial 1
Assagay	Special Zone 4	General Residential (Hotel)
Assagay	Special Zone 5	Special Zone 3 (Assagay Hotel et al)
Assagay	Special Zone 6	Intermediate Residential 2
Assagay	Special Zone 7	Special Zone 8 (17 & 18 Maid)
Assagay	Special Zone 8 (Community Care)	Institution 2
Assagay	Special Zone 16 (Gen Res 2)	Special Residential 1800
Assagay	Retail Nursery	Agricultural 2
Assagay	Worship	Worship
Bothas Hill	Activity Node	Activity Node
Bothas Hill	Activity Spine	Activity Spine
Bothas Hill	Agriculture	Agriculture 1
Bothas Hill	Caravan Park	Caravan Park
Bothas Hill	Garage	Garage
Bothas Hill	General Commercial	Limited Commercial 2
Bothas Hill	General Residential 1	General Residential 1
Bothas Hill	General Residential 2	Intermediate Residential 1
Bothas Hill	General Residential 3	Intermediate Residential 1
Bothas Hill	Light Industrial	Light Industry 1
Bothas Hill	Limited Commercial	Limited Commercial 2
Bothas Hill	Public Open Space.	Public Open Space
Bothas Hill	Retirement Village	Retirement Village
Bothas Hill	Service Industrial	Service Industry 1
Bothas Hill	Special Offices	Transitional Office
Bothas Hill	Special Residential	Special Residential 1800
Bothas Hill	Special Zone Hotel	General Residential (Hotel)
Bothas Hill	Special Zone 1	Limited Commercial 1
Bothas Hill	Special Zone 2	Intermediate Residential 1
Bothas Hill	Special Zone 4	Special Zone 1 (Bus depot)
Bothas Hill	Special Zone 5	Tourist
Bothas Hill	Worship	Worship
Cato Ridge	Agricultural	Agriculture 1
Cato Ridge	Central Use Zone	General Commercial 2
Cato Ridge	Commercial	General Commercial 1
Cato Ridge	General Industry	General Industry 2

Consolidated Outer West Town Planning Scheme - SCHEDULE 2

TOWN PLANNING SCHEME OR LAND USE AREA	FORMER ZONE DESIGNATION	NEW ZONE DESIGNATION
Cato Ridge	General Residential	Intermediate Residential 3
Cato Ridge	Intermediate Residential	Intermediate Residential 3
Cato Ridge	Limited Commercial	Limited Commercial 2
Cato Ridge	Service Industry	Service Industry 2
Cato Ridge	Special Residential	Special Residential 900
Craiglea	Garage	Garage
Craiglea	General Commercial	Limited Commercial 2
Craiglea	Special Industry	Special Industry
Drummond	Agricultural	Agriculture 2
Drummond	General Commercial	Limited Commercial 2
Drummond	General Residential	Intermediate Residential 2
Drummond	Private Open Space	Private Open Space
Drummond	Special Residential	Special Residential 1800
Drummond	Special Zone 1 (Office/Conference Centre)	Tourist
DSB Regs (Monteseel/Inchanga)	Special Residential	Special Residential 1800
Everton (Regulations)	Special Residential 8000 m2	Special Residential 8000
Fredville Phase 1A	Residential	Special Residential 300
Fredville Phase 1A	Mixed Use	Mixed Use 2
Fredville Phase 1A	Community Facility	Institutional 3
Fredville Phase 1A	Commercial	General Commercial 1
Gillitts	Agricultural	Agriculture 1
Gillitts	Agricultural (Special Zone)	Agriculture 1
Gillitts	Caravan Park	Caravan Park
Gillitts	Garage	Garage
Gillitts	General Commercial	Limited Commercial 2
Gillitts	Intermediate Residential	Intermediate Residential 2
Gillitts	Limited Commercial	Limited Commercial 1
Gillitts	Special Residential	Special Residential 1800
Gillitts	Special Zone 1	General Residential (Hotel)
Gillitts	Special Zone 2	Limited Commercial 1
Gillitts	Special Zone 3	Petrol Filling Station
Gillitts	Special Zone 4	Transitional Office
Gillitts	Special Zone 5	Retirement Village
Gillitts	Special Zone 6 (Residential)	Special Zone 4 (Augusta)
Gillitts	Special Zone 7	Light Industry 3
Gillitts	Worship	Worship
Hammarsdale	Agricultural	Agriculture 1
Hammarsdale	General Industry	General Industry 2
Hammarsdale	General Residential	General Residential 2
Hammarsdale	Limited Commercial	Limited Commercial 2
Hammarsdale	Special Residential	Special Residential 900
Hammarsdale	Special Zone 1(Craft & Serv. Centr	Special Zone 9(Craft & Service Centre)
Harrison Flats/Sterkspruit	Agricultural	Agriculture 3
Harrison Flats/Sterkspruit	Industrial (including.Deferred)	General Industry 2
Hillcrest	Agricultural	Agriculture 2
Hillcrest	General Commercial 1	General Commercial 1
Hillcrest	General Commercial 2	General Commercial 1

Consolidated Outer West Town Planning Scheme - SCHEDULE 2

TOWN PLANNING SCHEME OR LAND USE AREA	FORMER ZONE DESIGNATION	NEW ZONE DESIGNATION
Hillcrest	General Offices	Transitional Office
Hillcrest	General Residential	Intermediate Residential 3
Hillcrest	Institution	Institutional 2
Hillcrest	Intermediate Residential	Intermediate Residential 3
Hillcrest	Limited Commercial	Limited Commercial 2
Hillcrest	Private Recreation Area	Private Open Space
Hillcrest	Public Garage	Garage
Hillcrest	Retirement Village	Retirement Village
Hillcrest	Service Industry	Service Industry 2
Hillcrest	Special Residential	Special Residential 1800
Hillcrest	Special Zone 1	Retirement Village
Hillcrest	Special Zone 2	General Residential (Hotel)
Hillcrest	Special Zone 3	Limited Commercial 1
Hillcrest	Special Zone 4	Special Zone 5 (Camelot)
Hillcrest	Special Zone 4(a) Residential	Special Residential 350
Hillcrest	Special Zone 4(b) Commercial	Limited Commercial 1
Hillcrest	Special Zone 4(c) Recreation	Private Open Space
Hillcrest	Special Zone 5	OMITTED
Hillcrest	Special Zone 6	General Commercial 1
Hillcrest	Special Zone 7	Limited Commercial 1
Hillcrest	Special Zone 8	Limited Commercial 1
Hillcrest	Special Zone 9	Service Industry 1
Hillcrest	Special Zone 10	Transitional Office
Hillcrest	Special Zone 11	Limited Commercial 2
Hillcrest	Special Zone 12	Institutional 2
Hillcrest	Special Zone 13	Limited Commercial 2
Hillcrest	Special Zone 14	Limited Commercial 1
Hillcrest	Special Zone 15	OMITTED
Hillcrest	Special Zone 16	Institutional 1
Hillcrest	Special Zone 17	Transitional Office
Hillcrest	Special Zone 18	Transitional Office
Hillcrest	Special Zone 19 (Worship/Education) - Portion 80 (of 12) of Upper End of Langefontein No 980	Worship
Hillcrest	Special Zone 19 (Spec.Office/Restaurant) - Portion 62(of 6) of Albinia No 957	Transitional Office
Hillcrest	Specialised Office	Transitional Office
Hillcrest	Worship	Worship
Hillcrest 2	Agriculture	Agriculture 2
Hillcrest 2	Garage	Garage
Hillcrest 2	General Commercial	General Commercial 1
Hillcrest 2	General Office	Office Park 2
Hillcrest 2	Institutional	Institutional 2
Hillcrest 2	Light Industrial	Light Industry 2
Hillcrest 2	Limited Commercial	Limited Commercial 1
Hillcrest 2	Private Conservation	Private Conservation

Consolidated Outer West Town Planning Scheme - SCHEDULE 2

TOWN PLANNING SCHEME OR LAND USE AREA	FORMER ZONE DESIGNATION	NEW ZONE DESIGNATION
Hillcrest 2	Public Open Space	Public Open Space
Hillcrest 2	PUD 1	PUD 1
Hillcrest 2	PUD 2	PUD 2
Hillcrest 2	PUD 3	PUD 3
Hillcrest 2	Service Industrial	Service Industry 1
Hillcrest 2	Special Residential 1	Special Residential 1800
Hillcrest 2	Special Residential 2	Special Residential 900
Hillcrest 2	Worship	Worship
Kloof	Agricultural	Agriculture 1
Kloof	Commercial	General Commercial 1
Kloof	Crematorium	Crematorium
Kloof	Double Residential 1	Special Residential 1400
Kloof	Double Residential 2	Intermediate Residential 1
Kloof	Garage	Garage
Kloof	General Residential 1	Intermediate Residential 1
Kloof	General Residential 2	Intermediate Residential 3
Kloof	Hotel	General Residential (Hotel)
Kloof	Institution	Institutional 2
Kloof	Intermediate Residential	Intermediate Residential 1
Kloof	Limited Commercial	Limited Commercial 2
Kloof	Private Open Space 1	Private Open Space
Kloof	Private Open Space 2 (Erf 1966)	Private Open Space
Kloof	Service Industry	Service Industry 2
Kloof	Special Zone 14 (Offices)	Transitional Office
Kloof	Special 1 (Worship)	Worship
Kloof	Special Commercial	General Commercial 1
Kloof	Special Zone 12 a (Commercial)	Special Zone 6 a (Com)
Kloof	Special Residential 200m2 (20)	Special Residential 200
Kloof	Special Residential 300m2 (46)	Special Residential 300
Kloof	Special Residential 1500m2 (120)	Special Residential 1400
Kloof	Special Residential 1800m2 (120)	Special Residential 1800
Kloof	Special Residential 3600m2 (150)	Special Residential 3600
Kloof	Special Residential 750m2 (90)	Special Residential 750
Kloof	Special Zone 2 (Res)	Intermediate Residential 1
Kloof	Special Zone 3 (SPCA)	Institutional 1
Kloof	Special Zone 4	Intermediate Residential 1
Kloof	Special Zone 5 (Institution)	Institutional 2
Kloof	Special Zone 6 (Res)	Intermediate Residential 1
Kloof	Special Zone 7	OMITTED (Moorlands)
Kloof	Special Zone 8	Veterinary Hospital
Kloof	Special Zone 9	Petrol Filling Station
Kloof	Special Zone 10 (Res)	Intermediate Residential 1
Kloof	Special Zone 11 (Res)	Intermediate Residential 1
Kloof	Special Zone 13	Transitional Office
Kloof	Special Zone 15 (Res)	Intermediate Residential 1
Kloof	Special Zone 16 (Res)	Intermediate Residential 1
Kloof	Special Zone 17 a (Res)	Special Zone 7 a (Res)
Kloof	Special Zone 17 b (Res)	Special Zone 7 b (Res)

Consolidated Outer West Town Planning Scheme - SCHEDULE 2

TOWN PLANNING SCHEME OR LAND USE AREA	FORMER ZONE DESIGNATION	NEW ZONE DESIGNATION
Kloof	Special Zone 17 c (Res)	Special Zone 7 c (Res)
Kloof	Special Zone 17d (Res)	Special Zone 7 d (Res)
Kloof	Special Zone 12 a (Commercial)	Special Zone 6 a (Com)
Kloof	Special Zone 12 b (GR)	Special Zone 6 b (GR)
Kloof	Special Zone 12 c (Com & GR)	Special Zone 6 c (Com & GR)
Kloof	Water works	Waterworks
KLOOF Rem/ 483	Residential	Special Residential 200
Langefontein	Limited Commercial	Limited Commercial 2
Langefontein	Education	Educational
Langefontein	Institution	Institutional 2
Langefontein	Service Industry	Service Industry 1
Langefontein	Light Industry	Light Industry 2
Langefontein	Agriculture	Agriculture 1
Langefontein	Garage	Garage
Langefontein	Service Station	Petrol Filling Station
Langefontein	Private Open Space	Private Open Space
Langefontein	Private Conservation	Private Conservation
Langefontein	Special Zone 1	Agriculture 1
Langefontein	PUD 2	PUD 2
Lower Langefontein	Commercial	General Commercial 3
Lower Langefontein	Community	Institutional 3
Lower Langefontein	Res./Agric...	Special Residential 180
Lower Langefontein	Residential	Special Residential 180
Mpumalanga	Community	Institutional 3
Mpumalanga	Mixed Use	Mixed 2
Mpumalanga	Mixed Use	Mixed 2
Mpumalanga	Residential	Special Residential 180
Mpumalanga 2	Residential	Special Residential 180
Mpumalanga Phase 1	Commercial	General Commercial 1
Qadi	Residential	Special Residential 300
Qadi	Other	Mixed Use 2
RIETVALLEI /851	Other Land Uses	Mixed 1
RIETVALLEI /851	Residential	Special Residential 350
Waterfall	Garage	Petrol Filling Station
Waterfall	General Commercial	General Commercial 1
Waterfall	General Residential	General Residential 3
Waterfall	Intermediate Residential	Intermediate Residential 3
Waterfall	Light Industry	Light Industry 4
Waterfall	Limited Commercial	Limited Commercial 2
Waterfall	Offices	Office Park 1
Waterfall	Public Open Space	Public Open Space
Waterfall	Retirement Village	Retirement Village
Waterfall	Rural Residential	Rural Residential 1
Waterfall	Service Industry	Service Industry 1
Waterfall	Special Residential	Special Residential 1400
Waterfall	Special Zone 1	Intermediate Residential 1
Waterfall	Special Zone 2	Intermediate Residential 1
Waterfall	Sub 468/4 UEL	Limited Commercial 1

Consolidated Outer West Town Planning Scheme - SCHEDULE 2

TOWN PLANNING SCHEME OR LAND USE AREA	FORMER ZONE DESIGNATION	NEW ZONE DESIGNATION
Waterfall	Worship	Worship
Zamani 1 (Phase 1)	Residential	Special Residential 200
Zamani 2	Other Land Uses	Mixed 1
Zamani 2 (Phase 2)	Residential	Special Residential 200

Consolidated Outer West Town Planning Scheme - SCHEDULE 2

TOWN PLANNING SCHEME OR LAND USE AREA	FORMER RESERVATION OR ZONE DESIGNATION	NEW RESERVATION DESIGNATION
Assagay	Administration	Administration
Assagay	Refuse Site	Refuse Site
Assagay	Sewage Disposal Works	Sewage Disposal Works
Assagay	Water Works	Water Works
Assagay	Cemetery	Cemetery
Assagay	Public Open Space	Public Open Space
Assagay	Amenity Reserve	Amenity Reserve
Assagay	Conservation Reserve	Conservation Reserve
Assagay	River Reserve	River Reserve
Assagay	Approximate Position of New Roads	Approximate Position of New Roads
Assagay	New Roads and Widening of Existing Roads	New Roads and Widening of Existing Roads
Bothas Hill	Administration	Administration
Bothas Hill	Sewage Disposal Works	Sewage Disposal Works
Bothas Hill	Water Works	Water Works
Bothas Hill	Public Open Space	Public Open Space
Bothas Hill	New Roads and Widening of Existing Roads	New Roads and Widening of Existing Roads
Bothas Hill	Approximate Position of New Roads	Approximate Position of New Roads
Bothas Hill	South African Railway Reserve	Railway Reserve
Cato Ridge	Administration	Administration
Cato Ridge	Public Open Space	Public Open Space
Cato Ridge	Private Open Space	Private Open Space (zone)
Cato Ridge	Railway Reserve	Railway Reserve
Cato Ridge	New Roads and Widening of Existing Roads	New Roads and Widening of Existing Roads
Craiglea	Undertaking by Statutory Body	Administration
Craiglea	Sewage Disposal Works & Incidental	Sewage Disposal Works
Craiglea	Public Open Space	Public Open Space
Craiglea	Railway Services & Incidental	Railway Reserve
Drummond	Administration	Administration
Drummond	Public Open Space	Public Open Space
Drummond	Conservation Reserve	Conservation Reserve
Drummond	New Roads and Widening of Existing Roads	New Roads and Widening of Existing Roads
Drummond	Railway Reserve	Railway Reserve
Gillitts	Administration	Administration
Gillitts	Water Works	Water Works
Gillitts	Public Open Space	Public Open Space
Gillitts	Cemetery	Cemetery
Gillitts	Amenity Reserve	Amenity Reserve
Gillitts	New Roads and Widening of Existing Roads	New Roads and Widening of Existing Roads
Gillitts	Approximate Position of New Roads	Approximate Position of New Roads
Gillitts	Railway Reserve	Railway Reserve
Gillitts	Public Car Park	Public Car Park
Hammersdale	Local Authority site	Administration
Hammersdale	Water Works	Water Works
Hammersdale	River Reserve	River Reserve
Hammersdale	Public Open Space	Public Open Space
Hammersdale	Private Open Space	Private Open Space (zone)
Hammersdale	Road Reserve	Road Reserve
Hammersdale	New Roads and Widening of Existing Roads	New Roads and Widening of Existing Roads
Hammersdale	South African Railway Reserve	Railway Reserve
Hillcrest	Public Administration	Administration
Hillcrest	Water Works	Water Works
Hillcrest	Public Open Space	Public Open Space
Hillcrest	Conservation Reserve	Conservation Reserve
Hillcrest	Approximate Alignment of Proposed Road	Approximate Position of New Roads

Consolidated Outer West Town Planning Scheme - SCHEDULE 2

TOWN PLANNING SCHEME OR LAND USE AREA	FORMER RESERVATION OR ZONE DESIGNATION	NEW RESERVATION DESIGNATION
Hillcrest	Proposed Road Closure	Proposed Road Closure
Hillcrest	Railway Reserve	Railway Reserve
Hillcrest	Public Car Park	Public Car Park
Hillcrest	Proposed Road Widening	New Roads and Widening of Existing Roads
Hillcrest 2	Administration	Administration
Hillcrest 2	Water Works	Water Works
Hillcrest 2	Public Administration	Administration
Hillcrest 2	Opportunity Space	Opportunity Space
Hillcrest 2	Public Open Space	Public Open Space
Hillcrest 2	Amenity Reserve	Amenity Reserve
Hillcrest 2	Conservation Reserve	Conservation Reserve
Hillcrest 2	New Roads and Widening of Existing Roads	New Roads and Widening of Existing Roads
Hillcrest 2	Public Car Park	Public Car Park
Hillcrest 2	Approximate Position of New Roads	Approximate Position of New Roads
Kloof	Administration	Administration
Kloof	Water Works	Water Works
Kloof	Conservation	Conservation Reserve
Kloof	Public Open Space	Public Open Space
Kloof	Road Closures	Proposed Road Closure
Kloof	Possible New Roads	Approximate Position of New Roads
Kloof	Railway Reserve	Railway Reserve
Kloof	New Roads	New Roads and Widening of Existing Roads
Langefontein	Water Works	Water Works
Langefontein	Opportunity Space	Opportunity Space
Langefontein	Refuse Site	Refuse Site
Langefontein	Sewage Disposal Works	Sewage Disposal Works
Langefontein	Administration	Administration
Langefontein	Amenity Reserve	Amenity Reserve
Langefontein	Public Open Space	Public Open Space
Langefontein	Conservation Reserve	Conservation Reserve
Langefontein	River Reserve	River Reserve
Langefontein	Railway Reserve	Railway Reserve
Langefontein	Airfield	Airfield
Langefontein	Public Car Park	Public Car Park
Langefontein	Approximate Position of New Roads	Approximate Position of New Roads
Langefontein	New Roads and Widening of Existing Roads	New Roads and Widening of Existing Roads
Waterfall	Administration	Administration
Waterfall	Sewage Disposal Works	Sewage Disposal Works
Waterfall	Refuse	Refuse Site
Waterfall	Water Works	Water Works
Waterfall	River Reserve	River Reserve
Waterfall	Amenity Reserve	Amenity Reserve
Waterfall	Cemetery	Cemetery
Waterfall	Public Open Space	Public Open Space
Waterfall	Conservation Reserve	Conservation Reserve
Waterfall	Public Car Park	Public Car Park
Waterfall	Approximate Position of New Roads	Approximate Position of New Roads
Waterfall	New Roads and Widening of Existing Roads	New Roads and Widening of Existing Roads

and transferred ownership of the land in terms of the provisions of the Local Authorities Ordinance or any other such law. In granting its Special Consent under this clause the local authority shall only permit uses that are of a temporary nature and it shall specify the date on which consent shall expire. Nothing herein shall be construed as prohibiting the fencing of land in conformity with the bylaws.

- (iii) Any land which is reserved in favour of the local authority or other public authority is subject to the requirements of Section 67*sept* and *oct* of the Ordinance. The scheme shall at all times indicate the use or uses to which the land may be put in the event of such reservation being rescinded. The local authority must ensure that these requirements are complied with.
- (iv) Where any land is demarcated for Railway Reserve and an agreement has not been reached with the local authority as contemplated in terms of the Legal Succession to the South African Transport Services Act No 9 of 1989 as amended by 31 March 1993 or as extended to 31 March 1995 then such land shall be deemed to be zoned for Transport Uses and Existing Uses from 1 April 1995 and for Ancillary Uses from 1 April 1996.

2.2 ROAD PROPOSALS

- (i) Unless otherwise specified, wherever a road widening or proposed road is shown on the scheme map, the underlying zoning shall be the same as the erf on which such road widening or proposed road is located.
- (ii) All roads shown in red hatch, or similarly demarcated to indicate proposed closures, on the scheme map are to be closed at dates to be determined. The scheme map shall indicate the underlying zoning which would be applicable once the road closure is implemented..

PART 3:

3.1 BUILDING LINES

- (i) All Erven except where otherwise stated, shall be subject to a 7,5 metre building line.
- (ii) Within a **Medium Density Housing Site**, a building line does not apply to the dwelling unit curtilages, except along external street frontages of the Medium Density Housing site, where the building line shall be 7,5 m.
- (iii) Within an **Industrial Park Site**, a building line does not apply to the individual curtilages, except along external street frontages of the Industrial Park site.
- (iv) Within a **Mobile Home Park Site** the building line shall be 3 m from the boundary common to the stand and any internal road and 7,5 m from the boundary of any public road.

- (v) In the **General Commercial** zone the building line shall be the street line; and in the **Limited Commercial** zone all Erven shall be subject to a 9 metre building line; provided that the local authority may relax the building line restriction subject to the continuity of the shopping frontage not being disrupted or for a practical or architectural effects.
- (vi) In a **Special Residential 350 m²** and 300 m² zone the erven will be subject to a 4.5 metre building line. In a **Special Residential 200 m²** zone or less, the erven will be subject to a 2 metre building line.
- (vii) Where in the commercial zones new mid-block roads, rear access roads and parking courts are required, the building line along boundaries of affected Erven shall be the boundary of such roads and parking courts provided that on all such affected Erven there shall be provided a service yard to the satisfaction of the local authority.
- (viii) All Erven in the **General Residential** zones shall be subject to a 9 metre building line.
- (ix) Where a building line is laid down no building other than boundary walls, fences, pergolas or architectural and garden features, shall be erected between the building line and the street line. Where a new road or road widening is required, the building line is to be set back so as to take into consideration any such new road or widening.
- (x) The local authority may, after having sought the comments of the adjacent and/or opposite owners, relax the building line if, on account of the levels of the erf or 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 seriously hamper the development of the erf. Furthermore, any wall in excess of two metres in height shall similarly require the obtaining of the comments of the adjacent and/or opposite owners prior to consideration, by the local authority, of any building plans for approval.
- (xi) The local authority may, after having sought the comments of the adjacent and/or opposite owners, relax the building line if the architectural effect will enhance the appearance of the street and contribute to public amenity.
- (xii) The local authority may, relax the building line on corner erven in Special Residential zones to 4,5 metres provided that such relaxation is confined to one boundary only. Where authority for such relaxation is given it shall be a condition that no buildings which are erected forward of the prescribed building line of 7,5 metres shall be permitted nearer than 4.5 metres to the side boundary of the erf adjoining.
- (xiii) Notwithstanding the provisions of the above clauses in the cases of swimming pools the building line may be relaxed after having sought the comments of the adjacent and/or opposite owners, by the local authority to no less than 1 metre; provided that where a pool is to be constructed so that any portion of it is within 7,5 metres of a road boundary such pool shall be screened to the satisfaction of the local authority.
- (xiv) Cognisance shall be taken in all cases of the building restriction line imposed in terms of the Provincial Road Ordinance No.10 of 1968 as amended and/or the National Roads Act

No. 7 of 1998 or any succeeding legislation, and in such circumstances the building restriction line may not be relaxed by the local authority, without the consent of the Provincial Department of Transport or the South African National Roads Agency respectively.

- (xv) The building line shall be measured from the outside edge of the building's external walls or roof support beams, provided that the roof overhang is equal to or less than 1,0 metre.

Proposed amendment 23 November 2006.

3.2 SIDE AND REAR SPACE

- (i) No building shall be erected nearer than 3 metres to any side or rear boundary of the erf on which it is situated provided that no building or portion of a building intended to be used for the purpose of a residential building, duplex flat, maisonette, semidetached house, terraced house or a thatched building shall be erected nearer than 4,5 metres to any such boundary, and provided the minimum side or rear space, as the case may be, shall be increased by 1,5 metres for the full height of the building for every storey above 3 storeys of the building.
- (ii) In a **Special Residential 350 m²** or less zone, no building shall be erected nearer than 2 metres to any side or rear boundary of the erf on which it is situated. Provided that in a 350 m² or 300 m² zone the one side space and the rear space shall be 3 metres.
- (iii) Within a **Medium Density Housing** site, side and rear space requirements do not apply to dwelling unit curtilages, except along the side and rear boundaries of the Medium Density Housing site, where the minimum side and rear space shall be 4,5 m.
- (iv) Within an **Industrial Park** Site, side and rear space requirements do not apply to the individual curtilages, except along the side and rear boundaries of the Industrial Park site.
- (v) Within a **Mobile Home Park** site and within individual stands the minimum side and rear space requirement shall be 3 m.
- (vi) Within the office zone the minimum side and rear space requirement shall be 4,5 m.
- (vii) Notwithstanding (i) above, in the case of commercial or industrial zones the side space requirement may be relaxed, after having sought the comments of the adjacent and/or opposite owners, by the local authority except where it is necessary to provide access to the rear of the building for the purpose contemplated in Clause 6.5(1).
- (viii) The local authority may authorise the erection of single storey outbuildings on the side and rear boundaries of Erven in Special and General Residential zones provided the owners of properties contiguous to the affected boundaries have indicated in writing that they would have no objection to such authorisation.
- (ix) The local authority may, after having sought the comments of the adjacent and/or opposite owners, permit in any zone any building to be erected closer to any boundary than the

distance specified in this clause if on account of the siting of existing buildings or the shape, size or levels of the erf, the enforcement of this clause will, in the opinion of the local authority, render the development of the erf unreasonably difficult. In considering any application under this sub-clause the local authority shall have due regard to any possible detrimental effect on adjoining properties.

- (viii) Where access to parking courts is required, the side space of affected erven shall be calculated from the boundaries of such access road.
- (ix) Where any servitude, i.e. a right-of-way, sewer and drain, etc. runs parallel and on any boundary, then the building line shall be measured from such boundary, provided that where a road servitude or road widening is proposed, then the building line shall be measured from same.
- (x) The side or rear space, as the case may be, shall be measured from the outside edge of the building's external walls or the roof support beams, provided that the roof overhang is equal to or less than 1,0 metre. Proposed amendment 23 November 2006.

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PART 4:**4.1 BUILDING RESTRICTIONS AND THE USE OF LAND:**

- (i) The Types of Building and Land Uses shall be as defined in Table A. The extent and location of the various zones shall be as set out on the current adopted Scheme Map(s).
- (ii) Where a use not contemplated by Table A is proposed, it shall be treated as a consent use as set out in Table C. (See 4.2 (ii) below).
- (iii) The erection of buildings and use of land shall take cognisance of the Durban Metropolitan Open Space Framework Plan and, as applicable, the Shongweni/Cliffdale Environmental Management Plan with its respective environmental controls as specified in Annexure N.

4.2 ERECTION AND USE OF BUILDINGS AND USE OF LAND:

TABLE C gives the purpose for which:

- (i) Buildings may be erected and used or land may be used only with the written authority of the local authority.
- (ii) Buildings may be erected and used or land may be used only with the Special Consent of the local authority; and
- (iii) Buildings may not be erected and used and land may not be used.

4.3 SITING OF BUILDING AND ACCESS POINTS

- (i) The siting of any buildings intended to be erected or the development or use of any land shall be subject to the approval of the local authority and persons intending to erect buildings or use land shall, before commencing, apply to the local authority for approval of the siting, use or development.
- (ii) in respect of any application to develop an erf the local authority may determine the position and number of vehicular or pedestrian points of access and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access.
- (iii) In considering any application for the development in terms of Section 67 of the ordinance, It shall be the duty of the local authority to ensure wherever it is considered appropriate, that adequate provision be made for the preservation of indigenous flora, the planting or replacement of trees and the protection of water-courses, by means of conditions qualifying approval of such development.

- (iv) Where internal parking courts are provided, all vehicular access shall be from such parking courts. No direct customer access between parking courts and individual shops shall be permitted, but such access may be given from arcades linking the parking court with the shopping street. Provided that where only one shop occupies the total area of the erf and has frontage to both the parking court and shopping street, the local authority may at its discretion grant permission for one customer access from the parking court. Provided further, that in the case of a subdivision existing at the date of adoption and having frontage only to the parking court, the local authority may grant permission for direct customer access from the parking court to the shops.

4.4 NON-CONFORMING EXISTING USE

Any existing building or existing use which is not in conformity with the scheme, but for which authority was obtained from the local authority prior to the date of adoption, may be completed and continue to be used for the purpose for which it was designed, subject to compliance with any conditions which may have been imposed by the local authority, and provided that:

- (i) Any such non-conforming existing building or use of land may be increased on the erf by an amount not greater than 12.5 per cent of its total floor area or area as the case may be, at the date of adoption, provided that the completed building or use is in conformity with the other provisions of the Scheme, relating to the zone in which such building or use is situated. Provided that by Special Consent an increase of up to 20 per cent may be allowed.
- (ii) Any alteration or addition or change of use which in the opinion of the local authority alters the character of an existing building or use of land, shall automatically remove such building or land from the category of building or existing use.
- (iii) Where the non-conforming existing use of any building or land is discontinued for a continuous period of 18 months or longer, such a existing use shall be deemed to have lapsed and shall not be recommenced.

4.5 DESIGN AND LAYOUT OF CARAVAN PARKS

The written authority of the local authority for the establishment of a Caravan Park shall only be given if the design and lay-out is in accordance with the standards laid down in the Code of Practice for Caravan Parks published by the South African Bureau of Standards, (Publication S.A.B.S. 092 - 1971 as amended).

4.6 APPLICATION PROCEDURE, DESIGN AND LAYOUT FOR MOBILE HOME PARK SITE DEVELOPMENT.

APPLICATION PROCEDURE.

- (1) The written authority of the Local Authority for the establishment of a Mobile Home Park Site shall only be given if the design and layout is in accordance with the standards laid down in the code of practice for Mobile Homes published by the South African Bureau of Standards (publication SABS 0130 - 1976), provided that the minimum number of homes to be sited in a Mobile Home Park site may in certain circumstances be less than 50, where, for example topography, vegetation, availability of services or the use of adjoining recreational facilities in same ownership may, in the opinion of the local authority, warrant a lesser number.
- (2) The applicant shall submit the following to the Local Authority for its approval:
 - (a) a detailed plan of the proposed Mobile Home Park Site to a scale of not less than 1:500 showing where applicable;
 - (i) the full extent thereof;
 - (ii) any existing buildings thereon, their details of construction and proposed use;
 - (iii) 1 m contours and all major topographical features;
 - (iv) any servitudes and building line restrictions; and
 - (iii) the proposed layout and landscaping of the Mobile Home Park Site; the road and footpath system; reticulation systems for water, sewerage, drainage and electricity; street and other lighting; the Mobile Home stands with their areas and dimensions; areas which are reserved for:
 - community facilities showing proposed buildings for various activities;
 - recreational purposes showing their types and extent;
 - administration and other specified purposes;and any other features which may be relevant or required by the local authority; provided that a series of plans to the same scale indicating the required details may be submitted in place of a single detailed plan;
 - (b) A site plan to a scale of not less than 1:1 000 showing
 - (i) the proposed Mobile Home Park Site, 2 metre contours and all existing and proposed buildings thereon;

- (ii) up to a distance of 50 metres from the boundaries of the proposed Mobile Home Park Site, all adjoining properties showing their designations, all buildings thereon and 2 m contours;
 - (iii) all adjoining roads, streets and rights of way; and
 - (iv) a set off sketch or outline drawings at a scale of 1:100 showing the plans, sections and elevations of each type of structure (excluding mobile homes) within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs.
- (3) The Local Authority may in its discretion accept a single plan to the scale of either 1:500 or 1:1 000 embodying all the information required under subparagraphs (a) and (b).
- (4) Any other documents which the local authority. may reasonably require.
- (5)
 - (i) Where, in tile opinion of the Local Authority, a road within a Mobile Home Park should serve the public, the Local Authority may require that the road be registered as a public road, provided that for the purpose of the coverage calculation, the area of the public road shall be included in the gross~site area.
 - (ii) A turning space shall be provided to the satisfaction of the Local Authority at the end of every cul-de-sac.
 - (iii) The minimum width of a road carriageway within a Mobile Home Park shall be 3 metres where the carriageway is one-way and 5,5 metres where the carriageway is two-way.
- (6)
 - (i) Each Mobile Home stand shall have a minimum area of 450 m².
 - (ii) Not more than 30 per cent of the Mobile Home stand shall be covered by the home and any accessory structure.
- (3) A minimum of 10 per cent of the usable area of the Mobile Home Park Site shall be allocated for usable common open space and where required by the Local Authority, shall include a separate fenced-off area for children.

4.7 MEDIUM DENSITY HOUSING AND THE DEVELOPMENT OF LAND WITHOUT THE NEED TO SUBDIVIDE

(1) Notwithstanding anything to the contrary in the scheme, the owner of any property or any person having any real interest in any property which has been zoned Special Residential ("the applicant"), may apply to the Local authority to erect additional freestanding houses on any such property without the need to formally subdivide such property subject to the following:-

1.1 The applicant in making such application shall submit to the Local authority suitable plans and motivations including all necessary details for the complete development of the entire property, irrespective of whether or not such development is to take place in phases.

(a) A plan or plans prepared by a Professional Engineer, Professional Land Surveyor or Registered Town and Regional Planner to a scale of 1:200 (or other suitable scale agreed to by the Local authority) showing :-

- (i) Contour intervals of 2 metres,
- (ii) All relevant topographical detail including flood lines, environmentally sensitive areas and proposed servitudes pertaining thereto,
- (iii) Areas steeper than 1:3,
- (iv) The position, nature, extent and levels of all proposed and existing buildings on the site together with adjacent properties within 10 metres of the site boundary,
- (v) The proposed landscaping on the site including all platforms, banks, retaining wall positions,
- (vi) The position, dimensions and materials to be used in the construction of all roads driveways, parking areas and pathways,
- (vii) The boundaries of the proposed dwelling unit curtilages, exclusive use areas and common property areas,
- (viii) The position, nature and extent of any recreational facilities and utility areas or buildings,
- (ix) The proposed development phases, and
- (x) Any other relevant data required by the Local authority.

(b) A set of sketch plans prepared by a suitably qualified person at scale 1:100 showing the floor plans, sections and elevations of each type of structure within the proposed development, provided that typical plans may be submitted if the units are similar in nature. Such plans should indicate the materials to be used in the construction and proposed colours to be used for external wall finishes and roofs.

- (c) Plans prepared by a Professional engineer showing waste water disposal in accordance with "Annexure J", stormwater disposal, water reticulation and internal roads design as well as a report on the impact of the development on municipal services. The internal roads should be able to accommodate all relevant service vehicles as well as private passenger vehicles.
 - (d) A certificate by a Professional Land Surveyor or Registered Town and Regional Planner showing the calculation of the number of permissible units in accordance with the criteria laid down in clause 4.7.1.3 below.
 - (e) A report by a Professional Engineer on the soil stability and pertinent geological features on the site.
 - (f) The Local authority may in its discretion call for an environmental impact assessment report or environmental management plan.
- 1.2 Only one freestanding dwelling may be erected on a property for each completed multiple of the developable erf area applicable in the particular Special Residential zone in which the property is situate.
- 1.3 For the purposes of computing the total number of additional completed multiples referred to in 1.2 above, only the net developable area of the erf shall be used in the computation and which shall be determined in accordance with the provisions of Annexure I of this Scheme dealing with the development of physically difficult residential sites. Provided further that portions of the erf subject to electricity powerline, oil pipeline or similar servitudes may be partially or totally excluded from the developable area if, in the opinion of the local authority, these servitudes are likely to significantly reduce the development potential.
- 1.4 No freestanding building or any part thereof (including outbuildings) to be erected in a Special Residential zone shall be closer to any other freestanding building or part thereof (including outbuildings) than a distance of twice the side space applicable zone in which the property is situate.
- 1.5 The property shall be subject to the external building lines and side space requirements applicable in the particular zone in which the property is situate increase, provided that the Local authority may, at its discretion, require an increased setback if as the result of the grouping of buildings, the apparent density is larger than may otherwise have occurred.
- 1.6 No walls or fences within the boundary of the site may exceed 1.2 metres in height, provided further that, irrespective of the location of "mini subs" or exclusive use servitudes, such walls or fences shall not be erected immediately on the internal road frontage but shall be located so as to present an open landscaped street-scape to the satisfaction of the local authority.

- 1.7 Any new building to be erected in terms hereof shall be aesthetically desirable and architecturally compatible with any existing buildings on the property so as to provide for an architecturally homogeneous theme. Development may not be injurious to the amenities of the locality by reason of the grouping or design of the buildings.
- 1.8 The applicant shall make provision for a satisfactory single access and egress for all vehicles including, without limiting the generality of the foregoing, fire tenders, local authority service vehicles and other private or commercial vehicles in such a way that the free flow of the traffic in public roads shall not be impeded, nor shall a hazard be created. The local authority may require an entrance gate to be set back from the road boundary so as to adequately accommodate vehicles waiting to enter the property. Where the property in question is a panhandle site the width of the access strip should be sufficiently wide to accommodate the traffic flow generated by the development. The local authority may require a layby to be provided in the case of an access strip that can not safely accommodate passing vehicles.
- 1.9 The applicant shall provide at his own cost, all internal services such as roads, stormwater drainage, kerbing and channelling, sewage disposal, water and electricity and other services which the local authority may determine. Provided further that stormwater attenuation shall be provided on the site as part of the stormwater drainage system to the satisfaction of the local authority.
- 1.10 The local authority may, in approving an application in terms of Section 4.7(1), in its discretion agree to the relaxation of, or condone any failure to comply with any of the conditions referred to therein or it may impose registerable or non-registerable conditions of development to be complied with prior to occupation of the units.
- 1.11 Notwithstanding 1.3 above, where land is donated to the local authority for open space or conservation purposes, such land may be taken into account in calculating the total number of units permitted provided that this does not compromise the overall development or interfere with the amenities of the area in the view of the local authority.
- (2) In the event of the different dwelling unit curtilages being transferred in freehold or registered leasehold title, the local authority shall require that:-
- (a)
 - (i) the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and
 - (ii) no co-owners shall be entitled to require the partition of the common land according to the proportion of his share;
 - (b) a Home Owners Association shall be established.. Such Association shall administer and maintain the common land, control the external appearance of

buildings within the Medium Density housing site and deal with any other matter pertaining to the Medium Density housing site which is of common interest to its members. The affairs of the Association shall be regulated by a Memorandum and Articles of Association. The Memorandum and Articles of Association shall have been submitted to the local authority who shall have certified that it has no objection to these documents;

- (c) An area of 100 m² of usable land per residential unit shall be set aside on either flat or moderately sloping land in an easily accessible and, as far as possible, centrally located position for the recreational use of the residents to the satisfaction of the local authority. Provided that the local authority may, in special circumstances, relax this requirement in respect to location and extent.
- (3) Clause 4.7(1) shall not be used as a mechanism to circumvent the normal subdivisional requirements of the scheme for the zone in question.
- (4) The Local authority may refuse to grant the application referred to in 4.7(1) if the property is capable of subdivision in the ordinary course and, in the opinion of the Local authority, subdivision of the property would be preferable.
- (5) The above does not exempt the applicant from complying with any other clauses or submitting any other plans or documents in accordance with the Scheme.

4.8 GARAGES AND SERVICE STATIONS

- (1) The layout of a Garage or Service Station including the siting of pumps, buildings and of vehicular access or egress shall be to the satisfaction of the local authority.
- (2) The following prerequisites and conditions shall be observed whenever it is proposed to erect a new Garage or Service Station, or to extend an existing Garage or Service Station.
 - (a) No vehicular entrance to or exit from a Garage or Service Station shall be within 150 metres of a freeway interchange, 60 metres from an intersection with a road which in the opinion of the local authority is a major road or 20 metres from intersection with any road.
 - (b) The frontage of a Garage or Service Station erf shall not be less than 36 metres in length.
 - (c) Dwarf walls or other permanent structures satisfactory to the local authority shall be erected on the street frontage of the site so as to confine the movement of vehicles into or out of the Garage or Service Station to authorised access points.
 - (d) No Garage or Service Station shall be established upon any erf unless, in the opinion of the local authority, it has adequate depth so as to enable all activities to be carried on clear of the street. Filler points for underground tanks shall be so

sited as to make it possible for tanker vehicles to stand wholly within the curtilage of the erf when recharging the tanks and for such vehicles to enter and leave the erf in a forward direction.

- (e) Pump islands shall not be less than 5 metres from any boundary of the erf and all traffic routes within the forecourt shall have a minimum width of 5 metres.
- (f) A Garage or Service Station shall be so sited and designed that traffic entering and leaving the erf will not adversely affect movement of pedestrians or vehicles on any heavily trafficked public street or place.
- (g) Parking accommodation for motor vehicles to be provided on the erf in accordance with Clause 6.5.

The local authority may relax any of the above conditions (a) - (g) in respect of any application for a Garage or Service Station which, in the opinion of the local authority, is not a traffic generator in terms of Annexure F.

- (4) In granting its permission for the establishment of a Garage or Service Station, the local authority shall take cognizance of the standards set out in Annexure F. (Planning Standards for Control of Traffic at Traffic Generating Sites).

4.9 EXEMPTIONS

- (1) Nothing in this Scheme shall prohibit or restrict the letting of part of a dwelling house or unit, provided that, in a Special Residential zone no part of any dwelling house nor any additional freestanding building which may be erected for use in conjunction with such dwelling house may be used as a separate dwelling unit unless such building or part thereof complies with clause 5.3.
- (2) Nothing in this Scheme shall prohibit or restrict the use of a place of work, place of instruction, place of public assembly, or an institution as a place of public amusement, provided that such use is restricted to not more than twenty days in each calendar year;
- (3) The operation of a Home Business may occur subject to the following conditions:
 - (a) the Home Business activity shall be by Special Consent, provided that the Head: Development Planning and Management may waive compliance with the Special Consent procedure provided the written consent of the registered owner of each adjoining property and such other properties as the Head: Development Planning and Management may direct, has first been obtained;
 - (b) the area to be utilized for the Home Business shall not exceed 20% of the existing area of dwelling unit existing on the site, and the predominant use shall remain residential;

- (c) the structure wherein the Home Business is operated shall remain residential in character;
- (d) parking and loading facilities shall be to the satisfaction of the Head: Development Planning and Management;
- (e) hours of operation shall be to the satisfaction of the Head: Development Planning and Management;
- (f) no portion of the premises shall be used as a shop;
- (g) the use is to be operated by the *bona fide* resident who shall be assisted by not more than two people;
- (h) no external advertising shall be permitted on the site other than a maximum of one unilluminated sign on each road frontage and each sign shall not exceed 0,2 m² in area;
- (i) storage of goods and equipment shall be within the permitted area, provided that such storage is not considered by the Head: Development Planning and Management to be unsightly or undesirable;
- (j) delivery of goods shall be restricted by means of light delivery vehicles only;
- (k) adequate facilities for the disposal of waste shall be provided on site at all times;
- (l) Council reserves the right to impose any other condition it deems necessary to preserve the residential amenity or withdraw any consent granted if the amenities of the neighbourhood are deemed, in its opinion to be, affected;
- (m) the consent granted shall not be transferrable to successors in title; provided that, with the further written consent of the Head: Development Planning and Management, the transfer of the use as a home business to another *bona fide* resident of the property may be permitted;
- (n) if the use is discontinued, the site shall be reinstated to its original state to the satisfaction of the Head: Development Planning and Management;
- (o) no portion of the premises shall be used for industrial purposes except by Special Consent and provided that the use complies with all the provisions of this Clause;
- (p) the Council may relax the provisions of conditions (g) by Special Consent provided that, in its opinion, there shall be no interference with the amenities of the neighbourhood and provided further that the use for industrial purposes is of a light industrial nature and that the use complies with the definition of light industry.

Amended 20/7/2004 as part of a city wide amendment to all town planning schemes

- (4) Nothing in the provisions of this Scheme shall prohibit the owner of a nursery garden in a residential zone from selling plants by retail provided the Special Consent of the local authority has been applied for and granted with or without conditions of the kind referred to in sub-clause (3).
- (5) Bed and Breakfast accommodation allowed in Agricultural, Conservancy (residential), Equestrian Residential, Rural Residential and Special Residential zones shall be provided in terms of the requirements of Annexure M, "Promotion of Bed & Breakfast And Guest House Establishments", provided that the number of lettable rooms may not exceed four, and provided further that *bona fide* kitchenettes for self catering purposes may be permitted in the local authority's discretion. The owner shall live on the premises in a clearly definable area separate from the guest accommodation. Guest Houses are not included within this exemption and require appropriate residential or other zoning and/or special consent.^{23/3/2005}
- (6) Nothing in the provisions of this scheme, where the written authority or special consent of the Local authority has previously been obtained for a specific development shall preclude the approval of any subsequent alterations, additions or extensions to any building, provided that the general and other specific requirements of the scheme for that zone are observed; and provided further that if, in the opinion of the local authority, the character of the area will change as a result of any such alterations, additions or extensions, the local authority may require the applicant to apply for such authority or special consent, as the case may be.
- (7) Nothing in this scheme, other than the Environmental Controls, shall prohibit sand winning of a temporary nature provided that it shall require the prior special consent of the local authority, and shall be subject to reinstatement/rehabilitation to the satisfaction of the local authority in terms of an Environmental Management Plan, prepared in accordance with applicable legislation or otherwise as required by the local authority.
- (8) Nothing in this scheme shall prohibit or restrict the local authority from permitting, by Special Consent, the use of part of a commercial building or site for a builder's yard provided that it does not impact on surrounding properties.

4.10 USE OF HOTELS FOR CERTAIN PURPOSES:

- (1) The local authority may permit any one or more of the following shops or activities, viz:

- Hairdressing salons;
- Bookshops or newsagents;
- Florists;
- Curio shops;
- Theatre Booking agents;
- Bank agents;
- Travel agents;
- Vending machines;

to be established:-

- (i) in any hotel graded by the hotel Board as a five-star, four-star or three-star hotel in terms of the Hotels Act, 1965, or which, according to the nature of the accommodation and service provided therein, and its situation, is in the opinion of the local authority, likely to be graded as such;
- (ii) by Special Consent in any hotel other than those referred to in sub-paragraph (a) hereof;

provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.

- (2) The local authority may, by Special Consent and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorise, in terms of this scheme, the establishment of a bottle store in any licensed hotel premises.
- (3) The local authority may, by Special Consent and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorise, in terms of this scheme, institutional or educational uses.

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PART 5

5.1 FLOOR AREA RATIO, COVERAGE AND HEIGHT

- (1) In any density zone as set out in TABLE D no building shall be erected which will exceed in floor area ratio, coverage and height the maximum figures permitted for that zone.
- (2) subject to Clause 1.2(27), in calculating the permissible floor area from the floor area ratio the following floor areas may be excluded:
 - (i) any area used exclusively for the parking of motor vehicles, except as provided in Clause 6.5 (xv);
 - (ii) garages, carports, swimming pools, squash courts and tennis courts where they are for private use only.
 - (iii) public arcades and malls in commercial zones which are not used for (permanent) retail purposes or for the display, sale or storage of goods;
 - (iv) in the case of garages and service stations, the un-walled access ways and driveways covered by canopies.
- (3) Only roofed or covered areas are included in the coverage, provided that car ports covered with shade cloth shall not be included in coverage. Provided further that roof overhangs of equal to or less than 1,0 metres extending beyond the outside edge of the external walls or support beams shall not be included in the coverage. Proposed amendment 23 November 2006. Open tennis courts and swimming pools are excluded.
- (4) Notwithstanding Clause 1.2(27) and (28) where, in the commercial zones, land has been donated for a Central Parking Court the floor area ratio shall be calculated on the gross erf area and the coverage on the net erf area.
- (5) The floor area, coverage and height controls shall apply to the overall parent erf and not to the individual curtilages within a multi-unit development unless specifically stated to the contrary. Unless otherwise agreed, the individual curtilages shall have a maximum floor area and coverage based on the mean per curtilage of that allowed for the overall development.
- (6) Notwithstanding the requirements of clause 5.1(1) in respect of height, the local authority may authorise by special consent the erection of a building of a greater height, if it is satisfied that such greater height will not result in any significant detriment to the amenities of the area, that such greater height is reasonable having regard to the topography and/or the uniqueness of the site and furthermore that the general intent of the height restriction imposed within the particular zone is not being deliberately circumvented by such application.
- (7) Notwithstanding the requirements of clause 5.1(1) in respect of floor area and coverage, the council may in special circumstances authorise by special consent the erection of a building of a greater floor area and/or coverage, if it is satisfied that such greater bulk will not result in any significant detriment to the amenities of the area and furthermore that the

general intent of the floor area and coverage restrictions imposed within the particular zone is not being deliberately circumvented by such application.

5.2 ERF CONTROL

- (1)
 - (i) The local authority may increase the minimum erf sizes specified in this clause where, in the local authority's opinion, the method used for the disposal of sewage warrants such an increase.
 - (ii) No erf within a Special Residential zone shall be less in extent than that specified in Table D for the respective zone except in cases where any such erf was in existence prior to the date of adoption. Provided further that where an existing erf is severed by a road, road servitude or similar to effectively form more than one erf and where it is practically feasible to develop on such severed portion, and provided further that arrangements for the disposal of sewage may be made to the satisfaction of the local authority, then such portion may be subdivided off with the Special Consent of the local authority.
 - (iii) No erf within a General Residential zones shall be less than 1 800 m² in extent except in cases where any such erf was in existence prior to the date of adoption.
 - (iv) No erf within an Intermediate Residential zone shall be less than 1800 m² in extent.
 - (v) No erf used for Medium Density housing shall be less than 1 800 m² in extent and no dwelling unit curtilage shall be less than 200 m²
 - (vi) No erf within a General Commercial or Limited Commercial zones used exclusively for commercial purposes which may include one flat of not more than 84 m² for a caretaker or owner, shall be less than 450 m² in extent.
 - (vii) Except as provided in (vi) above, no erf within a General Commercial and Limited Commercial zones used for a composite building in which the ground floor is to be used exclusively for commercial purposes and the upper floor(s) for residential flats, shall be less than 1800 m² in extent.
 - (viii) No erf within a Service Industrial or Light Industrial zone shall be less than 900 m² in extent and no erf within a General Industrial zone shall be less than 1800 m² in extent except where any such erf was in existence prior to the date. of adoption. Provided that this requirement will not preclude the creation of "mini-subs" or curtilages of lesser size within a comprehensive industrial park using building modules as the basis of the curtilages and provided that a Site Owners Association be formed, membership of which shall be mandatory to all site curtilage owners within a particular development.
 - (ix) No erf within an Agricultural zone or Conservancy zone shall be less in extent than that specified in Table D, except where any such erf was in existence prior to the date of adoption. Provided further that where an existing erf is severed by a road, road servitude or similar to effectively form more than one erf and where it is practically feasible to develop on such severed portion, and provided further that arrangements for the disposal of sewage may be made to the satisfaction of

the local authority, then such portion may be subdivided off with the Special Consent of the local authority.

- (x) No erf within a Retirement Village zone shall be less than 1.25 ha in extent, except where any such erf was in existence prior to the date of adoption.
- (xi) Where a township is established for the erection of dwellings wholly or partly financed by the State, the local authority may authorise a reduction in the prescribed minimum for any Erven so used provided that all such erven are served by a waterborne sewage disposal system or acceptable alternative system to the satisfaction of the local authority.
- (xii) No erf used for a Caravan Park or Chalet Development purposes shall be less than 1 ha in extent.
- (xiii) No erf used for a Garage or Service Station shall be less than 1 800 m² in extent.
- (xiv) No erf used for Worship purposes shall be less than 3 600 m² in extent.
- (xv) No erf used for a Mobile Home Park Site shall be less than 1 hectare in extent.
- (xvi) No erf within an office zone shall be less than 1 800 m² in extent except in cases where such erf was in existence prior to the date of adoption.
- (xvii) The Erf Area in any zone is exclusive of access ways in hatchet-shaped erven. Provided that a single erf in a Special Residential township may, with the written consent of the Local authority, be exempted from this requirement. The initial full subdivisional potential will be considered in making this concession.
- (xviii) Where on the date of adoption two dwelling houses were existing lawfully on a single erf which is less in extent than the areas prescribed in these clauses, the local authority may, in its discretion, grant authority for the subdivision of the erf into two separate erven, provided also that the area of either of the subdivided erven is not less in extent than 700 m² and each subdivision conforms to the other provisions of the Scheme. In giving any such authority the local authority shall take into account the amenity of the locality and of the adjoining properties.
- (xix) Where an existing erf in a Residential zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes the local authority may allow the erection of a dwelling house or residential building, as the case may be, on the erf provided that the erf has not been reduced in area to less than 75 per cent of the minimum and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the local authority.
- (xx) Notwithstanding the above minimum requirements, a 10 per cent reduction of the minimum erf size may be permitted for a single erf in any township. Provided that

where an erf exclusive of an access way is less than the minimum area, as allowed in terms of (xvii) above, this reduction shall not be permitted in addition.

- (xxi) Where an existing erf in a Residential zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and/or for open space purposes the local authority may allow an additional 5 per cent reduction of the minimum erf size provided further that arrangements for the disposal of sewage have been made to the satisfaction of the local authority and that the resultant erf is still feasible for the erection of a structure comparable with those erected in the area and bearing in mind the other requirements of the scheme.
- (3) Except as provided in Clause 4.7.5(i) and (ii) not more than one dwelling house shall be erected on any erf, provided that where the erf in extent is double the minimum erf size within a Special Residential zone or within an Agricultural zone, one additional dwelling house may be erected on the erf provided the applicant has submitted to the local authority and received approval for a drawing showing that the land on which the additional dwelling house will stand is capable of being subdivided so that the subdivision will conform to the provisions of the Scheme; and provided that the applicant furnishes the local authority with an undertaking that any land required under the scheme for road construction or road widening purposes shall be transferred to the local authority at dates to be determined by the local authority.
- (4) Except in special circumstances the depth of an erf in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. An erf of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 3 to 1 in proportion having an area of a percentage of the minimum prescribed erf area. as indicated below:

180 - 200 m ²	100%
300 - 350 m ²	75 %
750 - 1 400 m ²	60%
1 800 - 8 000 m ²	50%

Provided that splayed corners not exceeding 3 metres by 3 metres may, at the discretion of the local authority, be excluded for the purposes of determining the rectangle.

5.3 ANCILLARY DWELLING (GRANNY FLAT)

- (1) Notwithstanding clause 5.2(2) above, the local authority may permit the erection of an additional self-contained residential Ancillary Dwelling or Unit in any Conservancy (residential), Agricultural, Equestrian Residential, Rural Residential or Special Residential zoned erf of 1400 m² or greater in extent, provided that an Ancillary Dwelling may be permitted on sewered erven in the Special Residential 750 m² zone or greater. (Amendment adopted 5/3/2002 in terms S47bisA (3)).
- (2) An application to erect an Ancillary Dwelling shall be accompanied by evidence of successful porosity test of the soil in the approximate position of the land where it is intended to effect drainage or sewage effluent disposal; such porosity test shall be carried

- out in terms of Table "E" of the Scheme, provided that this requirement shall not apply when an erf is sewerred.;
- (3) An Ancillary Unit shall have a gross permitted floor area not exceeding 80m²; provided that open sided verandahs and a single garage may be permitted over and above the permitted 80m² subject to compliance with the provisions relating to coverage and floor space and bulk control. (Amended 27 October 2005)
 - (4) An Ancillary Unit shall be restricted to living accommodation. (Amended 27 October 2005)
 - (5) The Ancillary Unit may be detached or attached to other buildings on the property and may be two storeys in height. (Amended 27 October 2005)
 - (6) There shall be no inter-leading doors between an ancillary unit and the main dwelling house, provided that the Head: Development Planning and Management may relax this provision if, in his/her opinion, there is a need for an inter-leading door for health and safety reasons. (Amended 27 October 2005)
 - (7) The number of parking bays and positioning thereof shall be provided at the discretion of the Head: Development Planning and Management. (Amended 27 October 2005)
 - (8) An Ancillary Unit may only be permitted where there is a single dwelling house on a site; provided that in cluster housing and mini-sub developments, no Ancillary Units may be permitted. (Amended 27 October 2005)
 - (9) The road or street access serving the Ancillary Unit shall be the same access which serves the main dwelling, provided that the Head: Development Planning and Management may, by reason of the same access being impractical, or any other cogent reason, permit a road or street access separate from that which serves the main dwelling. (Amended 27 October 2005)
 - (10) The Ancillary Unit shall be architecturally compatible in style and finish with the main building. (Amended 27 October 2005)
 - (11) An Ancillary Unit shall not be permitted to be separate in title from the main dwelling. (Amended 27 October 2005)
 - (12) The following shall be taken into consideration when authorising an ancillary unit:
 - (a) the location of the ancillary unit in relation to the amenities of the adjoining sites and the impacts thereof; and
 - (b) the impact of the additional density upon the infrastructure of the catchment area as defined by the Head: Development Planning and Management. (Amended 27 October 2005)
 - (13) The special consent of the Council may be required where the Head: Development Planning and Management is of the opinion that in terms of sub-clause (12) of this clause there may be interference with the amenities of the neighbourhood or impact upon the infrastructure, provided that he/she may exempt an applicant from applying for special consent and relax the requirements of this sub-clause; provided further that the prior written consent of the registered owner of each adjoining property with street frontages contiguous to the site and such other properties as the Head: Development Planning and Management may direct, has first been obtained. (Amended 27 October 2005)

5.4 MINIMUM FRONTAGE & HATCHET ACCESS REQUIREMENTS

- (1) Except in special circumstances the minimum frontage for all erven shall be 18 metres or the rounded square root of one third of the minimum erf area, whichever is the lesser. The width of the access way for a "hatchet-shaped" erf shall be a minimum of 4 metres throughout its length, provided that in special circumstances a lesser width may be considered for practical reasons. Where minimum erf sizes are greater than 2 000 m², except in special circumstances, the length of the hatchet access, shall not exceed 75 metres. Where an erf is of an irregular shape or occurs in a cul-de-sac or change of road direction, the frontage on the street may, with the authority of the local authority, be less than 18 metres provided the proportion of the erf is in conformity with the ratio provision set out in Clause 5.2(3) and provided also that the frontage on the street is not less than 4 metres.
- (2) The minimum frontage of an erf used for General Residential purposes, shall be 21 metres. The width of the access way for a "hatchet-shaped" erf in General Residential or Industrial zones, shall be a minimum of 9 metres throughout its length.
- (3) The minimum frontage of an erf used solely for commercial purposes shall be 15 metres while that used for the purpose of a composite building referred to in Clause 5.2(1)(vii) shall be 21 metres.
- (4) Where a township is established for the erection of dwelling units wholly or partly financed by the State, the local authority may authorise a reduction in the minimum prescribed frontages.

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PART 6

6.1 EXTERNAL APPEARANCE OF BUILDINGS

- (1) The character, design and external appearance of buildings, including the material used in their constructions shall be subject to the approval of the local authority, and no building may be erected without the approval of the local authority.
- (2) In considering any applications the local authority shall have regard to the character of the locality in which it is proposed to erect such building and shall take into account whether or not the building will be injurious to the amenities of the locality by reason of its external appearance or the materials it is proposed to use.
- (3) Any person intending to alter, extend or erect a building shall submit drawings to the local authority as set out in Clause 6.2, with whatever other indications the local authority may require, showing the external appearance of the proposed building together with a description of the materials to be used.
- (4) Within two months from the date of submission of the drawings and particulars, the local authority shall approve the application either unconditionally or subject to such conditions as it may deem fit, or it may refuse to grant the application on the grounds that the external appearance of such building is acceptable.
- (5) Any applicant aggrieved by any decision in terms of sub-clause (4) hereof shall have the right of appeal to the Appeals Board.
- (6) Where any community is desirous, having regard to the character of the locality in which that community is situated, of requiring a minimum residential unit size, unit style or external construction material it may, subject to its demonstration of being fully representative, form a Home Owners Association for a clearly demarcated area and apply to the Local authority for recognition and for those standards to be imposed. Where a

Home Owners Association is recognised by the Local authority, the Home Owners Association shall within a reasonable period scrutinise any building plans prior to their formal submission to Local authority. Provided that in the event of a minimum unit size standard being acceptable to the Local authority, it shall not preclude any residential unit being phased in construction. Provided further that there shall be a right of Appeal to the local authority against a decision of or unnecessary delay by the Home Owners Association.

6.2 LOCAL AUTHORITY APPROVAL

- (1) For the purpose of securing the approval of the local authority in terms of Clause 6.1 the following documents shall be lodged with the local authority.
 - (i) Drawings in quadruplicate showing the elevations facing any National or Provincial Highway, railway line, street, or accessway, together with side and rear elevations; the drawings shall be to a scale not less than 1 in 100 or in the case of projects too large to be shown conveniently to this scale, a scale of 1 in 200 will be acceptable; fences, gates and boundary walls being deemed to form part of the elevation for the purpose of this clause.
 - (ii) One set of drawings coloured or presented in such a manner as will clearly indicate the finished appearance of the proposed building or alterations or additions, and, if so required, supplemented by plans and sections to indicate the true intent and meaning of the elevations.
 - (iii) A Block Plan to a scale not less than 1 in 500 indicating the siting of the buildings on the erf, levels at corner beacons, the position of any existing buildings on the adjoining erven, and servitudes, building lines and rights-of-way to which the erf is subject.
 - (iv) A brief schedule in quadruplicate, specifying the general construction and finishes of the proposed building, alterations or additions on the erf.
- (3) The approval by the local authority of the design and external appearance of the proposed buildings, additions or alterations shall not be deemed to be an approval in terms of any other provisions of the Town Planning Scheme in course of preparation or of the National Building Regulations, which approval shall first be applied for and obtained before any building work is commenced.
- (4) In the case of a substantial development, an applicant may in the first instance apply for an approval-in-principle.

6.3 APPLICATIONS

- (1) At any time after the effective date no person shall
 - (i) erect a new building, or alter or add to an existing building or carry out any other proposed work, or
 - (ii) develop or use any land, or use any building or structure for any purpose different from the purpose for which it was being developed or used on such date, or

- (iii) use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected:-

until he has first applied in writing to the local authority for authority to do so and the local authority has granted its written authority thereto either with or without conditions.

- (a) provided that any authority granted by the local authority shall remain valid for 18 months from the date of granting of such authority; and
- (b) where any building or work referred to in any such authority has not been substantially commenced within the said period of 18 months or where an appeal has been lodged, within a period of 18 months from the date of notification of the outcome of such Appeal, or where there has been an interruption in the development of the building or land for a continuous period of 18 months, the said authority shall automatically be considered to have lapsed and building operations shall not be commenced or recommenced unless fresh authority has first been applied for and obtained.
- (2) After the date of adoption no person shall erect or extend a building or institute work which is not in conformity with the provisions of the Scheme relating to the erection and use of buildings and use of land.
- (3) No person shall use or cause to be used any building or portion thereof for any use other than that for which it has been lawfully erected unless such building has been altered for any proposed new use and any necessary special consent or authority of the local authority has first been applied for and obtained.
- (4) No land in any use zone may be used for the purpose of the deposit or disposal of waste material or refuse, tipping, dumping, scrap yard, motor graveyard, used car erf, or any other similar purpose until the owner or his duly authorised representative has applied for and received the written approval of the local authority.
- (5) Ordinary applications under the Bylaws/Regulations shall be sufficient notice for the purpose of administering the Scheme; provided that the local authority may call upon persons making such applications to provide any additional information or plans it deems necessary. The local authority may call upon any building owner who proposes to alter a building or put it to a new use to provide a fresh building survey of the property.

6.4 ADVERTISEMENTS

No advertisements shall be displayed or hoardings erected without the written authority of the local authority. Any person proposing to erect any sign, advertisement or hoarding shall submit drawings, of any such sign or advertisement or hoarding to the local authority for approval. No hoarding or advertisement shall be permitted which is likely to cause injury to the amenity of the neighbourhood. Name plates not exceeding 0,2 m² in extent are not considered to fall under this heading. This clause does not apply to casual advertisements for entertainments, property for sale, auctions to be held on the premises or meetings provided they are not, in the opinion of the local authority, unduly ostentatious.

The South African Manual for Outdoor Advertising Control shall be used as a guide in assessing such applications.

6.5 LOADING AND PARKING ACCOMMODATION

- (1) Any person intending to erect, alter or extend a building or develop or use any erf, shall provide loading and parking accommodation within the boundaries of the erf and shall submit proposals therefor in accordance with the following requirements and to the satisfaction of the local authority.
- (i) For every **residential building** and **chalet** there shall be provided 1 garage or covered parking space for each dwelling unit. In addition there shall be provided a suitable area for visitors parking at the rate of 1 car space for every 2 dwelling units, and a loading and unloading area with suitable access to the satisfaction of the local authority.
 - (ii) For every dwelling unit within a **Medium Density Housing** site, there shall be provided 1 garage or carport for each dwelling unit. In addition there shall be provided a suitable area for visitors parking at a rate of 1 car space for every 2 units, provided that the additional car spaces are not placed on the private open area.
 - (iii) For every mobile home within a **Mobile Home Park** site there shall be provided 1 garage or carport for each dwelling unit. In addition there shall be provided a suitable area for visitors parking at a rate of 1 car space for every 2 units, provided that the additional car spaces are not placed on the mobile home stand.
 - (iv) For every building intended for **shopping** use there shall be provided 7 car spaces off the street for each 100 m², or major portion thereof, of the gross shop area, provided that where a major portion of the gross shop area is dedicated for permanent storage purposes, the local authority may provide partial relaxation in respect of such portion. For every building intended for **office** use there shall be provided 4 car spaces for each 100 m² or major portion thereof of gross office area. In addition there shall be provided on the erf a loading and unloading area(s) with suitable access to the satisfaction of the local authority.

Provided that where in the **General Commercial** zones it is physically impracticable to provide on-site parking without disturbing the continuity of the shopping frontage, or where the erf is of such proportions that parking accommodation cannot be reasonably provided, the local authority shall call upon the developer to contribute to a parking fund by way of a cash payment in lieu of the provision of on-site parking. The cash payment shall be calculated on the basis of the cost to the local authority of providing the car spaces, at ground level, that would have been required in terms of the scheme, on land designated in the scheme for public car parking purposes. For the purpose of this clause a car space shall be taken to be an area of 23 m² which includes manoeuvring space. This contribution shall become payable not later than the date of approval of the building plans. All monies received by the local authority in terms of this clause shall be paid into a Parking Reserve Fund and shall be used only for the provision of vehicular parking within the Central Areas.

Provided further that where in the **General Commercial** zones it is physically impracticable to provide on-site parking without disturbing the continuity of the shopping frontage, or where the erf is of such proportions that parking accommodation cannot be reasonably provided, the local authority may allow the developer to provide alternative parking on a site in the immediate neighbourhood in lieu of on-site parking. Provided further that such site or sites are tied by way of a Notarial Deed in Restraint of Free Alienation.

- (v) Where, in the **General Commercial** zone land has been donated for a public car park the cash payment to the parking fund shall be reduced in proportion to the

number of car spaces that can be accommodated in the area of land that has been donated.

- (vi) Where, in the **General Commercial** zone, a contribution has been made or land has been donated by the developer, the exemption from on-site parking shall only apply where the building is used for commercial purposes.
- (vii) Where a residential use is incorporated in a **composite building** providing for both commercial and residential use, on-site parking as set out in Clause 6.5 (1)(i) and 6.5 (1)(vii), shall be provided for the residential use.
- (viii) Where, in a **commercial zone**, a significant portion of the patrons will not be utilising single unit passenger vehicles, the local authority may allow relaxations of these requirements and/or call for taxi or bus ranking facilities. A relaxation will only be considered on the submission of a professionally prepared traffic report fully motivating for the relaxation based on the likely tenant mix and the travel mode of the anticipated patrons.
- (ix) For every **hotel building or boarding house** there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the local authority.
- (x) For every **public office** there shall be provided a convenient area for parking accommodation for 15 cars.
- (xi) For every building or portion of a building intended for use as a **warehouse** there shall be provided one car space for each 140 m² or major portion thereof of floor area and a loading and unloading area with suitable access to the satisfaction of the local authority.
- (xii) For every building or portion of a building intended for use as a **hall without fixed seats** there shall be provided a car space off the street for every 23 m² or major portion thereof of floor area.
- (xiii) For every building intended for use as a **theatre, cinema, assembly hall or place of public worship**, there shall be provided a car space for every 6 seats. Provided that where a significant portion of the persons likely to frequent the facility will be pedestrian, this requirement may be wholly or partially relaxed.
- (xiv) For every building or portion of a building intended for use as a **garage or service station** there shall be provided one suitably located car space for every 50 m² or major portion thereof of floor area plus a loading and unloading area for bulk tankers to the satisfaction of the local authority.
- (xv) For every **industrial building** there shall be provided on the erf sufficient accommodation for parked cars, calculated on the number of persons engaged in the business, including management, office staff and factory employees, as follows:
 - (a) Up to 25 persons employed:

1 car space for every 4 persons or part thereof.

(b) thereafter, for the next 25 persons:

1 car space for every 5 persons or part thereof.

(c) thereafter, for any further number of persons:

1 car space for every 10 persons or part thereof.

There shall be in all cases a minimum of 2 car spaces and, in addition to the foregoing, there shall be provided on the erf to the satisfaction of the local authority a further parking and turning space for every commercial vehicle used for the benefit of the industry and a loading and unloading area with suitable access.

Provided that:

- (a) in respect of employees who do not use private motor vehicles the local authority may relax the above requirements; and
 - (b) the local authority may at any time vary the foregoing requirements if the character or type of manufacturing or processing activity being conducted on the site is changed or altered to an extent which, in the opinion of the local authority materially alters the number and type of vehicles attached to the site; provided that in no case shall such variation result in the number of car spaces provided exceeding a ratio of one car space per 150 m² of total floor area of the industrial buildings on the site.
- (xvi) (a) Car space or parking accommodation means a parking bay of dimensions not less than 5,5 x 2,4 metres and shall be surfaced and clearly marked to the satisfaction of the local authority.
- (b) In addition to (a) above there shall be provided adequate space for vehicular access and manoeuvring to the satisfaction of the local authority.
- (xvii) Where in any building the area set aside for the parking or garaging of vehicles exceeds the minimum requirements by more than 50 per cent, any such excess in area shall be taken into account when calculating the permitted floor area for that building.
- (xviii) A **betting depot**, shall be required to provide 35 car spaces.
- (xix) Where, in the layout of a **township or in the detailed design of a commercial or industrial complex provision has already been made for parking or loading of vehicles on neighbouring land**, the local authority may, in its discretion and to the extent that such provision has been made, waive the on-site parking or loading provisions required by this part of the scheme clauses. Provided further that where such provision is not in a widened road reserve and/or public parking court, it shall be subject to the registration of a notarial deed in restraint of free alienation in respect of the erven concerned. Provided further that the developer shall be responsible for the development of such neighbouring parking or loading provision to the extent that the development requires such parking or loading and subject to any relaxations as may be permitted in terms of this clause.

- (xx) Where any building or portion of a building is used for **Restaurant** purposes, 10 parking bays shall be provided per 100 m² or proportion thereof, provided that where the restaurant or restaurants form a relatively minor component of an overall development in the local authorities view, parking shall be provided as required for the predominant use within that zone.
- (xxi) Where the hours of normal operations of certain occupants within a development do not coincide with the hours of other occupants, consideration may be given to relaxing the above parking requirements. It will however first have to be comprehensively motivated, by an acknowledged expert on traffic and parking requirements and supported by research of an independent authority on parking standards acceptable to the Council, that such relaxation will not negatively impinge on the overall parking requirements either of the development or its environs. In this regard both the current and future occupants will need to be considered.
- (2) For any use or development not specified in paragraphs (1) above, loading and parking accommodation shall be provided to the satisfaction of the local authority.
- (3) Except with the prior approval of the local authority, no person shall bring onto any premises of a dwelling unit or cause or allow to be present thereon any public motor vehicle or trade vehicle, heavy or extra heavy vehicle for a period exceeding two hours, except for *bona fide* purposes of delivering or supplying goods or services to such premises. For the purposes of this clause, the expressions 'public motor vehicle', 'trade vehicle', 'heavy and extra-heavy vehicle' shall have the meanings assigned thereto by the Road Traffic Ordinance, 1966, Ordinance No. 21 of 1966 together with any schedule a thereto, regulation made thereunder and amendment thereof.
- (4) In cases where different land use activities are envisaged and significant variations in peak parking demands are likely to occur due to the hours of operation of certain occupants of the development not coinciding with other occupants, the local authority may consider the relaxation of parking requirements based on substantial motivation and supporting research from a traffic expert, taking due cognizance of the overall impact within the site curtilage and the immediate environs as well as current and future land use activities.

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PART 7

7.1 INSPECTION OF SCHEME

The local authority shall allow any person to inspect the Scheme at any reasonable time. A register of all applications and decisions on the Scheme shall be kept in accordance with the requirements of Section 67*quin* of the Ordinance and shall be available for inspection by any person at any reasonable time.

7.2 AMENDMENTS TO THE SCHEME

If the local authority desires to rescind, alter or amend any of the provisions of the Scheme in course of preparation it shall follow the procedure as set out in Section 47*bis* of the Ordinance. (See Annexure A).

7.3 CONFLICT OF LAWS

- (1)
 - (i) Nothing in this Scheme shall be construed as enabling any person to erect or use any building or to develop or use any land which is in conflict with any condition of title imposed by the Administrator in terms of the Ordinance or by the State under any other law.
 - (ii) The owner of any erf which is subject to a condition of title, referred to in sub-clause (i) above which is in conflict with any provision of this Scheme, may make application to the Administrator for the alteration, suspension or removal of such condition in terms of Section 31(1) of the Ordinance.
 - (iii) The Scheme provisions shall apply over and above the Bylaws/Regulations where they are more onerous than the Bylaws/Regulations or where the Scheme makes no provision, the Bylaws/Regulations shall apply.
 - (iv) In the case of any conflict or difference in interpretation between the English, Afrikaans or Zulu versions of the Scheme Clauses (if any), the English version shall prevail.
- (2) Any decision, order or authorisation given by the Appeals Board in terms of Section 73 *quat* (5)(d) of the Ordinance, and as confirmed or altered on review by the Administrator in terms of Section 73 *sex* of the Ordinance, shall be deemed to be a valid authority granted by the local authority, in terms of Clause 6.3 and, as such, shall be construed as being in accordance with the duly adopted provisions of the scheme.

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TABLE A
TYPES OF BUILDING AND LAND USE

(Note: "Building" shall *mutatis mutandis* include use of land)

1. Agricultural Building: means a building used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the site of that building as agricultural land.

2. Agricultural Industry: means a building used for the intensive production in any form whatsoever, of fish, poultry, game birds, livestock and allied products, and includes any final processing of these commodities; provided that such processing does not constitute a use as defined in schedule A of the Offensive Trade Regulations of Natal (See Annexure D).

3. Agricultural Land: means arable, meadow or pasture land, market gardens, poultry farm, nursery garden and land used for the purpose of breeding or keeping domestic animals, poultry or bees and includes any buildings connected therewith, but excludes buildings connected with the housing of cats and dogs.

4. Arts and Crafts Workshop: Means a building wherein the primary purpose is the production and selling of goods and services by retail and where the processes are operated specifically in connection with a shop to which the public, as customers, have access. This includes such uses as, inter alia, graphic arts, textile design, weaving, pottery, furniture making, leatherwork, studios, creative fashion design, stained glass and may include a printer. The process carried on and the machinery installed shall be such that they will not cause nuisance to other properties or be detrimental to the amenities of the other zones.

5. Betting Depot: means a building used for the purpose of a Bookmaker's premises or a totalisator agency in terms of section 22(1) and 28(3) of the Horse Racing and Betting Control Consolidation Ordinance of 1957 (Ord. 28 of 1957) as amended.

6. Caravan Park: means an area of land provided with adequate ablution and sanitary facilities with or without communal kitchen, constructed with permanent materials arranged for the accommodation of caravans and static caravans which are used primarily for temporary holiday dwelling units and provided also with permanent water points, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purposes, and may also include one dwelling house or flat for caretaker or manager's use.

7. Chalet Development: means a grouping of a number of Chalets on an erf; a chalet meaning a detached habitable building used as a holiday dwelling with a floor area not exceeding 53 m² and not less than 32 m² consisting of not more than 3 living rooms with or without sanitary convenience, bathroom, shower and kitchen, together with approved outbuildings or ancillary buildings to be used in conjunction with a chalet or series of chalets, but shall not include a dwelling house or residential building. A series or chalets shall denote any grouping of a number of chalets (See Provincial Notice No. 786 of 1970).
8. Commercial Workshop: means a light industrial building wherein the primary purpose is the selling of goods or services by retail and where the processes are operated specifically in conjunction with a shop or office to which the public, as customers has access and includes such uses as a watch repairer, shoe repairer, radio/television repairer, computer repairer, electrician and may include a jobbing a printer, but excludes a garage or service station.
9. Conservation Area: means an area of land and/or water within which the conservation of the scenic beauty, indigenous flora and fauna, other naturally occurring material, water courses, topographical features and places of historic or scientific interest is of primary importance.
10. Cottage Industrial Building means a building in which processes carried on or machinery installed are such as can be carried on or installed in a residential zone without causing nuisance to other properties within such zone or to the general public, or without detriment to the amenities of other use zones, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation, size or other causes. Such building shall be designed and constructed in accordance with the acknowledged special amenity and character of the area. Particular attention must be paid to the external appearance of all visibly prominent portions of the buildings, including advertisement boardings and signposting, all of which shall be to the satisfaction of the local authority.
11. Creche: means a building or portion of a building for the care of seven or more infants and young children during the daytime absence of their parents or guardians.
12. Drive-in Cinema: means a site prepared and equipped for the viewing of cinema performances from parked motor vehicles and includes toilet buildings and may include a cafeteria, office, seating facilities, and one dwelling house or flat for a caretaker or manager's use.

13. Dwelling House: means a freestanding dwelling unit used as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith.
14. Educational Building: means a building used as a school, college, technical institute, academy, research laboratory, lecture hall, convent, monastery, gymnasium, public library, art gallery, museum or for other instruction together with any associated land or buildings and includes a hostel but does not include a reformatory.
15. Extended Residential Building: means a building other than a dwelling house but having the general appearance of a single dwelling house, which is used, constructed, designed or adapted for use for human habitation and comprises not more than 3 dwelling units, together with such out-buildings as are ordinarily used therewith.
16. Extractive Industry: means the process of extracting, mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings connected with such operations and crushing plant.
17. Farm Stall: Means a building not greater than 80 m² in extent from which building only fresh fruit, vegetables, dairy products, flora and processed livestock may be retailed to the public.
18. Funeral Parlour: means a building or land used for the purposes of funeral management and includes a shop intended primarily for public reception and for the sale and display of those commodities required for cemetery purposes and services ordinarily ancillary to funeral management but does not include a monumental mason or crematorium.
19. Garage: means a building used for the servicing, repair, storage, display, sale, spray painting, fuelling or washing and cleaning of vehicles together with facilities connected with these activities including the storage and sale of fuel, lubricants, motor spares and accessories, tourist maps, brochures and including an office, storeroom, workshop, grease-pit and machinery; provided that panel beating may be included by special consent.
20. General Industrial Building: means an industrial building as defined in Clause 1.2 and includes a building used for the general repair of motor vehicles, but does not include a garage, service station or special industrial Building (see Annexure D).
21. Guest House Establishment means a free-standing building wherein more than four bedrooms may be used for the purpose of providing short stay self-catering accommodation to guests, and may include other uses considered by Council to be ancillary

thereto, without impairing the amenity of the adjoining properties.^{23/03/2005}

22. Home Business: means the conducting of an occupational activity, in or in conjunction with a dwelling house, ancillary unit, dwelling unit, residential building, or a structure on the residential property, by the *bona fide* residential occupant of that property.
Amended 20/7/2004 as part of a city wide amendment to all town planning schemes
23. Institution: means a building or portion of a building used or designed for use as a charitable institute including the administration thereof, and a building designed for use as a hospital, home for the aged or for mentally or physically retarded children, nursing home, sanatorium, clinic, convalescent home, orphanage or other building used as a public or private institution, but does not include a restricted building. Such building or portion of a building shall be served exclusively by a communal kitchen when other than occasional kitchen facilities are required.
24. Laundrette: means a building used for the purpose of washing and drying clothing and household fabrics, where the machines used are electrically operated and quiet running, and of the type which process each customer's articles individually, and which may be operated by the customer. The washing media used shall be of a type that shall not cause harmful effluent to be discharged into the sewerage system.
25. Light Industrial Building: means an industrial building as defined in Clause 1.2 in which the processes carried on or the machinery installed are such as can be carried on or installed in a Light Industrial zone without causing nuisance to other properties within such zone or to the general public, or without detriment to the amenities of other use zones, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation, size or other causes.
26. Medium Density Housing: means a group of two or more attached and/or detached dwelling units, together with such outbuildings as are ordinarily ancillary thereto, with each dwelling unit having direct access to a private open area and access to common land, the whole development having been designed as an harmonious entity. Such development may include duplex flats, semi-detached houses, terrace houses, maisonettes or dwelling houses. It includes multi-unit developments where units are developed in multiples of the pertaining minimum erf size for the respective zone.
27. Mobile Home: means a factory-assembled structure, 12,5 metres or greater in length and 3,3 metres or greater in width, with the necessary service connection, so made as to be movable on a site as a unit with or without wheels, and designed for use as a permanent dwelling unit and which complies with the S.A.B.S. 1122-1976.

28. Office Building : means a building or part of a building used as an office and includes: a bank, building society, insurance office, estate agent and other professional suites, but does not include a public office. A small display area not exceeding 25% of the total floor area, as defined in the scheme, of the existing structures on the site, may be permitted by Special Consent. The display area must be accommodated within the existing structure and no storage or over the counter sale of manufactured goods or products will be permitted from the display area or the site.
29. Parking Garage: means a building, part of a building or land designed primarily for the purpose of parking, other than parking required in terms of Clause 6.5, and includes washing and servicing of motor vehicles, but does not include a building, any part of which is designed for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.
30. Place of Public Amusement: means a building or land used for public entertainment and includes a theatre, cinema, music-hall, concert-hall, amusement-arcade, dance hall, skating-rink, race-track, sports-arena, exhibition-hall, billiards room and fun-fair.
31. Place of Public Assembly: means a building or land, used for social meetings, gatherings, religious purposes or indoor recreation, but does not include a place of public amusement.
32. Private Recreation Area: means a sports ground, playing field or other open space or Recreational Buildings of a club, firm or other body.
33. Public Office: means an office building used for any Central, Provincial or Local Government purpose. and includes an administrative office, local authority office and town hall, government office, court house, police station, post office, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.
34. Recreational Building: means a clubhouse, gymnasium, squash court, pavilion, shelter, change room and any similar building used in conjunction with a sport. A clubhouse may include dining facilities and lounges.
35. Residential Building: means a building or portion of a building other than a dwelling house, chalet, duplex flat, semi-detached house, terrace house or maisonette used for human habitation, together with such outbuildings as are ordinarily used therewith, and includes a block of flats, boarding-house, hotel, residential club or hostel.
36. Restaurant: means a building or portion of a building used primarily for the preparation and sale of food, confectionery and beverages for consumption on the premises.

37. **Restricted Building:** means a building used for such purposes as a clinic or hospital for infectious diseases, a jail, mental home or hospital, or reformatory.
38. **Service Industrial Building:** means a light industrial building catering primarily for the local customer, and includes a builder's yard and allied trades, laundry, bakery, dairy depot, dry-cleaning and similar types of uses.
39. **Service Station:** means a building
- (a) wherein is sold, by retail sale only:
 - (i) petrol or petroleum derivatives capable of use in internal combustion engines,
 - (ii) lubricating oils and greases,
 - (iii) spare parts, including electrical equipment,
 - (iv) tyres, tubes, valves and repair equipment, or
 - (v) tourist brochures and other such incidentals, and
 - (b) where the following operations may be carried on:
 - (i) running repairs of a minor nature;
 - (ii) lubricating and greasing;
 - (iii) washing and cleaning;
- but shall not include panel beating, spray painting or the carrying out of vehicle body repair work or repairs of a major nature to the engine or transmission system thereof.
40. **Shop:** means a building or land used for any retail trade or business wherein the primary purpose is the selling of goods and appliances by retail and includes a building used for the purpose of a hairdresser, ticket agency, video-hire, showroom, (including motor showroom restricted to the display and sale of vehicles only), auction mart or for the sale of food and drink for consumption off the premises or for the reception of goods to be washed, cleaned, altered, dry-cleaned or repaired and includes ancillary buildings ordinarily incidental to the conduct of the retail business, but does not include an industrial building, garage, service station, milk depot or hotel.
41. **Special Industrial Building:** means a building intended for use for any of the purposes set out in Schedule A of the offensive Trade Regulations of Natal made under Section 138 of the Public Health Act of 1919 and published in Government Notice 1047 of 25th June 1924.- (See Annexure D).
42. **Tavern:** means a building or portion of a building or a structure linked to a dwelling or residential building used or constructed or adapted to be used for the on-site consumption of liquor. It may include the consumption of non-alcoholic beverages and the preparation and

consumption of food, but shall not include the sale of the aforesaid items for consumption off the premises. Such use must have been legalised by means of a liquor licence issued in terms of Section 19 and 20 of the Liquor Act, No 27 of 1989. Note: A shebeen is an illegal tavern.

43. Tea Garden: means a building or portion of a building used primarily for the preparation and sale of light meals; confectionery, and non-alcoholic beverages, but shall preclude any use as defined under shop. It includes a coffee shop.
44. Tuck Shop: means a building or portion of a building or an outbuilding or structure which may be linked to a residential building from which a range of low order goods such as fresh produce, confectionary products, beverages, limited quantities of staple foods, magazines, newspapers and similar goods are sold to its neighbourhood. It may also be know as a spaza shop.
45. Warehouse: means a building used primarily for the storage of goods except those of an offensive or dangerous nature and includes premises used for businesses of a wholesale nature but does not include buildings intended for retail business.
46. Retail Nursery means a building or an outlet in which the main activity is the sale of plants and plant related goods directly to the public. Such operation is to be associated with a nursery garden on the same site.
47. Veterinary Hospital Means a place where animals are given medical care and the boarding of animals is limited to short term care incidental to the hospital use.
48. Animal Facility Means premises used for the breeding, rehabilitation, boarding, training or caring of animals for commercial purposes.
49. Motor Workshop Means a building, or part thereof, used for the general repair and servicing of light motor vehicles, including auto-electrical repairs, the fitting and sale of fitted motor spares and accessories, auto valet services, storage, and may include an office, storeroom and display and sale of vehicles or of towing of broken down motor vehicles.

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Consolidated Outer West Town Planning Scheme

TABLE B: RESERVATION OF LAND (See Part 2 of Clauses)

Use for which Land is Reserved	Additional Controls	Future Colour Notations on Scheme Maps
Administration	(1) Reserved for the use or erection of buildings or facilities of the various tiers of government. (2) Appropriate provision shall be made for parking depending on the type of facility.	Burnt Sienna border
Public Open Space	(1) This land is reserved as open space for the use and the enjoyment of the Public, once such area is in local authority ownership. (2) Works as described in the Local Authorities Ordinance No 25 of 1974, Sections 208 and 264, Sub-sections (14-20) and 27 are permitted and may include public parks and gardens, recreation grounds, zoological gardens and similar such uses. (3) Attention is drawn to Clause 2.1(i) and (ii) of these clauses.	Green
New Roads and Widening of Existing Roads	Proposed Reservations for New Roads and widening of existing roads as shown on the scheme map(s) shall become effective at dates to be determined.	Red
Approximate Position of New Roads	Final alignment to be determined when development takes place.	Broken Red Lines
Water Works	Reserved for Water Supply Authority	Burnt Sienna border with letters W.W.
Sewage Disposal Works	Buildings and other works incidental thereto permitted.	Burnt Sienna border with letters S.D.
Refuse Site	Buildings and other works incidental thereto permitted.	Burnt Sienna border with letters
Railway Reserve	(1) Railway purposes and incidental purposes permitted, (2) Where no agreement has been entered into with the local authority in terms of the Legal Succession to the South African Transport Services Acts, this land is effectively zoned for Existing Uses, Transportation Uses and Ancillary Uses in terms of such legislation.	Grey
Airfield	Works ancillary to the functions of an airfield are permitted.	Grey with Blue border
Public Car Park	Acquisition or development to be negotiated with the erf owners.	Grey with Yellow border.
Taxi Rank	Acquisition or development to be negotiated with the erf owners.	Grey with Orange border
Cemetery	Reserved for burial purposes and buildings, including crematoriums.	Green cross-hatch.

Consolidated Outer West Town Planning Scheme

TABLE B: RESERVATION OF LAND (See Part 2 of Clauses)

Use for which Land is Reserved	Additional Controls	Future Colour Notations on Scheme Maps
River Reserve	<p>(1) Reserve to protect the amenity of the water course and to minimise pollution and erosion.</p> <p>(2) Removal of soil and stones and indigenous vegetation not permitted without the authority of the local authority.</p> <p>(3) Local authority shall be permitted to install underground services.</p>	Light Green with blue line along water course.
Amenity Reserve	<p>(1) This land is reserved to protect the quality of the natural environment but may be used by the Public for passive recreation.</p> <p>(2) Subject to Clause 3 below a shop (restricted to a maximum area of 150 m² and the sale of non-alcoholic beverages, food, confectionery, tobacco and similar commodities) car parking and public conveniences are permitted and a Place of Public Amusement may be permitted by Special Consent.</p> <p>(3) The design and siting of any building, structure or land use shall take into account any existing indigenous vegetation and no such vegetation shall be removed without the authority of the local authority.</p> <p>(4) All other uses are prohibited.</p>	Light Green
Conservation Reserve	<p>(1) This is a natural area of land and or water within which the conservation of the scenic beauty, indigenous flora and fauna water courses and other topographical features, places of historic or scientific interest and the like is of primary importance. The extent of the reservation shall take into consideration 1:50 year flood levels, the DMOSS policy of the Durban Metro Council and the clearance of physical features. No indigenous flora, fauna or any naturally occurring material shall be disturbed or removed. (2) Except where picnic areas and the footpaths through the vegetation have been specially demarcated, the public shall not be admitted.</p> <p>(3) Any work of any kind which is undertaken shall be done in accordance with a layout plan which shall be a duly adopted provision of the scheme.</p> <p>(4) A retreat centre is permitted on Portion 549 (of 82) of the farm Waterfall No 980 in accordance with layout plan Revision ' F ' by B Von Dongen dated 5 January 2004.</p>	Dark Green

Consolidated Outer West Town Planning Scheme

TABLE B: RESERVATION OF LAND (See Part 2 of Clauses)

Use for which Land is Reserved	Additional Controls	Future Colour Notations on Scheme Maps
Nature Reserve	<p>(1) This is a natural area of land and or water within which the conservation of the scenic beauty, indigenous flora and fauna, water courses and other topographical features, places of historic or scientific interest and the like is of primary importance and is administered by Nature Conservation Services, the Wildlife Society, the local authority or similar including a company with this aim as its primary function.</p> <p>(2) The design and siting of any building, structure or land use related to such use shall take into account any existing indigenous vegetation or feature and no such vegetation shall be removed without the authority of the relevant authority.</p>	Green with Dark Green border
Opportunity Space	<p>(1) Reserve within which any small-scale economic activity is permitted, provided that each operator occupies a space of no more than 30 m² in extent.</p> <p>(2) Notwithstanding any of the provisions of these clauses, no specific town planning controls, except those deemed necessary by the local authority, shall be applicable.</p>	Blue and Purple cross-hatch

CONSOLIDATED OUTER WEST TOWN PLANNING SCHEME - TABLE C - USE ZONES

P = Permitted - Purpose for which buildings may be erected and used and land may be used

C = Conditional - Purpose for which buildings may be erected and used and land may be used by Special Consent

X = eXcluded - Purpose for which buildings may NOT be erected and used and land may NOT be used

Note: Any land use type not specifically identified in the definitions may be considered on its merits by Special Consent.

Land Use Type No.	USE ZONE	Special Zone 6 (Kloof)	Special Zone 7 (Kloof)	Special Zone 8 (17 & 18 Matd)	Special Zone 9 (Craft & Serv.Cntr)	Special Zone 10 (PheZulu Game R)	Special Zone 11 (Makaranga)	Undetermined
1	Agricultural Building	X	X	X	X			X
2	Agricultural Industry	X	X	X	X			X X
3	Agricultural Land	X	X	X	X			X X
4	Art & Crafts Workshop	C	X	X	X			X X
5	Betting Depot	C	X	X	X			X X
6	Caravan Park	X	X	X	X			X X
7	Chalet Development	X	X	X	X			X X
8	Commercial Workshop	C	X	X	P			X X
9	Conservation Area	X	C	P	X			X X
10	Cottage Industry Building	C	C	X	X			X X
11	Creche	C	C	X	X			X X
12	Drive-in Cinema	X	X	X	X			X X
13	Dwelling House	X	P	P	X			P* X
14	Education Building	C	C	X	X			X X
15	Extended Residential Building	X	C	X	X			X X
16	Extractive Industry	X	X	X	X			X X
17	Farm Stall	C	X	X	X			X X
18	Funeral Parlour	C	X	X	X			X X
19	Garage	X	X	X	P			X X
20	General Industrial Building	X	X	X	X			X X
21	Guest Lodge or House	X	X	X	X			X X
22	Home Business	X	C	S	X			X X
23	Institution	C	C	X	X			X X
24	Laundrette	C	X	X	X			X X
25	Light Industrial Building	X	X	X	X			X X
26	Medium Density Housing	C	X	P*	X			X X
27	Mobile Home	X	X	X	X			X X
28	Office Building	C	X	X	P			X X
29	Parking Garage	C	X	X	X			X X
30	Place of Public Amusement	C	X	X	P			X X
31	Place of Public Assembly	C	X	X	X			P* X
32	Private Recreation Area	C	C	S	P			X X
33	Public Office	P	X	X	P			X X
34	Recreation Building	C	C	S	X			X X
35	Residential Building	P	X	X	P*			P* X
36	Restaurant	C	X	X	P			P X
37	Restricted Building	X	X	X	X			X X
38	Service Industrial Building	C*	X	X	X			X X
39	Service Station	X	X	X	X			X X
40	Shop	P	X	X	P**			X X
41	Special Industrial Building	X	X	X	X			X X
42	Tea Garden	P	X	X	X			P X
43	Tavern	C	X	X	X			X X
44	Tuck Shop	X	C	X	X			X X
45	Warehouse	X	X	X	X			X X
46	Retail Nursery	X	X	X	X			X X
47	Veterinary Hospital	X	X	X	X			X X
48	Animal Facility	X	X	X	X			X X
49	Motor Workshop	X	X	X	X			X X
	Remarks	Service industry limited to service workshop		* Restricted to 11 units in total	* Restrict to caretakers flat **inc. Elect Game Machine	See table D for permitted uses	See table D for more detail on permitted uses	See Table D

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Caravan Park	0.20	25%	2	(1) Minimum erf area as per clause 5.2 (1)(ix) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Shop and restaurant area, except by special consent, not to exceed 150m ² .	Light Brown with Red border
Limited Commercial 1	0.25	25%	2	(1) Minimum erf area as per clause 5.2 (1)(vi) and (vii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Residential use limited to upper floor.	Light Blue
Limited Commercial 2	0.50	50%	3	(1) Minimum erf area as per clause 5.2 (1)(vi) and (vii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Residential use limited to upper floor.	Light Blue hatched Black
General Commercial 1	1.00	80%	3	(1) Minimum erf area as per clause 5.2 (1)(vi) and (vii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Other than for a manager's or caretaker's flat, where residential use is included in a composite building the residential portion shall not exceed a FAR of 0.35 and a coverage of 50%.	Blue

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
General Commercial 2	1.50	80%	6	(1) Minimum erf area as per clause 5.2 (1)(vi) and (vii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Other than for a manager's or caretaker's flat, where residential use is included in a composite building the residential portion shall not exceed a FAR of 0.35 and a coverage of 50%.	Blue hatched black
General Commercial 3	2.00	50%	2	(1) Minimum erf area as per clause 5.2 (1)(vi) and (vii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Other than for a manager's or caretaker's flat, where residential use is included in a composite building the residential portion shall not exceed a FAR of 0.35 and a coverage of 50%.	Blue cross hatched black
Petrol Filling Station	0.20	40%	2	(1) Minimum erf area as per clause 5.2 (1)(xii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Convenience Shop, except by special consent, not to exceed 120m ² . (5) In addition to the general requirements of the scheme, special attention is drawn to Clause 4.8.	Light Blue with Purple hatch

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Garage	0.40	60%	2	(1) Minimum erf area as per clause 5.2 (1)(xii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Convenience Shop, except by special consent, not to exceed 120m ² . (5) In additional to the general requirements of the scheme, special attention is drawn to Clause 4.8.	Light Blue with Purple Cross Hatch
Private Open Space	0.15		2		Green with Blue border
Private Conservation	0.10	10%	1	(1) No material or element shall be disturbed, removed or altered in any way unless approval is obtained from the local authority. In granting such approval the local authority may impose whatever controls it deems necessary to achieve the object of the zone, (2) The local authority and/or the Town and Regional Planning Commission may require that an Environmental Management Plan be prepared and submitted for the approval of the authority requiring the preparation of such plan. The management plan shall set out the works to be undertaken to promote the objectives of the zone.	Dark Green
Crematorium	NA	NA	2	The local authority and/or the Town and Regional Planning Commission may require that an Environmental Management Plan be prepared and submitted for the approval of the authority requiring the preparation of such plan. The management plan shall set out the works to be undertaken to promote the objectives of the zone and ameliorate any negative affects on nearby zones..	Green Cross hatch with Red Border

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Service Industry 1	0.50	50%	2	(1) Minimum erf area as per clause 5.2 (1)(viii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker. (5) No building or boundary wall is to be erected or parking provided in the area between the building line and the site boundary which area is to be landscaped to the satisfaction of the local authority. (6) Reference to Annexure G is to be made for Special Consent for a shop.	Mauve
Service Industry 2	1.00	70%	3	(1) Minimum erf area as per clause 5.2 (1)(viii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker. (5) No building or boundary wall is to be erected or parking provided in the area between the building line and the site boundary which area is to be landscaped to the satisfaction of the local authority. (6) Reference to Annexure G is to be made for Special Consent for a shop.	Mauve with Black border

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Light Industry 1	1.00	50%	2	(1) Minimum erf area as per clause 5.2 (1)(viii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker. (5) No building or boundary wall is to be erected or parking provided in the area between the building line and the site boundary which area is to be landscaped to the satisfaction of the local authority. (6) Reference to Annexure G is to be made for Special Consent for a shop.	Mauve with Black hatch
Light Industry 2	1.20	70%	2	(1) Minimum erf area as per clause 5.2 (1)(viii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker. (5) No building or boundary wall is to be erected or parking provided in the area between the building line and the site boundary which area is to be landscaped to the satisfaction of the local authority. (6) Reference to Annexure G is to be made for Special Consent for a shop.	Mauve with Black cross-hatch

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Light Industry 3	1.40	70%	6	(1) Minimum erf area as per clause 5.2 (1)(viii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker. (5) No building or boundary wall is to be erected or parking provided in the area between the building line and the site boundary which area is to be landscaped to the satisfaction of the local authority. (6) Reference to Annexure G is to be made for Special Consent for a shop.	Mauve with Black cross-hatch & Border
Light Industry 4	0.50	50%	2	(1) Minimum erf area as per clause 5.2 (1)(viii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker. (5) No building or boundary wall is to be erected or parking provided in the area between the building line and the site boundary which area is to be landscaped to the satisfaction of the local authority. (6) Reference to Annexure G is to be made for Special Consent for a shop.	Mauve with Yellow Border

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
General Industry 1	0.50	50%	2	<p>(1) Minimum erf area as per clause 5.2 (1)(viii)</p> <p>(2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5</p> <p>(3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority.</p> <p>(4) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker.</p> <p>(5) No building or boundary wall is to be erected or parking provided in the area between the building line and the site boundary which area is to be landscaped to the satisfaction of the local authority.</p> <p>(6) Reference to Annexure G is to be made for Special Consent for a shop.</p>	To be determined
General Industry 1 (continued)				<p>(7) A General Industrial Building or Use may not be permitted if it is considered by the local authority that such use will become injurious or a significant source of danger, nuisance, discomfort or annoyance to the neighbourhood or adjoining neighbours (as amended by PPDC on appeal);</p> <p>(8) The local authority may at its discretion call for a special consent application or a suitable environmental impact report prior to granting a General Industrial Building or Use, as well as insisting on on-going confirmatory monitoring verifying that predicted impacts are within acceptable norms. Should such on-going monitoring reveal negative impacts higher than those predicted in the environmental impact report, the local authority will have the right to order the offending activity to cease without any financial hardship being claimed from the local authority.</p>	

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
General Industry 2	1.50	70%	4	(1) Minimum erf area as per clause 5.2 (1)(viii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker. (5) No building or boundary wall is to be erected or parking provided in the area between the building line and the site boundary which area is to be landscaped to the satisfaction of the local authority. (6) Reference to Annexure G is to be made for Special Consent for a shop.	Purple
Special Industry	1.50	70%	NA	(1) Minimum erf area as per clause 5.2 (1)(viii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker. (5) No building or boundary wall is to be erected or parking provided in the area between the building line and the site boundary which area is to be landscaped to the satisfaction of the local authority. (6) Reference to Annexure G is to be made for Special Consent for a shop.	Purple with Red cross-hatch
Institutional 1	0.10	10%	2	(1) Minimum erf area 1800 m ² (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5	Burnt Sienna hatch

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Institutional 2	0.35	25%	2	(1) Minimum erf area 1800 m ² (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5	Burnt Sienna cross-hatch
Institutional 3	2.00	75%	2	(1) Minimum erf area 1800 m ² (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5	Burnt Sienna cross-hatch tartan
Worship	0.50	30%	NA	(1) Minimum erf area as per clause 5.2 (1)(xiii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Side and rear space as for residential buildings	Red Crosshatch
Educational	0.35	25%	3	(1) Minimum erf area 1800 m ² (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5	Pink
Vetinerary Hospital	0.20	25%	2	(1) Minimum erf area 3600 m ² (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Side and rear space as for residential buildings (4) Shop area, except by special consent, not to exceed 100m ² .	Light Blue cross-hatch
Tourist	N/A	20%	2	(1) Minimum erf area 5000 m ² (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Side and rear space as for residential buildings	Olive green and Light Blue bands

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Activity Node	0.50	50%	3	<p>(1) Minimum erf area 900 m2.</p> <p>(2) FAR & Coverage may be increased by Special Consent to 0.75 and 75% respectively.</p> <p>(3) Residential developments, other than licensed hotels, to be in compliance with Table D and other controls of the Intermediate Residential 1 zone.</p> <p>(4) Development to be generally in accordance with the objectives and spirit of the Policy statement as set out in Annexure A of the Bothas Hill Old Main Road Activity Spine report by ZAI dated October 1994.</p>	To be determined
Activity Spine	0.35	35%	3	<p>(1) Minimum erf area 1800 m2.</p> <p>(2) Commercial workshop, restaurant and/or shop uses only permissible by special consent as an ancillary function to a predominant, permanent residential use, to be operated by such permanent residential occupant, and to be limited to the manufacture and/or sale of goods which, in the opinion of the local authority, serve the tourist market.</p> <p>(3) An Arts and Craft Workshop is permissible by free entry as an ancillary function to a predominant, permanent residential use, provided that by Special Consent it may be permitted as a primary use.</p>	To be determined
Activity Spine (continued)				<p>(4) Residential building permissible by special consent limited to the use of a dwelling house for short term accommodation of tourists and/or visitors to the area.</p> <p>(5) Development to be generally in accordance with the objectives and spirit of the Policy statement as set out in Annexure A of the Bothas Hill Old Main Road Activity Spine report by ZAI dated October 1994.</p>	

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Mixed 1	N/A	60%	3	(1) Minimum erf area 200 m ² (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Other than for residential use, subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Mauve and Yellow bands
Mixed 2	N/A	80%	3	(1) Minimum erf area 200 m ² (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Other than for residential use, subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Mauve and Orange bands
Mixed 3	N/A	50%	2		Mauve and Orange bands
Transitional Office	0.35	30%	2	(1) Minimum erf area as per clause 5.2 (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Landscaping of any site zoned for office purposes shall be to the satisfaction of the local authority, taking into account the location of the office zone. (5) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker. (6) The development shall outwardly be similar in appearance to a residential building.	Yellow and Light Blue bands

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Office Park 1	0.50	30%	2	(1) Minimum erf area as per clause 5.2 (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Landscaping of any site zoned for office purposes shall be to the satisfaction of the local authority,taking into account the location of the office zone. (5) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker.	Light Blue with Black Border
Office Park 2	1.00	50%	4	(1) Minimum erf area as per clause 5.2 (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Landscaping of any site zoned for office purposes shall be to the satisfaction of the local authority,taking into account the location of the office zone. (5) Notwithstanding the provisions of Table C one dwelling unit may be permitted on each site to accommodate a manager or caretaker.	Light Blue with Black Border and hatching
Business Park	0.5	50%	2	Motor Workshop includes associated showrooms	To be determined
Agriculture 1	0.10	10%	2	(1) Minimum erf area 2 hectares	Olive green
Agriculture 2	0.15	15%	2	(1) Minimum erf area 1.5 hectares	Olive Green with Dark Green Border

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Agriculture 3	0.35	25%	2	(1) Minimum erf area 1.5 hectares provided when non-agricultural uses are envisaged the appropriate minimum shall be applied as provided in clause 5.2 (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Industry may be allowed, subject to approval of a Development Plan by Special Consent and the provision of a sewage disposal and other infrastructure systems to the satisfaction of the local authority. (6) Reference to Annexure G is to be made for Special Consent for a shop in an industrial premise.	Olive Green and Mauve bands
Conservancy	0.10	10%	2	(1) Minimum erf area 15 hectares (2) The requirements of Annexure K shall apply.	Olive Green with Light Green Border
Equestrian Residential Equestrian Residential (cont)	0.06	5%	2	(1) Minimum erf area 10 hectares (2) Maximum residential density 2 units per hectare. (3) Overall Site Development Plan required. (4) Maximum total curtilage area not to exceed 20 % of total site area. (5) Accommodation for motor vehicles to be provided as per clause 6.5 (6) Provision of a sewage disposal system to the satisfaction of the local authority. (7) Exercise area and stabling to be provided to accommodate horses from each curtilage. (8) Removal of horse related waste products to the satisfaction of the local authority, (9) Individual curtilages not subject to individual bulk controls other than for height.	Olive Green and Orange bands
Rural Residential 1	0.20	20%	2	(1) Minimum erf area 4000 m2	Olive Green and Yellow bands

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Residential 180	1.00	50%	2	(1) Minimum erf area 180 m2. (2) Where the erf is used exclusively for multiple residential purposes, the minimum erf size shall be 1800 m2 and the maximum number of units which may be established shall be as per clause 4.7. (3) A Medium Density Housing Site shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow with Black cross hatching and border
Special Residential 200	1.00	60%	3	(1) Minimum erf area 200 m2. (2) Where the erf is used exclusively for multiple residential purposes, the minimum erf size shall be 1800 m2 and the maximum number of units which may be established shall be as per clause 4.7. (3) A Medium Density Housing SITE shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow with Black cross hatching
Special Residential 300	0.45	60%	2	(1) Minimum erf area 300 m2. (2) Where the erf is used exclusively for multiple residential purposes, the minimum erf size shall be 1800 m2 and the maximum number of units which may be established shall be as per clause 4.7. (3) A Medium Density Housing SITE shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow with brown cross-hatching and border
Special Residential 350	0.45	60%	3	(1) Minimum erf area 350 m2. (2) Where the erf is used exclusively for multiple residential purposes, the minimum erf size shall be 1800 m2 and the maximum number of units which may be established shall be as per clause 4.7. (3) A Medium Density Housing SITE shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow with Brown cross-hatching

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Residential 750	0.35	35%	2	(1) Minimum erf area 750 m2. (2) Where the erf is used exclusively for multiple residential purposes, the minimum erf size shall be 1800 m2 and the maximum number of units which may be established shall be as per clause 4.7. (3) A Medium Density Housing SITE shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow with brown hatching
Special Residential 900	0.40	30%	2	(1) Minimum erf area 900 m2. (2) Where the erf is used exclusively for multiple residential purposes, the minimum erf size shall be 1800 m2 and the maximum number of units which may be established shall be as per clause 4.7. (3) A Medium Density Housing SITE shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow with Orange cross-hatching
Special Residential 1400	0.35	30%	2	(1) Minimum erf area 1400 m2. (2) Where the erf is used exclusively for multiple residential purposes, the minimum erf size shall be 1800 m2 and the maximum number of units which may be established shall be as per clause 4.7. (3) A Medium Density Housing SITE shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow with Orange hatching
Special Residential 1800	0.35	30%	2	(1) Minimum erf area 1800 m2. (2) Where the erf is used exclusively for multiple residential purposes, the minimum erf size shall be 1800 m2 and the maximum number of units which may be established shall be as per clause 4.7. (3) A Medium Density Housing SITE shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow with Orange Border

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Residential 3600	0.35	30%	2	(1) Minimum erf area 3600 m2. (2) Where the erf is used exclusively for residential purposes the maximum number of units which may be established shall be as per clause 4.7. (3) A Medium Density Housing SITE shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow
Special Residential 8000	0.20	20%	2	(1) Minimum erf area 8000 m2, provided that with the written consent of Council and subject to compliance with the Everton Environmental Management/ Assessment Plan as amended, the erf area may be reduced to 6000 m2. (2) A Conservation Reserve may be included within an erf area provided that adequate area, in the opinion of the local authority, remains outside of same so as to permit the erection of a house and associated outbuildings. (3) Where the erf is used exclusively for residential purposes the maximum number of units which may be established shall be as per clause 4.7. (4) A Medium Density Housing SITE shall be subject to the provisions of a sewage disposal system to the satisfaction of the local authority.	Yellow and White bands

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Intermediate Residential 1	0.20	20%	2	(1) Minimum erf area as per clause 5.2(1)(iv) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) The requirements of Clause 4.7 shall apply and the density shall be limited to 10 units per hectare. The coverage requirement shall apply only to the Medium Density Housing Site and not the individual dwelling unit curtilages.	Orange
Intermediate Residential 2	0.25	25%	2	(1) Minimum erf area as per clause 5.2(1)(iv) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) The requirements of Clause 4.7 shall apply and the density shall be limited to 15 units per hectare. The coverage requirement shall apply only to the Medium Density Housing Site and not the individual dwelling unit curtilages.	Orange with brown hatching
Intermediate Residential 3	0.35	35%	2	(1) Minimum erf area as per clause 5.2(1)(iv) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) The requirements of Clause 4.7 shall apply and the density shall be limited to 20 units per hectare. The coverage requirement shall apply only to the Medium Density Housing Site and not the individual dwelling unit curtilages.	Orange with brown cross-hatching

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Planned Unit Development 1	NA	NA	3	(1) Density Limited to 20 units per Ha. (2) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (3) Additional Controls are contained in Annexure L.	Orange with brown cross-hatching with PUD superimposed
Planned Unit Development 2	NA	NA	3	(1) Density Limited to 15 units per Ha. (2) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (3) Additional Controls are contained in Annexure L.	Orange with brown hatching with PUD superimposed
Planned Unit Development 3	NA	NA	2	(1) Density Limited to 10 units per Ha. (2) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (3) Additional Controls are contained in Annexure L.	Orange with PUD superimposed
Retirement Village	0.35	35%	2	(1) Minimum erf area as per clause 5.2 (1) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Shop and restaurant area, except by special consent, not to exceed 150m ² and to be for the exclusive use of the of the residents and their guests.	Light Brown with Green Border

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Retirement Village (cont.)				<p>(5) A frail care centre shall be provided to the satisfaction of the local authority, provided that this need not necessarily be on the same Site.</p> <p>(6) The requirements of Clause 4.7 shall apply and density shall be limited to 20 units per hectare where unit size is > 75 m² or 30 units per hectare where unit size is < 75 m²</p> <p>(7) The grounds are to be landscaped to the satisfaction of the local authority.</p> <p>(8) Other than for the main multi story building, Erven 232-234 Bothas Hill shall not contain more than 45 detached retirement units in total. Provided further that future additions to the main building exceeding two storey may be considered by special consent in terms of clause 5.1(6) based on the uniqueness of the site.</p>	Light Brown with Yellow border
Mobile Home Park	0.30	30%	2	<p>(1) Minimum erf area as per clause 5.2 (xiv)</p> <p>(2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5</p> <p>(3) Subject to the provisions of a sewage disposal, stormwater, water supply, refuse disposal system and of other essential services systems to the satisfaction of the local authority.</p> <p>(4) Shop and restaurant area, except by special consent, not to exceed 150m² and to be for the exclusive use of the of the residents and their guests.</p> <p>(5) The requirements of Clause 4.6 shall apply and density shall be limited to 16 units per hectare.</p>	

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
General Residential (Hotel)	0.40	40%	2	(1) Minimum erf area as per clause 5.2(1)(iii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) Shop and restaurant areas are to be primarily for the use of guests, are to be of an ancillary nature and not obvious from the exterior of the building..	Brown with Black Border
General Residential 1 General Residential 1 (Cont)	0.40	20%	3	(1) Minimum erf area as per clause 5.2(1)(iii) (2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5 (3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. (4) For all residential buildings, provision is to be made for the landscaping and maintaining of the grounds to the satisfaction of the local authority, and not less than 25% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space and driveways. (5) Where the site is used exclusively for Medium Density Housing the requirements of Clause 4.7 shall apply and and the density shall be limited to 25 units per hectare. The coverage requirement shall apply only to the Medium Density Housing site and not the individual dwelling unit curtilages.	Light Brown

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
General Residential 2 General Residential 2 (Cont)	0.50	35%	3	<p>(1) Minimum erf area as per clause 5.2(1)(iii)</p> <p>(2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5</p> <p>(3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority.</p> <p>(4) For all residential buildings, provision is to be made for the landscaping and maintaining of the grounds to the satisfaction of the local authority, and not less than 25% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space and driveways.</p> <p>(5) Where the site is used exclusively for Medium Density Housing the requirements of Clause 4.7 shall apply and the density shall be limited to 25 units per hectare. The coverage requirement shall apply only to the Medium Density Housing site and not the individual dwelling unit curtilages.</p>	Brown
General Residential 3	0.70	35%	3	<p>(1) Minimum erf area as per clause 5.2(1)(iii)</p> <p>(2) Accommodation for motor vehicles to be provided on the erf as per clause 6.5</p> <p>(3) Subject to the provisions of a sewage disposal system to the satisfaction of the local authority.</p> <p>(4) For all residential buildings, provision is to be made for the landscaping and maintaining of the grounds to the satisfaction of the local authority, and not less than 25% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space and driveways.</p>	Brown and Black bands

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
General Residential 3 (Cont)				(5) Where the site is used exclusively for Medium Density Housing the requirements of Clause 4.7 shall apply and the density shall be limited to 25 units per hectare. The coverage requirement shall apply only to the Medium Density Housing site and not the individual dwelling unit curtilages.	
Special Zone 1 (Bus Depot)	0.06	6%	1	(1) Screening and maintenance along the road frontage to the satisfaction of the local authority. (2) No derelict vehicles to be accommodated. (3) Ancillary uses directly related the operation of a bus depot including fuel storage and maintenance permitted.	Black Cross hatch with Special Zone Number
Special Zone 2 (Crocodile Farm) - Erf 5 Assagay	N/A	5%	2	(1) Minimum erf area 10ha (2) The Parking arrangements including bus parking bays to the satisfaction of the Local authority (3) Water supply shall be to the satisfaction of the local authority (4) The number of reptiles on the site shall not exceed stocking rate as indicated by the KwaZulu-Natal Nature Conservation Services from which body the requisite permit approvals for all aspects of the operation shall be obtained prior to commencement of work on the site.	Black Cross hatch with Special Zone Number
Special Zone 2 (cont)				(5) Details plans of the proposals including a management control and landscaping plan shall be submitted to the local authority for its approval. The landscape plan shall include inter alia, a depiction of the phasing, stormwater run off control, the detailed route and nature of the fencing, the enclosure designs for the various species, the screening measures to be implemented as well as the general aesthetics of the development.	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 2 (cont)				<p>(6) Access to the property off the Old main Road is to be authorised by the Department of Transport.</p> <p>(7) The driveway is to be widened to a width of 12 metres.</p> <p>(8) No culling or processing of crocodiles, reptiles etc shall be undertaken on site.</p> <p>(9) The pond water shall be cleaned filtered/treated or cleaned to the satisfaction of the local authority so as to avoid any nuisance arising therefrom at any time</p> <p>(10) All pens/cages to be maintained in a hygienic condition to the satisfaction of the local authority.</p>	Black Cross hatch with Special Zone Number
Special Zone 2 (cont)				<p>(11) All perishable food provided for the feeding of the reptiles shall be prepared on premisses situated elsewhere, suitably transported to the site and thereafter stored under refrigeration so as to avoid a nuisance arising therefrom</p> <p>(12) Suitable rodent cages/structures shall be provided for the housing of live rodents.</p> <p>(13) The pond water in which the crocodiles are kept, must be disposed of in such a manner that no health nuisance or pollution of any stream/watercourse/river can occur.</p> <p>(14) The fly control on offal disposal units must be carefully monitored on a daily basis.</p> <p>(15) All uneaten food in the crocodile enclosures must be removed and suitably daily</p>	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 2 (cont)				<p>(16) The maintenance of hygiene in and around the crocodile ponds must be maintained to a high standard so as to obviate a health nuisance.</p> <p>(17) The local authority reserves at any time in the future to call for any additional facilities/conditions as it may deem necessary.</p> <p>(18) The local authority also reserves the right that should any facilities/conditions not be complied with, as the case may be, the crocodile park shall cease to operate until such facility/condition has been provided/complied with.</p> <p>(19) Development of Erf 5 is to be substantially in accordance with the development proposals shown on Drawing No 7124 and Sheets 1, 2 and 3.</p>	Black Cross hatch with Special Zone Number
Special Zone 3 (Assagay Hotel <i>et al</i>) - Erf 329 Assagay	0.35	25%	2	<p>(1) Accommodation for motor vehicles to be provided as set out in clause 6.5.</p> <p>(2) Not more than 125 units may be erected on the erf.</p> <p>(3) Portion 10 shall be used for Hotel purposes only</p> <p>(4) Portion 1 shall be used for Petrol Filling Station purposes only.</p> <p>(5) Rem of Portion 2, Rem of Portion 3 and Portions 4 and 6 shall contain no more than 125 units in total.</p> <p>(6) Portion 6 shall be used for Road purposes only.</p> <p>(7) Any "mini-sub" created shall not be less than 200 m2 in extent.</p>	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 3 (cont.)				(8) A sewage package plant and all other infrastructural services shall be installed to the satisfaction of the Council. (9) Development shall be substantially in accordance with plan No 9800. Minor changes to this plan which will serve to better the scheme, will be permitted with the prior approval of the Council.	Black Cross hatch with Special Zone Number
Special Zone 4 (Augusta)	0.25	25%	2	(1) The development shall be substantially in accordance with Plan No 3819 Lay 3/2000 and shall contain not more than 300 housing units and a shop. (2) (a) Building lines and side spaces which shall be 3m. (b) Usable Common open space shall be 650 m ² less the net dwelling unit area and equivalent private open space. (c) Dwelling Unit curtilage shall be 250 m ² . (3) Subject to the provision of a sewage disposal system to the satisfaction of the local authority. (4) No erf shall be less than 1000 m ² in extent. (5) The minimum frontage of erven shall be 18 metres except at the end of a road where it may be reduced to 14 metres.	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 4 (cont.)				<p>(6) Public access to the Ingweni Trail shall be entrenched by the creation of a servitude as depicted on Plan no 3819 Lay 3/2000.</p> <p>(7) No indigenous vegetation shall be removed without the consent of the local authority and all efforts to re-introduce indigenous species into the development where appropriate.</p> <p>(8) Ashley Drive shall be constructed as a public road to the satisfaction of the local authority linking Dovehouse to the Old Main Road.</p> <p>(9) The Gilltts stone wall shall be preserved.</p> <p>(10) A landscape plan shall be submitted to the local authority for approval prior to any development of Portion 1, as shown on Plan No 3819 lay 3/2000. Such approved plan shall thereafter be implemented and the site maintained to the satisfaction of the local authority.</p>	Black Cross hatch with Special Zone Number
Special Zone 4 (cont.)				<p>(11) The local authority shall take cognisance of the aesthetic impact of the development within Portion 1, as shown on Plan No 3819 Lay 3/2000 when considering the building plans.</p>	Black Cross hatch with Special Zone Number
Special Zone 5 (Camelot)				<p>Residential Subdivision:</p> <p>(i) Not more than 7 main subdivisions limited to a maximum area of:</p> <p>Port. 151 (of 150) - 4.72 ha Port. 152 (of 150) - 2.53 ha Port. 154 (of 150) - 2.76 ha Port. 155 (of 150) - 2.14 ha Port. 156 (of 150) - 2.12 ha Port. 157 (of 150) - 3.50 ha Port. 4 of the Farm Albany No 13970 - 7.20 ha.</p>	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 5 (cont.)				(ii) Maximum number of curtilages in any one main portion listed in (i) above not to exceed 36. (iii) The total number of dwelling units in the main subdivisions taken as a whole not to exceed 195. (iv) Access from Port 151 (of 150) to be from Fischer Road (MR 259) . (v) All dwelling units and associated buildings to simulate 'Old English' or Tudor Style' appearance.	Black Cross hatch with Special Zone Number
Special Zone 5 (cont.)				Private Recreation Area: (i) Subdivision to be a minimum of 27.23 ha (ii) Area to be developed as parkland or open space. (iii) Only buildings/structures required for maintenance of the complex are permitted to be erected in the area. (iv) Area to be maintained to the satisfaction of the local authority.	Black Cross hatch with Special Zone Number
Special Zone 5 (cont.)				General: (i) Spacial Zone 5 to be fenced to the satisfaction of the local a authority. (ii) All buildings to be approved by the elevation control committee.	Black Cross hatch with Special Zone Number
Special Zone 5 (cont.) - Castle Camelot	0.14	10%	5	(i) Total area of port. not to exceed 8.06 ha (ii) Residential building restricted to 60 apartments with maximum floor area of of 8500 m2., Recreation and commercial area including restaurants, pub, conference and banqueting facilities, change rooms, chapel, administrative office and ancillary buildings restricted to a maximum floor area of 3000 m2.	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 5 (cont.) - Castle Camelot				(iii) Parking accommodation of vehicles plus loading offloading to be to the satisfaction of the local authority. (iv) Height limited to 5 floors except the turrets, towers or other structures required to create a castle affect may be permitted at the discretion of the local authority.	Black Cross hatch with Special Zone Number
Special Zone 5 (cont.) - Castle Camelot				(v) All buildings to simulate 'Old English' or 'Tudor Style' appearance.	Black Cross hatch with Special Zone Number
Special Zone 6 - Erven 62 & 64-68 Forest Hills (a)	0.5	50%	2	Land to be used for commercial purposes re: shop, public office or office building of service workshop.	Black Cross hatch with Special Zone Number
Special Zone 6 - Erven 62 & 64-68 Forest Hills (b)	0.2	20%	2	1. Land to be used for General Residential building (i) must have a minimum erf area of 1000 m2 (ii) not more than one unit permitted per 900 m2 of erf area.	Black Cross hatch with Special Zone Number
Special Zone 6 - Erven 62 & 64-68 Forest Hills (c)	0.5	50%	2	Land to be used for shops and general commercial buildings combined only on the following ratio: (i) One shop plus one flat per erf up to 1800 m2 (ii) a maximum of two shops or its equivalent in floor area plus two flats or its equivalent in floor area per erf from 1801 to 2400 m2 erf size. (iii) a maximum of three shops or its equivalent in floor area plus three flats or its equivalent in floor area per erf from 2401 to 3000 m2 erf size. (iv) a maximum of four shops or its equivalent in floor area plus four flats or its equivalent in floor area per erf exceeding 3000 m2 erf size.	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 6 - Erven 62 & 64-68 Forest Hills (continued)				2. Parking and loading accommodation in terms of clause 6.5 as provided for the respective uses. 3. Arrangements for disposal of sewage and waste water to the satisfaction of the local authority. 4. A layout plan with elevations of the proposed approval is required prior to the submission of formal building plans.	Black Cross hatch with Special Zone Number
Special Zone 7 - Erven 11 & 224 Kloof & Rem of Erf 20 Motalabad	0.35	35%	2	(a) Minimum erf size 750m ²	Black Cross hatch with Special Zone Number
Special Zone 7 (cont)	0.35	35%	2	(b) Minimum erf size 600 m ² Rem of Erf 20 Motalabad	
Special Zone 7 (cont)	0.4	40%	2	(c) Minimum erf size 500 m ²	
Special Zone 7 (cont)	0.45	45%	2	(d) Minimum erf size 400 m ²	
Special Zone 8 (Erven 17 & 18 of the Farm Maid No 14027)	NA	NA	2	(1) Development substantially as per plan . (2) The development to be limited to 11 units (10 new) (3) The sewage disposal system shall be designed and constructed to the satisfaction of the local authority & Metro Waste Water Management, (4) Development to be set back 10 metres from the cliff edge. (5) An Environmental Management Plan shall be prepared to the satisfaction of KwaZulu-Natal Nature Conservation Services (6) Accommodation of motor vehicles to be provided as set out in clause 6.5	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 9 (Craft & Service Centre)	0.5	35%	2	<p>(1) Accommodation for motor vehicles to be provided as per clause 6.5 for a shop, a service industrial building and a garage as applicable.</p> <p>(2) Building lines and side and rear spaces to be provided as per clause 3.1 and 3.2 for a shop, a service industrial building and a garage as applicable.</p> <p>(3) The permitted sub-uses within the definition of a shop include a vending machine, an automatic teller and an electronic game machine.</p>	Black Cross hatch with Special Zone Number
Special Zone 10 (Phezulu Game Reserve) - Erf 80 Phezulu)	N/A	50%	2 floors, but no higher than 10.6 m above natural ground along one point.	<p>(1) Building lines, side and rear spaces are not required for internal subdivisional boundaries</p> <p>(2) There is no minimum curtilage or erf size or other subdivisional control. Subdivisions shall be in accordance with Plan No 2270/FP/5. The local authority shall at its discretion approve the further subdivision of medium density housing sites into mini-subs. No further subdivision of the freehold sites shall be permitted.</p> <p>(3) All single dwelling houses and game lodge sites shall be limited to one dwelling house per erf and shall be limited to 600 m². Any increase above 600 m² shall only be permitted at the discretion of the Home Owners Association and the local authority.</p>	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 10 (Phezulu Game Reserve) continued				<p>(4) Accommodation for motor vehicles to be provided as per clause clause 6.5.</p> <p>(5) Development shall be subject to the provisions of sewage disposal, stormwater, water supply, refuse disposal system and of other essential services to the satisfaction of the local authority.</p> <p>(6) The application of clause 4.7 shall apply with the exclusion of clauses 1.2, 1.3 and Annexure I. The number of units permitted shall be as depicted on layout plan 2270/FP/5.</p> <p>(7) Development shall be substantially in accordance with the proposal depicted on layout plan 2270/FP/5, minor amendment to this plan may be permitted at the discretion of the local authority.</p> <p>(8) A common architectural theme shall apply to all new buildings.</p>	Black Cross hatch with Special Zone Number
Special Zone 10 (Phezulu Game Reserve) continued				<p>(9) A home owners association (HOA) shall be formed and each land owner shall belong to the HOA and abide by its rules.</p> <p>(10) Every erf shall have a site development plan, landscaping plan and building plan prepared for it by the owner and approved by the local authority prior to any construction or development on the erf provided that such plan have been recommended in writing for approval by the HOA prior to submission to the local authority.</p> <p>(11) The entire site shall be controlled and managed in terms of the landscaping, conservation and game management protocol which shall be the the satisfaction of Ezemvelo KZN Wildlife.</p>	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 10 (Phezulu Game Reserve) continued				<p>(12) Tented camps, game drives and the establishment of a game reserve are permitted uses in the Conservation Area.</p> <p>(13) A tented camp means a grouping of a number of tents of semi-permanent nature for temporary holiday purposes provided with permanent water, approved refuse receptacles, and a sanitation disposal system acceptable to the local authority together with approved ancillary buildings and activities to be used in conjunction with the tented camp. The design, location and use of such camps shall be acceptable to Ezemvelo KZN Wildlife and the local authority.</p>	Black Cross hatch with Special Zone Number
Special Zone 10 (Phezulu Game Reserve) continued				<p>(14) All conditions of approval DFA Ref No 2003/980 shall apply in addition to these controls.</p> <p>(15) A third storey stepping downslope or an increase in height may be permitted at the discretion of the HOA and the local authority.</p>	Black Cross hatch with Special Zone Number
Special Zone 10 (Phezulu Game Reserve) continued				<p>(16) Shopping floor area in excess of 500 m² GLA shall only be permitted at the discretion of the HOA and the local authority.</p> <p>(17) Floor space in the Wellness Centre in excess of 3500 m² GLA shall only be permitted at the discretion of the HOA and the local authority.</p> <p>(18) Floor space in each of the Tourist nodes in excess of 2000 m² GLA shall only be permitted at the discretion of the HOA and the local authority.</p>	Black Cross hatch with Special Zone Number

Consolidated Outer West Town Planning Scheme

TABLE D: DENSITY (See Part 5 of Clauses)

Density Zone	Maximum Permitted			Additional Controls	Future Colour Notations on Scheme Maps
	F.A.R.	Coverage	Height Floors		
Special Zone 11 (Makaranga) (Erven 1467, 1970, 2705, 2151, 3018 and 3288, Port 2 & 3 of 1478 & Rem of 1828 Kloof)	0.05	5%	2	(1) The development of the zone shall be substantially in accordance with Plan No 0442/001, unless with the prior written approval of the Council. (2) The hotel shall be limited to a total of 20 double rooms, unless otherwise permitted with prior Special Consent of Council. Other such uses as may be permitted in terms of Clause 4.10 of the scheme shall only be permitted with prior Special Consent of Council. (3) The conference centre and associated facilities shall be limited to a total of 40 delegates, unless otherwise permitted with prior Special Consent of Council.	Black Cross hatch with Special Zone Number
Special Zone 11 (Makaranga) continued				(4) A total of 72 on-site parking bays shall be provided to the satisfaction of Council, as depicted on Plan No.0442/001, provided that Council may require the provision of additional parking as specific conditions of approval as contemplated in (2) and (3) above. Detail from Table C: Dwelling House restricted to staff accommodation, Residential Building restricted to a hotel and associated staff accommodation, Place of Public Assembly restricted to conference centre, associated facilities and therapy centre.	Black Cross hatch with Special Zone Number
Undetermined	0	0%	0	No land use shall be permitted in this zone other than agricultural land use which existed on 10th August 2004	Black Cross hatch

ANNEXURE A(1)

TOWN PLANNING ORDINANCE NO. 27 OF 1949 (AS AMENDED)

GUIDE to SECTION 47*bis* (Please read the relevant Section and note the definition of the word "publish" in the Ordinance).

In terms of Proclamation No. 101 of 1978, which was published in the Official Gazette of Natal dated 3 August 1978, the above Ordinance has been further amended. The Ordinance now stipulates that with effect from the above date, the procedure to be carried out by any local authority or joint committee for adopting, altering, rescinding or amending provisions of a Town Planning Scheme in course of preparation shall be as follows:

LOCAL AUTHORITY:

- Action (1)
Section 47*bis* (1)(a) Resolves to amend scheme and advertises at its own cost as shown hereunder and if necessary sends copy of notice to any affected contiguous Local Authority.
- Action (2)
Section 47*bis* (1)(b)
- (i) Publish during the same week in both official languages in the Provincial Gazette and in newspapers. The English and Afrikaans newspaper advertisements must be published on the same day, each in a newspaper which is published mainly in the relevant language.
 - (ii) Post on the public notice board etc. from date of first publication until closing date of objections.
 - (iii) Objectors must be given not less than 21 days from the date of publication of the notice in the Gazette to lodge objections and a closing date for objections MUST BE SPECIFIED (late objections etc. may be condoned by the Local Authority if received before matter has been considered by the Local Authority).
 - (iv) Serve a copy of the notice on every owner of property who, in the opinion of the local authority, would be affected by the proposal.
- Action (3)
Section 47*bis* (2)(a)
- (a) Within 12 weeks of closing date of objections (or such further period as the Commission may determine) Local Authority must decide whether or not to proceed with the amendment (with or without modifications).
- Action (4)
Section 47*bis* (2)(b)
- (b) If the Local Authority decides to proceed it must forthwith notify the commission and must send the following documents:
 - (i) A certified copy of the resolution.

- (ii) A copy of the notice and proof of publication.
- (iii) Copies of objections and representations, if any, and comments on these.
- (iv) Explanation as to why amendments necessary (fully motivated).
- (v) Any relevant plans and documents.

NOTE: IF THE LOCAL AUTHORITY DECIDES NOT TO PROCEED. THE COMMISSION IS NOT ADVISED.

COMMISSION:

Action (1)
Section 47bis (2)(a)

Grant extension of time to Local Authority to deal with amendment (if requested to do so by Local Authority).

Action (2)
Section 47bis (3)

- (i) Within 8 weeks of receipt of notification of the amendment from the Local Authority, commission must consider matter and advise Local Authority.

OR

Action (3)

- (ii) (a) Commission may extend period within which to consider the matter for a further 4 weeks beyond statutory period.
- b) Local authority must be advised of extension.

OR

Action 4

- (iii) Further extension may be taken but only with the Administrator's consent.
 - (a) Commission must approve further extension.
 - (b) Local Authority must be advised that Administrator's consent is being sought.
 - (c) Seek Administrator's consent (delegated authority)s

OR/AND

Action (5)

- (iv) Exercise any of the powers conferred upon it by sub-section (6).
- (v) **COMMISSION MUST ADVISE LOCAL AUTHORITY OF ITS OPINION BEFORE THE EXPIRATION OF ANY OF THE PERIODS REFERRED TO ABOVE.**

LOCAL AUTHORITY:

Action (5)
Section 47bis (4)(a) Considers objections etc. and Commission's opinion and resolves:

(a) to adopt said provisions or amendment

- without modifications
- with modifications
- contrary to Commission' s opinion.

If modifications are not considered by the Local Authority to be trivial, then they should proceed afresh in usual way.

OR

Action (6)
Section 47bis (4)(b)

(b) to abandon.

IN ANY ACTION REFERRED TO ABOVE THE LOCAL AUTHORITY MUST NOTIFY THE COMMISSION WITHIN 3 WEEKS OF THEIR DECISION.

COMMISSION:

Section 47bis (5)(a)

If resolution adopted by the Local Authority is not in accordance with the Commission's opinion it shall not become effective until Commission resolves that it does not intend to exercise the powers conferred upon it by section 48(1), or until the Administrator has upheld any appeal lodged in terms of that section.

Action (6)

(i) Commission must decide on the matter within 2 months from date of receipt of Local Authority's notification re adoption etc.

OR

Action (7)

(ii) (a) Within such other period not exceeding 4 months as the Commission may determine.

(b) Local Authority to be advised of this extension within 2 weeks of decision but in any event before the expiration of the period of ineffectiveness referred to in (i)

OR

Action (8)

(iii) (a) Within such other longer period than 4 months (this to be with the Administrator' a consent).

(b) Local Authority to be advised of this extension and that Administrator's consent is being sought within 2 weeks of decision) or in any event before the expiration of the period of ineffectiveness referred to in (ii)(a).

(c) Seek Administrator's consent (delegated authority).

- Action (9) (iv) Commission must advise Local Authority of its decision in terms of Section 47bis (5)(a) before the expiration of the period of ineffectiveness referred to in any of the subparagraphs (i), (ii) or (iii) above.

LOCAL AUTHORITY:

Action (7) read with
Action (5)
Section 47bis (5)(b)

If some items or parts of an amendment are not contrary to Commission's opinion, and others are contrary, the Local Authority may (with the consent of the Commission) adopt those items or parts which are not contrary and the period of ineffectiveness in 5(a) above shall not apply to those parts.

GENERAL:

Section 47bis (6)(a) (i)-(iv)
and (vi)

Allows Commission to direct Local Authority to take certain actions re extra publicity etc.

Section 47bis (6)(a)(v)

Allows Commission to direct Local Authority to act in terms of sub-section (4), forthwith or within a specified period (i.e. adopt, abandon, etc.)

Section 47bis (6)(a)(vii)

Allows Commission to exempt a Local Authority from provisions of Section 47bis if amendments are of a minor or inconsequential nature - Local Authority to supply all relevant details and motivation when applying to Commission for this exemption.

Section 47bis (6)(b)

Allows Local Authority to appeal to the Administrator against any of Commission's directions in terms of sub-section (6)(a) - Appeal to be lodged within six weeks from the date of notification of any such order or direction.

SECTION 47bisA

Section 41bisA (1)

Makes provision for the owner etc. to pay a fee and request the Local Authority to rezone his land.

Section 47bisA (2)

After considering the application the Local Authority may decline or agree to proceed with the proposed rezoning,

- (a) if the Local Authority agrees all expenses of advertising are to be borne by the applicant.

However, the Local Authority may bear expenses itself and refund fee if application has given rise to a general rezoning of the surrounding area.

- (b) If the Local Authority declines to proceed with the rezoning its decision shall be final.

(These notes are for guidance only and may not be construed as a legal interpretation of the relevant sections of Ordinance No. 27 of 1949, as amended).

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ANNEXURE A(2)

Form of Application by an owner in terms of Section 47bis A of the Ordinance for an amendment to the scheme (rezoning)(to be submitted in triplicate and accompanied by the relevant application fee).

APPLICATION TO THE LOCAL AUTHORITY IN TERMS OF SECTION 47bis A OF THE TOWN PLANNING ORDINANCE, 1949 (ORD 27/1949)

A. I the undersigned
being the-registered owner/duly authorised agent of the registered owner hereby apply for the amendment of theTown Planning Scheme.

B. PARTICULARS OF THE APPLICATION

1. Title Deed description or the land which is the subject of the application.
.....

2. Title Deed number/s
.....

3. Full name/s of registered owner/s
.....

4. Postal address of the applicant
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.....
.....
.....
.....
.....

5. General Plan or S.G. Diagram/s on which the property is shown
.....
.....

6. Servitudes registered in the title deed/s or shown on the General Plan or S.G. Diagram/s
- Description
- In favour of
- S.G. reference
.....

7. The area of the property
.....

8. Existing zoning in terms of the Town Planning Scheme
.....

.....
9. Proposed zoning in terms of the Town Planning Scheme
.....
.....

C. The following is attached appropriately marked as Annexures

1. Photostat copy of tile title deed/s.
2. Photostat copy (certified) of the General Plan or S.G. Diagram/s.
3. Power of Attorney in favour of the applicant by the registered owner/s.
4. Three copies of the proposed amendment to the Town Planning Scheme clauses.
5. Three copies of the proposed amendment to the Town Planning Scheme Map
6. Three copies of the proposed amendment to the Town Planning Scheme Annexures.
7. Three copies of the proposed amendment to the Town Planning Scheme Tables.
8. Three copies of a plan showing the present zoning of the site and surrounding properties.
9. Three copies of a plan showing the existing land use of the site and of the surrounding properties.
10. Five copies of a report in motivation of the applicati6a which includes the following:
 - a full description of the physical characteristics and use of the site and the buildings on the site
 - a description of the surrounding area
 - a description of the proposed conditions applicable to the zoning
 - the purpose of the proposed amendment and how it will affect the area
 - a description of the local road system and access to the site
 - the availability of essential (engineering) services and the proposed arrangements with the local authority for the provision of services which will be required as a result of the proposed amendment to the scheme
 - a comprehensive explanation of the need for and the desirability of the proposed amendment in relation to the intended use or development of the site and in relation to the development of the area to which the amendment relates.

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ANNEXURE B(I)**TOWN PLANNING ORDINANCE NO. 27 OF 19 49 (AS AMENDED)****GUIDE TO SECTION 67bis - SPECIAL CONSENT:**

The local authority may not consider an application which relates to the erection or use of a building or the development or use of land which under the provisions of the Scheme, requires the Special Consent of the local authority until the applicant has completed the following requirements: -

- (i) Any person desirous of obtaining the Special Consent of the local authority for the erection and use of a building or for the use of land, whether wholly or partially for the purpose requiring such special Consent, shall make application in writing setting out full particulars and reasons, and such application shall be submitted in duplicate. Within 7 days of lodging his application, the applicant shall furnish by registered post, the registered owners of all erven lying wholly or partially within a distance of 100 metres from any boundary of the erf mentioned in the application with copies of the notice referred to in (iii) below in both official languages.
- (ii) On the date of lodging the application the applicant shall exhibit a notice, in a form approved by the local authority, in a prominent position on the property. This notice shall be properly and adequately maintained for a period of not less than 21 days. The notice shall be clearly visible from any street or streets giving access. to the property. Within 7 days after the expiry of the period mentioned above the applicant shall lodge with the Town Clerk/Chief Executive Officer proof, in the form of an affidavit, that this notice was displayed for a continuous period of 21 days.
- (iii) At his own expense the applicant shall publish once, in both official languages, a notice in a newspaper or newspapers approved by the local authority and circulating in the local authority. area. This notice shall set out concisely the particulars of his application and shall call on any objectors thereto to lodge their written objections with the Town Clerk/Chief Executive Officer and shall further state where any plans, particulars and other documents relating to the application may be inspected. The applicant shall forward to the Town Clerk/Chief Executive Officer a copy of that page of the newspaper containing the notice or certified proof of the publication as soon as possible but not later than 21 days after publication.
- (iv) Any person objecting to the application may lodge a written objection, in duplicate, with the Town Clerk/Chief Executive Officer and a copy thereof with the applicant, setting out the full grounds of the objection not later than 21 days from the date of publication of the notice.
- (v) The local authority shall take into consideration any objections received within the said period and shall, within a period of 2 months of the receipt of the application or the appearance of the advertisement, whichever is the later, come to a decision upon the application and shall within 14 days thereafter, notify by registered post the applicant and persons, if any from whom objections were received of its decision, either with or without conditions
- (vi) Any applicant or person who has objected to the application and who feels aggrieved by any decision may, within 21 days of being notified of the decision or order, give notice

to the Town Clerk/Chief Executive Officer of his intention to appeal to the Appeals Board in terms of Section 67ter of the ordinance. Any person giving notice of his intention to appeal shall, at the same time, if he is an applicant, notify any person who is an objector, or, if he is an objector, notify the applicant and any other objector.

- (vii) Where any objection has been received in respect of any application under this Clause the decision of the local authority shall not take effect until the expiration of 21 days from the date on which the applicant or any objectors were notified of the decision of the local authority; provided that where the applicant or any objector has given notice of his intention to appeal, the decision of the local authority shall not take effect until the appeal has been disposed of and then shall be subject to the outcome of such appeal.
- (viii) Where the Special Consent of the local authority has been obtained, the discontinuance of any such use at any time after the date of approval by the local authority or the Appeals Board, as the case may be, or failure to put any such Special Consent into effect after the date of such approval, for a period exceeding 18 months shall be deemed to render the consent null and void.
- (ix) Wherever the local authority grants its Special Consent for, or the Appeals Board authorises the erection of a building or the use of land for any particular purpose or purposes, such building shall not be extended nor shall such land be used for any other purpose or purposes, including those freely permitted in TABLE C, without the further Special Consent of the local authority.
- (x) Any building which requires the Special Consent of the local authority shall not exceed the density provisions set out in TABLE D for the zone in which such building is situated.

ANNEXURE B (2)

Form of Application by an owner or occupier in terms of Annexure B(1) of the Town Planning Scheme for the Special Consent of the Local Authority.

APPLICATION TO THE LOCAL AUTHORITY IN TERMS OF ANNEXURE 3(1) OF THE TOWN PLANNING SCHEME

A. I the under signed

.....

hereby apply for the Special Consent of the local authority in terms of Clause of the Town Planning Scheme.

B. PARTICULARS OF THE APPLICATION

1. Title Deed description of the property concerned

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2. Title Deed number/s

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.....

3. Postal address of the applicant

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.....
.....

4. General plan or S.G. Diagram/s on which the property is shown

.....
.....

5. Servitudes registered in the title deed/s or shown on the General Plan or S.G. Diagram/s

- Description

.....
.....

- In favour of

.....
.....

-. S.G. reference

.....

-
6. The area of the property
.....
 7. Existing zoning in terms of the Town planning Scheme
.....
 8. Proposed use or development of the property for which Special Consent is required.
.....
.....
.....
- C. The following is attached
1. Photostat copy of the title deed/s.
 2. Three copies of a plan showing any proposed development of the site for which Special Consent is required.
 3. Five copies of a report in motivation of the application explaining the need for and desirability of the proposed Special Consent.

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ANNEXURE C**THE RIGHT OF APPEAL IN TERMS OF SECTION 67ter**

- (a) Any applicant or any person who has objected in terms of Section 67bis to an application, who feels aggrieved by any decision or order of the local authority given under Section 67 may, within twenty-eight days of being notified of such decision, give notice to the local authority of his intention to appeal to the Appeals Board. This notice must set out the grounds of appeal.
- (b) Within twenty-one days of giving such notice, the person concerned must lodge with the Secretary of the Appeals Board, a memorandum setting forth his grounds of appeal. The appeal shall lapse upon failure to submit such memorandum, provided that the Appeals Board may condone such failure. In the case of an applicant appealing, the Appeals Board may condone the late giving of such notice if it deems it proper to do so in any case.
- (c) At the hearing of an appeal by the Appeals Board, the applicant and any person who has objected in terms of Section 67bis shall be entitled to be present and to be represented.
- (d) Where the local authority has granted its authority in respect of an application and where objections have been received in terms of Section 67bis, the applicant is not entitled to act upon such authority until :
 - (i) any appeal which may be noted against the grant of authority has been disposed of, or
 - (ii) if no appeal has been lodged, until the period within which an appeal may be noted in terms of this section, has expired.
- (e) Any person giving notice of his intention to appeal in terms of this section shall at the time:
 - (i) if he is an applicant, notify any person who is an objector in terms of Section 67bis, or
 - (ii) if he is such an objector, notify the applicant and any other such objector (if any), in writing by registered post of the fact of such notice.

The foregoing should be read in conjunction with the Regulations Relating to the Appeals Board and the Hearing of Appeals.

ANNEXURE D

In Table A (Types of Building and Land Use), reference is made to the definition of Special Industrial Buildings and to Schedule A of the Offensive Trade Regulations for Natal and for convenience, an extract from these regulations is appended herewith -

EXTRACT FROM OFFENSIVE TRADE REGULATIONS FOR NATAL

Framed under Section 132 of the Public Health Act No 36 of 1919 as repealed by the Health Act No 63 of 1977 (Government Notice No. 1047, June 27, 1924: Schedule A).

Chemical works; dye-works, manure, super-phosphate, or fertilizer works or stores; fell mongery, tanning and leather-dressing works; works or premises used for storing, drying preserving or otherwise dealing with bones, horns, hoofs, or hides, whaling stations and premises or works used for storing or dealing with material derived from whales; knackers- yards; glue or size factories; soap and candle works; fat-melting or tallow-melting works and any similar works or establishment for dealing with meat, bones, blood, offal, horns, hoofs, or other animal organic matter; wattle-bark (grinding or extracting) works; brick burning and lime burning works; breweries and distilleries; sugar mills and sugar refineries; fish canning works; bacon factories, sausage factories and similar works; gut scraping works; tripe-cleaning or tripe-boiling works; destructors, depositing sites or other works for the treatment of house refuse, trade refuse, street refuse, sewage or "night-soil".

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ANNEXURE E

- (1) For the purposes of this Scheme 'factory' means:
- (a) Any premises on which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil or inmate of an institution or otherwise, in any one or more of the following activities:
- (i) the making of any article or part of any article;
 - (ii) the altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;
 - (iii) the adaption for sale or use of any article;
 - (iv) the sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;
 - (v) the construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);
 - (vi) printing or letterpress, lithography, photogravure or other similar process, including any activity associated with the printing industry;
 - (vii) the production and storage of gas in a holder of more than five thousand cubic feet (141,6 cu. metres) storage capacity;
 - (viii) the freezing, chilling or storage in cold storage of any article;
 - (ix) the slaughtering of livestock;
 - (x) the generation of electricity;
 - (xi) photographic work;
 - (xii) any activity that is necessarily or ordinarily incidental to any activity referred to in subparagraphs (i) to (xi), inclusive, if the premises on which it is carried on or form part of or are adjacent to the premises on which the activity to which it is so incidental is carried on; and
- (b) any premises on which bookkeeping, typewriting or any other clerical work incidental to any activity referred to in paragraph (a) is performed. if such premises form part of or are adjacent to the premises in which the said activity is carried on.
- (2) Notwithstanding the provisions of sub-section (1) 'factory' shall not include :

- (a) Any premises on which fewer than three persons perform work in any activity referred to in sub-section (1) unless
 - (i) mechanical power (other than for ordinarily lighting purposes) is used in the activity conducted on such premises whether such power is derived from steam, electricity, gas, liquid or from any other source;
 - (ii) such premises have been registered as a factory under section thirteen;
 - (b) Premises on which any activity referred to in sub-paragraph (iv) or (viii) of paragraph (a) of sub-section (1) is only incidental to the conduct of a business engaged mainly in the sale of goods by retail;
 - (bis) Premises on which any activity referred to in sub-paragraph (iv) of paragraph (a) of sub-section (1) is only incidental to the conduct of a business engaged mainly in the sale of goods by wholesale;
 - (c) Any mine or works as defined in Section two of the Mines and Works Act, 1911 (Act No. 12 of 1911); or subsequent valid legislation that may become law from time to time;
 - (d) Private houses, hotels, boarding houses, restaurants, refreshment or tea rooms or eating houses in respect of any activity referred to in sub-section (1) which is ordinarily and necessary incidental to the conduct of such establishment.
 - (e) Premises used temporarily and exclusively for the carrying on of any activity connected with the construction, alteration, renovation, repair or demolition of any building, bridge, road or irrigation work, or any other similar works;
 - (f) Premises (on a farm) on which a farmer, including a partnership or group of persons, other than a company performs work in any activity referred to in paragraph (a) of sub-section (1) solely in connection with products which he has produced on a farm a occupied by him, or solely in connection with his farming operations; or
 - (g) A workroom in connection with a prescribed class of institution;
 - (h) The danger area of an explosives factory as described in the regulations made under the Explosives Act, 1956 (Act No. 26 of 1956)
- (3) For the purpose of this section, "power" does not include hand or foot power used to operate any mechanical appliance or power derived from machinery that is rated to develop not more than 0,7457 kW machine power.

(Extracted: 19.1.78)

ANNEXURE F

POLICY OF THE NATAL PROVINCIAL ADMINISTRATION IN REGARD TO PLANNING STANDARDS FOR CONTROL OF TRAFFIC-GENERATING SITES

- (1) The term "road" shall mean for the purpose of this policy, a way intended, prepared, or used for foot-passengers, riders and vehicles to travel on, inclusive of the full extent of its width notwithstanding that only a portion thereof may be in actual use for traffic purposes, and shall include a street. It shall not include an alley, land or passage used solely by foot-passengers.

The terms "traffic generator" or "traffic-generating site" shall mean a site, business or activity whereon, or by reason whereof, a larger number of motor vehicles are required to leave or enter a public street or roadway, and shall include, but not be confined to, sites whereon petrol filling stations, parking garages, parking erven, churches, sports stadia, blocks of flats or shopping centres are established.

- (2) No vehicular entrance to, or exit from, a traffic generator should be permitted in the immediate vicinity of a road intersection, junction or interchange. In the case of an intersection or junction at grade, under rural conditions the distance from such entrance or exit to any intersection as defined in Section 1 of the Road Traffic Ordinance No. 21 of 1966, measured parallel to the direction of travel along the road to which entrance or from which exit is afforded should not be less than 150 metres. Under urban conditions (as defined in the Advertising on Roads and Ribbon Development Act No. 21 of 1940) this distance may be reduced, in which case the desirable minimum should be 20 metres from an intersection with a minor street or 60 metres from an intersection with a major street. No such entrance or exit should be permitted within a distance of 150 metres from the limits of an interchange, which limits should be determined by the road authority. Any unavoidable reduction of these minimum distances should be regarded as justified only by exceptional circumstances, and as requiring safeguards such as the imposition and enforcement of special speed limits, acceleration and deceleration lanes or other traffic controls.
- (3) Direct vehicular or pedestrian entrance to or exit from a traffic generator, from or to important provincial main roads should not be permitted, nor should such entrance or exit be permitted from or to freeways, expressways or heavily-trafficked through arterial main roads in urban areas. Attention is drawn to the provisions of the Roads Ordinance No. 10 of 1968.
- (4) No commercial premises with direct access to a flanking service road should be permitted unless direct pedestrian access from the main carriageway to such service road has been rendered impracticable.
- (5) No traffic generator should be permitted upon any site which, by reason of its proximity to and situation in relation to schools, churches, cinemas, bus depots, railway stations, major recreation grounds, beaches or other similar places which generate heavy pedestrian movements at certain times, is likely to create conflict between the vehicular traffic and the pedestrian traffic.
- (6) In considering applications for the establishment of petrol filling stations the need within the area of such stations having regard to the location of other existing stations and the

existing and/or contemplated development of the area should be taken into account. Any argument, based on the solo-site system, that all brands of petrol should be available within any particular area should not be taken into account.

- (7) The following standards should be adopted in considering the establishment of traffic generators:
- (a) Where separate entrance and exit are provided they should be placed at or near either end of a frontage of not less than 36 metres. The site should be of sufficient depth for the whole activity to be carried on clear of the street, and should in no case be less than 15 metres in depth. It should be in such area and so laid out that a waiting area is provided near the entrance large enough, to accommodate vehicles awaiting service so that these do not queue in the public road.
 - (b) The minimum sight distance along the road should be 120 metres. Sight distance shall be measured from the entrance or exit as the case may be, height of eye being 1.37 metres, to an object 1,37 metres high.
 - (c) No traffic generator should be permitted with entrance from or exit to a street whose gradient is steeper than 1 in 8, and no access ramp should be steeper than 1 in 10.
 - (d) Outside an urban area as defined in the Advertising on Roads and Ribbon Development Act No. 21 of 1940, buildings should be sited at least 36 metres from the nearest point of the road reserve of any main road.
 - (e) Pump islands in petrol filling stations should not be less than 5 metres from the property boundary.

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ANNEXURE G

POLICY OF THE TOWN AND REGIONAL PLANNING COMMISSION WITH REGARD TO ADMISSION OF RETAIL USES INTO INDUSTRIAL ZONES.

1. Certain categories of retail outlets should be admitted to industrial zones by special consent and the remaining categories only by rezoning.
2. The categories of retail outlets which should be admitted to industrial zones by Special consent are as follows
 - (a) Low order convenience goods and service shops catering for the immediate needs of people working within the industrial area concerned; provided that the total floor area of any shop or contiguous set of shops (including a set of shops separated by a road or pedestrian route) should in no case exceed 300 m² .
 - (b) Shops which are incompatible with the vast majority of the types of shops normally found in commercial zones but which fit in well in industrial areas (e.g. builders' supplies dealers; firms dealing in wire1 gates and fences; timber merchants; firms dealing in agricultural implements).
 - (c) Shops which deal largely with other firms normally located in industrial areas such as service stations, specialist industrial concerns in the motor trade (like panel beaters and auto electrical specialists), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).
 - (d) Shops which -
 - (i) are situated on the same sites as the industrial activities concerned;
 - (ii) retail only products of the industrial concerns to which they relate or directly associated products;
 - (iii) have floor areas not exceeding 10 per cent of the total floor area of all buildings on the site or 150 m² whichever is the lesser;provided that there shall be only one shop for each industrial undertaking on the site.

April 1978

ANNEXURE H

GUIDELINES OF THE TOWN AND REGIONAL PLANNING COMMISSION IN REGARD TO THE ESTABLISHMENT OF RETIREMENT VILLAGES IN NATAL

The Commission's policy is contained in the report titled 'Guidelines for the Establishment of Retirement Villages in Natal', dated June 1987. Whilst this report should be referred to for guidance, the following constitutes a summarised extract of the most important planning principles and policies contained in this report. The numbering system utilised below corresponds to that in the text of the report.

Guiding Principles

- 1.1 Viable living environments must be promoted, and these are best attainable in the larger urban centres.
- 1.2 Co-ordinated planning must be practised and a range of land uses need to be provided in a balanced way.
- 1.3 The Retirement Village must be well integrated into the urban environment in terms of spatial proximity and accessibility.
- 1.4 The living environment must be compatible with the needs of the aged in terms of such factors as aesthetic quality, physical characteristics, and affordability.
- 1.5 The nature of provided land uses and services, layout and design, must be appropriate.
- 1.6 Management and administration of the village must be effective, and affordable to residents.

Planning Policies

- 2.1 Regional

Needs can best be met in larger urban centres, and concentration of Retirement Villages and services in such centres is therefore desirable.
- 2.2 Urban

Location of the village must allow for effective access to facilities and services.
- 2.3 Site
 - 2.3.1 Land Use
 - A mix of housing types should be supplied to cater for a range of needs.
 - Provision must be made for a Service Centre to encourage interaction between people.

- As a guide Frail Care Facilities may be provided for 5 per cent of the population, provided adequate support facilities such as a clinic, meals on wheels and 24 hour home help are provided.

2.3.2 Layout and Design

- The living environment must enhance a sense of community and belonging.
- Wherever reasonable, height should be restricted to 2 storeys.
- F.A.R. and Coverage of 0,35 and 35% respectively are appropriate.
- Unit density should be related to unit size: 20/ha where size is larger than 75 m² ; 30/ha where size is less than 75 m² .
- Design of roads and parking must be such as to minimize conflict between vehicular and pedestrian traffic.
- Parking should be on the basis of 1 carport/garage per 2.5 residents. An additional 1 space for 6 residents should be provided to cover the requirements of staff and visitors.

2.3.3 Size

- The suitable number of residents is between 125 - 250 in order to ensure viability of support facilities.
- A 2,5 Ha site is considered suitable for up to 250 residents, i.e. 100 residents per Ha.

2.3.4 Topography

- Topography of the site must lend itself to pedestrian mobility. Gradients of between 1:20 and 1:12 are adequate, but lesser gradients are preferable.

3 Management and Administration

- 3.1 Welfare managed schemes should be encouraged since they are subsidised and offer housing and services for lower income groups at affordable prices.
- 3.2 Where the private sector is involved care must be taken to ensure that the necessary facilities are provided, and that the administration and maintenance functions are carried out effectively in a way that is affordable to the residents.

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ANNEXURE I

POLICY OF THE TOWN AND REGIONAL PLANNING COMMISSION WITH REGARD TO THE DEVELOPMENT OF PHYSICALLY DIFFICULT RESIDENTIAL SITES

The development of land in the Special, General and Intermediate Residential zones, either by subdivision or for Medium Density Housing purposes, as the case may be, shall be considered in the light of the following provisions:

- (1) No sub-division of land should be permitted:
 - (a) where 65% or more of the area of the proposed sub-division is steeper than 1:3; and
 - (b) where the land is in the opinion of the local authority otherwise affected by virtue of soil instability, liability to flooding, inaccessibility or topography;

unless the local authority is of the opinion that sufficient remaining area exists for development in terms of the zoning of the land, including the provision of adequate vehicular access on the proposed subdivision.

- (2) The calculation of number of Medium Density Housing units which may be erected on a Medium Density Housing site, as well as the coverage calculation shall be based on the net developable area of the site, which shall be determined by deducting from the surveyed lot area:
 - (a) all areas of the site which are steeper than 1:3; and
 - (b) all areas of the site which, in the opinion of the local authority are otherwise undevelopable by virtue of any physical or topographical constraint such as soil instability, liability to flooding, inaccessibility, topography (or the presence of environmentally sensitive areas).

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ANNEXURE J

PROCEDURE FOR REGULATION OF WASTE WATER DISPOSAL

1. GENERAL

In the past, when relatively extensive subdivisions on gentle terrain were the norm, the detailed layout of a development was seldom significant to the feasibility of waste water disposal. However, current pressures to create smaller subdivisions without water bourne sewage on more severe terrain has giving rise to a situation where the detailed layout and magnitude of a development is significant to the feasibility of satisfactory functioning of a percolation system. It is therefore essential that all proposals for structural development on a site should be reviewed at the time of submission of plans to permit the feasibility of operating a satisfactory percolation system to be evaluated in terms of the detailed layout of existing development on the remainder of the erf, as it is quite possible that this existing development relies on portion of the proposed subdivision for its evapo-transpiration requirements

2. EVALUATION OF PROPOSED DEVELOPMENTS

2.1 Effluent Loading

2.1.1 The design effluent loading from development on a subdivision shall be estimated in terms of information given in Tables 1 and 2 of Section PP.10 of the Code of Practice for the application of National Building Regulations, SABS 0400-1987, or later revisions thereof. For this purpose, the development shall be assumed to be occupied to its full potential, without regard for any lesser actual population.

2.1.2 Developments which do not conform with the categories listed in the Code, shall be referred to a Geotechnical engineer, for evaluation of design. effluent loadings which shall be related to the full potential occupation without regard for any lesser actual population.

2.1.3 For calculation purposes, let the design effluent loading be "Q" litres per day.

2.2 Septic Tank

2.2.1 The cubic capacity of the septic tank shall be not less than 1 700 litres; nor less than the volume of effluent to be generated by the development over a 48 hour period in terms of the design effluent loading.

2.2.2 For calculation purposes, the cubic capacity of the septic tank shall be "T" litres, where;

$$1\ 700 < T > 2Q$$

2.3 Soakpit

2.3.1 The base of a soakpit shall be level.

2.3.2 The size and geometry of the soakpit shall be arranged to provide sufficient soil infiltration area to maintain effluent application rates below. the maxima specified in

Table 3 of PP.10.7 of the Code of Practice for application of the National building Regulations, SABS 044 -1987. The area of the base of the soakpit shall not be considered to contribute to the soil infiltration area.

2.3.3 At the time of percolation testing the terrain of the evapo-transpiration area shall be classified as Plateau or Escarpment Land.

2.3.3.1 To classify as **Plateau Land**, all the following criteria shall be met:

- (a) The natural slope shall not exceed 1:6 or 10 degrees, and;
- (b) The general depth of the natural soil profile shall be not less than 1,2 metres, and
- (c) The natural soil profile shall comprise either dark humic clayey silt overlying the weathered sandstone bedrock directly or with the intervention of a reddish brown clayey silt subsoil horizon between the humic soil and weathered bedrock. A gravelly horizon on the bedrock surface may be incorporated into the estimate of soil depth.

2.3.3.2 Any natural soil profile which does not meet the criteria for Plateau Land shall be classified as **Escarpment Land**.

2.3.4 The soakpit shall possess a clear voided capacity of not less than the volume of effluent to be generated in 24 hours in terms of the design effluent loading

2.3.5 Where voided aggregate or rubble is used as backfill to the soakpit, the voids may be assumed to constitute 30% of the overall volume of the backfill.

2.3.6 The soakpit shall be lined with an approved filter fabric.

2.3.7 For calculation purposes, let the maximum permissible rate of application of effluent to subsoil surfaces be "M" (Table 3 PP.10.7 SABS 0400 -1987).

Then;

Area of wetted sides of soakpit $> Q/M$
 Volume of voided space in soakpit $> Q$
 Volume of voided backfill in soakpit $> Q \times 3,33$

2.4 Evapo-transpiration Area

2.4.1 Provision shall be made for an area of land around the soakpit to permit evapo-transpiration of effluent infiltrated into the soil from the soakpit. To be effective, the designated evapo-transpiration area shall conform to the requirements set out below.

2.4.2 The depth of soil over the hard bedrock shall designated not be less than 500 mm..

2.4.3 The entire surface of the evapo-transpiration area shall be covered with vegetal growth. No sections covered by gravel, paving or structures shall be considered to contribute to the required minimum extent of the evapo-transpiration area.

- 2.4.4 The evapo-transpiration area should fall totally within a subdivision. However, discretion may be applied by the responsible Geotechnical Engineer when he considers that a special circumstance exists on the adjacent piece of land.
- 2.4.5 The evapo-transpiration area shall have an extent of not less than "E" square metres where;

$$E = F1 \times F2 \times Q/2$$

and "F1" and "F2" are factors defined below;

Land Category	Factor F1
Plateau land	F1 = 0,8
Escarpment land	F1 = 1,0
Slope Classification	Factor F2
Convex slope less than 14 degrees	0,9
Planar slope less than 14 degrees	1,0
Convex slope greater than 14 degrees	1,1
Planar slope greater than 14 degrees	1,2
Concave slope less than 14 degrees	1,3
Concave slope greater than 14 degrees	1,4

NOTE: A slope of 14 degrees roughly approximately 1: 4 or 25 percent.

- 2.4.6 The relative arrangement of the soakpit and evapo-transpiration area shall be specified by a Geotechnical Engineer who shall take account of the ground slope and conformation, soil and depth and permeability, and ground water conditions.
- 2.4.7 The soakpit must necessarily serve the purpose of distribution of effluent across the evapo-transpiration area and, as such, should generally be designed as a french drain which would normally be located horizontally across the upper margin of a sloping evapo-transpiration area, and centrally across a level one. However, each case should be considered on its merits. The soakpit or french drain should not be less than 4 metres from a stream or lower boundary.
- 2.4.8 Where the designated evapo-transpiration area is subject to high persistent or seasonal seepage activity, subsoil drainage measures designed to divert the seepage around the designated area shall be implemented.
- 2.4.9 No stormwater from roof down-pipes or paving may be connected to discharge into the waste water system, and. soakpits specifically for stormwater dispersal shall not be located close to or immediately up-slope of the evapo-transpiration area.

2.5 Approval

- 2.5.1 Proposals for development shall indicate the maximum potential occupancy of the development on a subdivision together with a justification for assuming that waste

water effluent arising therefrom can be disposed of by a percolation system designed in term of the criteria laid down in these Regulations.

- 2.5.2 Any proposal shall be assessed in terms of the practical feasibility of its long terms maintenance in satisfactory working order by both the current owner and future owners.

3. EVALUATION OF PROPOSED SUBDIVISIONS

- 3.1 The following procedure shall be applied in the evaluation of a proposed residential subdivision.

3.1.1 The upper portion of the proposed subdivision should be allocated for hypothetical development of an average two to four bed-roomed house. The extent of land required to accommodate this dwelling will depend on several factors including the severity of the terrain, practical vehicular access and the general attitude of the site. Building lines should also be taken into account. A combined effect of these factors is not capable of formal definition and must necessarily be a matter of judgement by the adjudicator.

3.1.2 Having considered the most elevated feasible position for the dwelling, it is necessary to anticipate and make allowance for positioning of the septic tank and soakpit or french drain trench system at least 3 metres from the structure.

3.1.3 The extent of land effectively available for evapo-transpiration purposes downslope of a possible french drain type soakpit should then be determined as being "A" m² say, and this area should be classified in term of its slope angle, surface conformation and soil profile to give factors "F1" and "F2" as listed in Section 2.4.5 above.

3.1.4 The suitability of the soil should than be determined by carrying out a percolation test at the anticipated position of the soakpit or french drain trench. The result of the test may be recorded for future disposal system design purposes, but at the proposed subdivision stage it is only necessary to establish that the test does not fail. that is, that infiltration of effluent into the soils is feasible.

3.1.5 If the percolation test passes, then the site should be classified for the maximum number of bedrooms, "R", it is capable of accommodating within its future development by applying the estimated available evapo-transpiration area "A" and its classification factors "F1" and "F2" in the formula;

$$R = \frac{A}{100 F1 \times F2} - 1,5$$

The computed value of "R" should be rounded off at the evaluators discretion.

3.1.6 The value obtained for "R" should be incorporated into the conditions of establishment of any township and shall be recorded on the Title Deed for the proposed subdivisions on registration in the usual manner.

3.2 In addition to the abovementioned evaluations, it will be necessary to evaluate the remainder of the erf in term of the existing development thereon. This involves the same procedure which is now based on the actual and not anticipated available evapo-transpiration area.

- 3.3 Evaluation of proposals for non-residential subdivisions shall follow the same procedure as that described for residential subdivisions above, with the exception that the sites shall be classified for the maximum permissible number of occupants and not rooms.

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ANNEXURE K

CONSERVANCY ZONES - ADDITIONAL CONTROLS

1. The minimum erf area shall be 15 hectares in the Conservancy Zone in Alverstone. Notwithstanding the provisions of the scheme a density factor of 1 dwelling unit per 2 hectares shall apply when calculating the potential residential yield for grouped or clustered developments.
2. Motor vehicles caravans, trailers, tractors, mowers and/or associated mechanical attachments are to be parked and housed permanently out of view of public access routes and suitably screened by natural flora barriers so as to create a minimum impact on the visual environment.
3. When the erf is developed for cluster housing, the requirements of clause 4.7 of the town planning scheme in the course of preparation shall apply, the number or units which may be developed shall be limited to 1 unit per 2 hectares.
4. Slopes in excess of 1:3 and valuable natural areas shall not be included in the area calculations when determining the number of units which may be permitted on a property.
5. For all developments, provision is to be made for landscaping and maintaining the grounds to the satisfaction of the local authority and the Alverstone Conservancy Association and not less than 30 per cent of the site shall be set aside and maintained as a conservation area and must be kept free of parking spaces and driveways.
6. Subject to the provisions of a sewage disposal system to the satisfaction of the local authority. An evapo-transpiration report shall be prepared by a certified engineer.
7. In addition to the general requirements of the scheme, special attention is drawn to the Environmental Management Plan for Alverstone dated June 1995.
8. Detailed plans of any new residential development proposals shall include a landscape plan. All new proposed developments shall include any fencing proposals which shall be submitted to the local authority and the Alverstone Conservancy Association for its approval. The landscape plan shall include inter alia a depiction of the phasing, stormwater run-off; control and use, erosion control, screening measures to be implemented, the siting, height, floor areas and coverage of all buildings and structures, the elevation treatment of all buildings and structures and building materials to be used as well as the general aesthetics of the development. The local authority may relax the requirement at its discretion.
9. Development in Alverstone is to be set back a minimum of 15 metres from the DR435, the D138, property boundaries and 50 metres from the edge of the escarpment. Relaxation by special consent of the local authority.
10. In order to maximise aesthetic appearances, the architectural guidelines will apply to all properties in this zone.

11. An initial environmental impact assessment or environmental management plan shall be undertaken before proposals are submitted.
12. Conservancy Zone means an area of land identified by a cross-section of the community on which low density housing may or may not be established and has as its aim increasing and maintaining indigenous flora. removing exotic invader plants and trees and interlinking biological areas.
13. No solid walls, split poles or woven permanent structural barriers may be permitted along any road boundary or otherwise so as to impede the natural vistas of the environment or obstruct any natural visual horizons.
14. All alien weed including bug weed, lantana, cromelena, etc., all exotic trees, including gum, wattle, etc are to be eradicated within the first year of growth and all properties to be kept free of all invaders on an ongoing basis.
15. Except the removal of alien plant, all indigenous bush areas within the conservation area shall be deemed inviolable.
16. When the Conservancy Zone fall within a Conservancy area other than that of the Alverstone Conservancy Association, the local Conservancy Association and/or its Environmental Management Plan shall apply *mutatis mutandis* as indicated in (5), (7), (8) and (9) above.

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ANNEXURE L

PLANNED UNIT DEVELOPMENT ZONES - ADDITIONAL CONTROLS

- (1) Building lines, side and rear spaces are not required for internal subdivisional boundaries in a particular development
- (2) There is no minimum curtilage or erf size, or other subdivisional control.
- (3) Internal public and private roads, public open space and private open space within a development will not be deducted from the area of the Planned Unit Development (PUD) to determine potential. Educational requirements will however be deducted from the gross area.
- (4) Community facilities specifically designed to serve a PUD such as squash courts, creches, community halls, minor commercial outlets (each less than 100 m² in area) etc. may be provided in a PUD without the loss of any potential unit yield.
- (5) A development plan shall be advertised and open for public examination and representations for a period of at least 21 days prior to the local authority giving such approval.
- (6) The development plan shall take into account and address the reasonable concerns of the local authority. This could include factors such as the environment, geotechnical aspects, sewage disposal, views, typical unit types, etc.
- (7) Any lot created in terms of an approved development plan may be developed on the submission of building plans without any further development plan approval, provided that no substantial variation is proposed from the approved development plan.
- (8) Accommodation for motor vehicles to be provided as per clause 6.5. Provided that where housing is intended for persons who are likely to have a low car ownership, this clause may be relaxed on obtaining the special consent of the local authority.
- (9) For all residential buildings, provision is to be made for landscaping and maintaining the grounds to the satisfaction of the local authority, and not less than 25 per cent of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking spaces and driveways. As part of the above, an area of 100 m² of usable land per residential unit shall be set aside on either flat or moderately sloping land in an easily accessible and, as far as possible, centrally located position for the recreational use of the residents to the satisfaction of the local authority. Provided that the local authority may, in special circumstances, relax this requirement in regard to location and extent.

NOTE: Maximum number of units permitted per gross hectare are as set out in Table D: Density for the relevant Planned Unit Development zone.

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ANNEXURE M**PROMOTION OF BED & BREAKFAST AND GUEST HOUSE ESTABLISHMENTS****Bed and Breakfast Establishment.**

(ii) Statement of Intent.

To make provision for a Bed and Breakfast Establishment within districts where the amenity is of a predominantly residential nature. This use may also be provided in agricultural based land use zones. Bed and Breakfast Establishments shall provide limited short stay accommodation for the traveller or business person but does not infer a guesthouse or an hotel use in terms of scale and provision of facilities which are ordinarily used with an hotel.

(ii) Nothing in this scheme shall prohibit or restrict the running of a Bed and Breakfast Establishment from a dwelling house provided that:

- (a) There shall at all times be a manager (the registered owner or responsible person) resident on site;
- (b) The building shall in the opinion of Council, conform in its internal and external appearance to the definition of a dwelling house so that if its use as a Bed and Breakfast Establishment ceases, the use of the building shall revert to that of a dwelling house;
- (c) On-site parking for all users at a ratio of 1 bay per room shall be provided to the satisfaction of the Head: Development Planning and Management;
- (d) No external advertising shall be permitted on the site other than a maximum of one unilluminated sign on each road frontage and each sign shall not exceed 0,2m² in area;
- (e) The applicant shall abide by health and fire bylaws and the business licencing procedures;
- (f) A Bed and Breakfast Establishment shall not exceed four bedrooms for the use by patrons of the Bed and Breakfast Establishment;
- (g) The authority granted shall be subject to the submission of letters of consent of the registered owners of each adjoining property and such other properties as Council may direct;
- (h) Uses ancillary to the Bed and Breakfast Establishment shall only be permitted with the special consent of Council;

- (ii) In considering such an application for a Bed and Breakfast Establishment, the Council shall take into consideration the following:-
- (i) the scale of the operation in relation to the character of the area; the suitability of the premises concerned for the proposed use;
 - (ii) the availability of on-site parking for motor vehicles; and
 - (iii) any other matters which would, in its opinion, interfere with the amenities of the neighbourhood.

The granting of such an application shall be subject to such terms and conditions as the Council may deem proper, including the provision of adequate off-street parking for motor vehicles, the number of persons that may be accommodated on the premises and any other condition it considers necessary or proper in order to ensure that the amenities of the area are not interfered with, provided that if it subsequently finds that there is in fact an interference with the amenities of the neighbourhood, the Council may impose further conditions or call on the owner to cease the usage.

Guest House

- (i) Statement of Intent.

To make provision for a Guest House Establishment within districts where the amenity is of a predominantly residential nature. This use may also be provided in agricultural based land use zones. Guest House Establishments shall provide limited short stay accommodation for the traveller or business person whether it be self-catering or otherwise but does not infer an hotel use in terms of scale and provision of facilities which are ordinarily used with an hotel.

- (ii) Nothing in this scheme shall prohibit or restrict the running of a guesthouse from a dwelling house provided that:
- (a) There shall at all times be a manager (the registered owner or responsible person) resident on site;
 - (b) The building shall in the opinion of Council, conform in its internal and external appearance to the definition of a dwelling house so that if its use as a Guest House Establishment ceases, the use of the building shall revert to that of a dwelling house;
 - (c) On-site parking for all users at a ratio of 1 bay per room shall be provided to the satisfaction of the Head: Development Planning and Management;
 - (d) No external advertising shall be permitted on the site other than a maximum of one unilluminated sign on each road frontage and each sign shall not exceed 0,2m² in area;
 - (e) The applicant shall abide by health and fire bylaws and the business licencing procedures;

- (f) A Guest House Establishment shall be the subject of the special consent of Council;
 - (g) Uses ancillary to the Guesthouse Establishment shall only be permitted with the special consent of Council;
 - (h) Notwithstanding the provisions of (f), the Council may waive compliance with the special consent procedure if it is satisfied that no interference with the amenities of the neighbourhood existing or as contemplated by the scheme will result; provided that the prior written consent of the registered owners of each adjoining property and such other properties as Council may direct, has first been obtained;
 - (l) The maximum number of bedrooms that may be used for the purposes of a Guest House Establishment shall not exceed ten.
- (iii) In considering an application for a Guest House Establishment, the Council shall take into consideration the following:-
- (i) the scale of the operation in relation to the character of the area;
 - (ii) the suitability of the premises concerned for the proposed use;
 - (iii) the availability of on-site parking for motor vehicles; and
 - (iv) any other matters which would, in its opinion, interfere with the amenities of the neighbourhood.

The granting of such an application shall be subject to such terms and conditions as the Council may deem proper, including the provision of adequate off-street parking for motor vehicles, the number of persons that may be accommodated on the premises and any other condition it considers necessary or proper in order to ensure that the amenities of the area are not interfered with, provided that if it subsequently finds that there is in fact an interference with the amenities of the neighbourhood, the Council may impose further conditions or call on the owner to cease the usage.

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ANNEXURE N

ENVIRONMENTAL CONTROLS

All developments within Cliffdale and Shongweni shall be subject to the Environmental Management Plan prepared for Cliffdale and Shongweni. The following environmental controls will apply to environmental sensitive areas as indicated on the Scheme Map within these areas or in any other areas which may be so designated:

- (1) Exclusively eco-tourism and environmental education developments shall be permitted in the functional areas.
- (2) All permissible developments in the functional and partially functional areas are subject to an Environmental Impact Assessment (EIA) as detailed in the Environmental Conservation Act.
- (3) Permissible developments in the functional or partially functional areas may not threaten the integrity or sustainability of the EESMP (D'MOSS) as determined by the legally responsible authority (Provincial Department of Traditional and Environmental Affairs).
- (4) All disturbances of the land in functional or partially functional areas shall be rehabilitated in accordance with an approved rehabilitation plan to be submitted with the EIA for approval by the relevant authority.
- (5) A reserve (which shall be determined by a metropolitan policy – subject to finalization) shall be imposed to protect all rivers and watercourses except where permission has been granted to relax the reserve for agricultural or other purposes in which case the farmer shall ensure the indigenous riparian vegetation is managed and soil erosion on the farmed land does not occur – permaculture principles to be applied. In instances where development is subject to an Environmental Impact Assessment the riparian reserve should be refined by the Environmental Impact Assessment subject to approval by the responsible authority - Provincial Department of Traditional and Environmental Affairs.
- (6) Development coverage of permissible developments should be determined by the Environmental Impact Assessment in functional areas and partially functional areas .
- (7) Developments that significantly adversely impact on the aesthetics of eco-tourism routes and destinations shall not be permitted. The local authority shall have regard to the character of the locality in which it is proposed to erect such building and shall be injurious to the amenities of the locality by reason of its external appearances or materials it is proposed to use.
- (8) The harvesting of sand or sand winning shall not be permitted in functional or partially functional areas.
- (9) Where development occurs in the functional or partially functional areas the remainder of the property shall be maintained to improve the environmental quality. This is to be detailed in the EIA for the development.

- (10) All public areas are to be landscaped using appropriate indigenous species found in indigenous ecosystems surrounding the development i.e. school grounds, parks, playgrounds etc.
- (11) Permaculture principles shall be applied wherever possible in all agricultural developments.
- (12) Harvesting of indigenous vegetation in functional, partially functional and/or riparian reserves shall not be permissible unless it occurs under the auspices of a relevant authority approved harvesting programme which is monitored for environmental impact and may be ceased at any time when adverse impacts on the environment are deemed significant.
- (13) The removal or disturbance of any indigenous vegetation shall not be permitted without the approval of the relevant authority.
- (14) All developers shall be responsible for surface run-off on their property and shall use natural retention means where possible.
- (15) The planting of sugar cane, *Eucalyptus spp.*, *Pinus spp.* *Acacia mearnsii* shall be prohibited within the riparian reserve.
- (16) All land owners shall be responsible for the removal and control of alien invasive plant species on their land and the rehabilitation of appropriate indigenous ecosystems on the land to the satisfaction of the relevant authority.
- (17) Alien invasive plant eradication and control shall conform to the management programme and recommendations.
- (18) All grasslands shall be maintained to improve sward quality.
- (19) No burning of grasslands shall occur in winter.
- (20) Optimal stocking rates shall be determined for all veld used for grazing purposes to ensure that the grazing capacity is not exceeded.
- (21) All grasslands shall be allowed adequate recovery before grazing is permitted.
- (22) *Eucalyptus spp.* *Acacia mearnsii* and *Pinus spp.* shall be removed from the riparian reserve.
- (23) Rehabilitation of the riparian reserve shall occur in accordance with catchment management principles.
- (24) The planting of exotic plant species within the riparian reserve shall not be permitted.
- (25) All servitudes shall be managed as ecological links where disturbance to natural vegetation is minimised and rehabilitation of indigenous ecosystems occurs.
EESMP = eThekweni Environmental Services Management Plan
D'MOSS = Durban Metropolitan Open Space System

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ANNEXURE O

POLICY STATEMENT REGARDING DEVELOPMENT OF THE OLD MAIN ROAD ACTIVITY SPINE WITHIN BOTHAS HILL

(Comprising Annexure A of the Bothas Hill Old Main Road Activity Spine report prepared by ZAI dated October 1994)

The Old Main Road Activity Spine (“the spine”) consists broadly of all lots (erven) with a direct frontage to Old Main Road, which are zoned as either Activity Node or Activity Spine, as shown on the official Town Planning Scheme Map of the local authority.

Bothas Hill is a predominantly low density, peri-urban residential village providing also for appropriate business activities and community facilities, primarily serving the needs of the local communities, and also providing a range of recreation and tourism activities, facilities and opportunities of regional significance, consistent with the overall function and character of the town.

The spine shall perform a key role in the functioning of Bothas Hill as abovementioned, and shall accordingly perform the following primary functions in an interactive and appropriately, balanced manner, with conflicts between land uses being minimised and appropriately managed where such conflicts are necessarily unavoidable:

- Transport, including local and through traffic, and both private and public sector;
- Community facilities;
- Business activities; and
- Residential development.

The development of the spine shall conform to the following objectives, in line with Bothas Hill’s overall function and character:

- Retain the peri-urban residential amenity and character of Bothas Hill;
- Protect and enhance the natural and aesthetic environment;
- Promote and encourage appropriate tourism and recreation related development
- Provide economic opportunities for residents of Bothas Hill and environs;
- Maximise convenience of access and visibility to passing trade;
- Facilitate the upgrading and or redevelopment of problem areas;
- Facilitate the optimal development of specific opportunity areas;
- Reinforce and support existing business and tourism/recreation activities;
- Encourage an appropriate variety of land uses and facilities;
- Ensure adequate linkages to the spine from adjoining areas.

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ANNEXURE P

BASE TELECOMMUNICATIONS TRANSCEIVER STATIONS (CELLULAR MASTS). (Amended 27 October 2005)

1. STATEMENTS OF INTENT.

- 1.1 The Council, in considering proposals for the location of Base Telecommunications Transceiver Stations, shall be mindful of the need for the development of an effective and efficient communications system within the eThekweni Municipal area. In this regard, the Council shall give fair consideration to the requirements of the Service Providers to develop an effective and efficient communications system, and to the protection of the community in which such installations are to occur.
- 1.2 The installation of a Base Telecommunications Transceiver Stations shall be undertaken in such a manner that their impact upon the environment is minimised. The Base Telecommunications Transceiver Station shall be as unobtrusive as possible through the choice of materials, colour, depth of silhouette, height, and design which shall complement the aesthetics of the surrounding built and natural environment thereby minimising the impact upon the environment.
- 1.3 In considering the appropriate location of a Base Telecommunications Transceiver Station, the applicant should be conscious of sites of historic, cultural and architectural importance. Cognisance must also be taken of the impacts installations may have upon open spaces, coastal regions and prominent ridges.

2. LOCATIONAL PROVISIONS.

- 2.1 Due consideration must be given to the impact of the Base Telecommunications Transceiver Station on other developments and natural features, whether existing or contemplated by the Scheme, and their location in relation to view corridors.
- 2.2 In the selection of a site for Base Telecommunications Transceiver Station, consideration shall be given to the locational context of the proposed installation in respect of aesthetic suitability and environmental intrusion.
- 2.3 Antennae shall be installed on existing structures or existing masts.
- 2.4 The principle of multiple use of telecommunications masts by cellular network providers, shall be applied provided that a motivation for exemption from sharing may only be considered on the following basis:

- 2.4.1 that no existing Base Telecommunications Transceiver Station or suitable alternative structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements;
- 2.4.2 that the existing Base Telecommunications Transceiver Station is not of sufficient height or structural strength to meet the applicant's engineering requirements;
- 2.4.3 that consideration shall be given to alternative sites where the cumulative RF emissions would exceed the maximum levels permitted should additional transceivers be attached to a mast, or where the RF exclusion zone cannot be achieved;
- 2.4.4 that there will be electromagnetic interference resulting from more than one antenna positioned on a single telecommunications mast.
- 2.5 Permission to share an existing Base Telecommunications Transceiver Station shall not be unreasonably withheld by the owner of that Base Telecommunications Transceiver Station.
- 2.6 Every applicant seeking to locate a new Base Telecommunications Transceiver Station, or modify such Base Telecommunications Transceiver Station, shall provide the Head: Development Planning and Management with an inventory of existing Base Telecommunications Transceiver Station inclusive of the sites for which authority is being sought, within a 1000 metre radius of the site on which it is intended to erect a Base Telecommunications Transceiver Station
- 2.7 When a cellular mast requires replacement, it shall be replaced with a mast designed to accommodate multiple carriers;
- 2.8 No Base Telecommunications Transceiver Station shall be erected on a site, which in the opinion of the Head: Development Planning and Management, has been identified as containing a building or structure of architectural, cultural, historic, or artistic importance, nor in an area set aside for conservation purposes whether natural, physical or social, provided that the Council may, by special consent, relax this provision if it can be shown that the erection of the Base Telecommunications Transceiver Station, shall not detract from the architectural, cultural, historic, artistic, natural, physical or social value of the site.
- 2.9 Wherever possible, the equipment room forming part of the Base Telecommunications Transceiver Station, shall be sited to the rear of the site.

3. VISUAL ATTRIBUTES.

- 3.1 Visual amenity and visual aspects relating to the Base Telecommunications Transceiver Station shall be at the discretion of the Head: Development Planning and Management.
- 3.2 Consideration shall be given to the context of the site in relation to its surrounding environment when determining the height of the mast and selecting the type of camouflage appropriate to the area.
- 3.3 A rooftop antenna shall not protrude more than 6,00 metres above the highest point of the building or structure onto which it is erected, provided that the Head: Development Planning and Management may, by special consent, relax this requirement. For the purposes of this sub-clause, lift motor rooms, airconditioning plant, and equipment rooms above the uppermost slab or roof of the building, shall be regarded as being above the highest point of the building.
- 3.4 All forms of visible lighting on telecommunications masts shall be reduced to the minimum requirements for security as laid down by the South African Civil Aviation Authority. with due regard for adjacent land uses.
- 3.5 No advertising shall be permitted on telecommunication masts, provided that where an antenna is to be installed on existing or proposed advertising structures, such advertising shall be to the satisfaction of the Head: Development Planning and Management;
- 3.6 Advertising on equipment rooms shall be to the satisfaction of the Head: Development Planning and Management and in this regard, fair consideration shall be given to the use of the service provider's logo being displayed.
- 3.7 The equipment room shall be screened in such a manner that it shall be inconspicuous from public view by using landscaping or materials and colours consistent with the surrounding environment. All screening shall in any event be to the satisfaction of the Head: Development Planning and Management.

4. SAFETY.

- 4.1 The cellular network provider shall at all times comply with the requirements of the Department of National Health and the International Commission on Non-Ionising Radiation Protection with respect to safety standards.
- 4.2 The application for the installation of a Base Telecommunications Transceiver Station, shall be accompanied by a notice of appointment of a certified engineer approved by the City Council.

- 4.3 Reasonable measures shall be taken to restrict access to rooftop installations, other than for maintenance purposes.
- 4.4 Every cellular network provider shall, on an annual basis, submit a report in which the applicant demonstrates that, where authority has been granted by the Council, there is full compliance with the standards as determined by the International Commission on Non-Ionizing Radiation Protection.
- 4.5 All telecommunication masts shall comply with the standards as laid down by the South African Civil Aviation Authority.
- 4.6 Access to the Base Telecommunications Transceiver Station installation shall be controlled to the satisfaction of the Head: Development Planning and Management.

5. ENVIRONMENTAL ISSUES.

- 5.1 Applications for Base Telecommunications Transceiver Station within sensitive areas, as determined by the National Environmental Management Act No. 107 of 1998 and the Environment Conservation Act No. 73 of 1989, as amended from time to time, are required to follow the procedure as laid down in the Environmental Impact Assessment Regulations.
- 5.2 Where necessary, an Environmental Management Plan providing guidelines relative to site preparation, the construction phase and maintenance of the Base Telecommunications Transceiver Station, inclusive of mitigating impacts on all facets of the environment, including the biophysical and social environment shall be submitted as part of the application to erect a Base Telecommunications Transceiver Station.
- 5.3 The applicant shall ensure that the site and areas around the site disturbed by construction are rehabilitated appropriately and to the satisfaction of the Head: Development Planning and Management
- 5.4 The cellular network provider shall decommission and remove a Base Telecommunications Transceiver Station, should:
 - 5.4.1 the Base Telecommunications Transceiver Station constitute a danger to persons or property as determined by the Head: Development Planning and Management;
 - 5.4.2 the Base Telecommunications Transceiver Station become redundant in the event of changing technology;
 - 5.4.3 the Base Telecommunications Transceiver Station is not operated for a period exceeding 18 months; and
 - 5.4.4 any other similar circumstances rendering the Base Telecommunications Transceiver Station redundant.

- 5.5 The site shall be restored to its original condition and to the satisfaction of the Head: Development Planning and Management.
- 5.6 Where there are two or more cellular network providers using a single mast, this provision shall not become effective until all cellular network providers cease using the mast.
- 5.7 The site and Base Telecommunications Transceiver Station shall be maintained to the satisfaction of the Head: Development Planning and Management.

6. PLANNING APPROVAL PROCEDURE.

- 6.1 An application for the erection of and use of land for a Base Telecommunications Transceiver Station shall be made in accordance with the requirements of the National Building Regulations and Standards Act No. 103 of 1977 and the provisions of this Scheme as amended from time to time. The submission of an application shall be preceded by consultation between the applicant or its agent and the Head: Development Planning and Management in order to facilitate the processing of the application in an efficient and effective manner.
- 6.2 An application for the erection of a telecommunications mast and associated equipment and antennae shall be accompanied by the following documents:
 - 6.2.1 An application form and the prescribed fee;
 - 6.2.2 The prescribed number of copies of a plan, of which two are in colour, indicating the location of the structure within the site, existing structures on the site, adjoining properties and their associated structures, the elevation of the proposed structure, any services present, proposed security measures for controlling access to the applicant site (particularly the fencing of the base station), and landscaping;
 - 6.2.3 A locality plan drawn to an appropriate and legible scale indicating the location of existing and proposed telecommunications masts within a radius of 1000 metres from the position of the proposed mast.
 - 6.2.4 A radio plan indicating the coverage achieved of all of the applicant's existing Base Telecommunications Transceiver Stations within a 1000 metre radius of the proposed site;
 - 6.2.5 A copy of the Record of Decision relating to the application site from the Department of Agriculture and Environmental Affairs, failing which an environmental scoping report, or a letter of

exemption from the Department of Agriculture and Environmental Affairs.

- 6.2.6 A certificate of approval from the South African Civil Aviation Authority.
- 6.2.7 In the case where multiple use cannot be achieved, a letter of motivation giving reasons for the inability to co-locate.
- 6.2.8 A letter of consent from the registered owner of the property granting consent for the application to be submitted to the Council.
- 6.2.9 In the case of land to be leased from the Council, a copy of a letter of consent from the relevant Department.
- 6.2.10 Title Deeds where legislation requires their submission.
- 6.2.11 Photographs which present an indication of the impact of the proposed structure as viewed from key points around the site.

An application in terms of sub-clause 6.2 is deemed to be an application submitted in terms of Section 67bis of Ordinance No. 27 of 1949 (Natal), which requires the special consent of the Council.

6.3 An application for the installation of telecommunication equipment and antennae on an approved building or structure shall be accompanied by the following documents:

- 6.3.1 An application form and the prescribed fee;
- 6.3.2 The prescribed number of copies of a plan, of which two are in colour, indicating the location of the equipment and antennae within the site, existing structure on the site, adjoining properties and their associated structures, the elevation of the structure to the satisfaction of the Head: Development Planning and Management, any services present, proposed security measures for controlling access to the equipment and antennae, and landscaping.
- 6.3.3 A copy of the Record of Decision relating to the application site from the Department of Agriculture and Environmental Affairs, failing which an environmental scoping report, or a letter of exemption from the Department of Agriculture and Environmental Affairs.
- 6.3.4 A letter of consent from the registered owner of the property granting consent for the application to be submitted to the Council.

- 6.3.5 In the case of land to be leased from the Council, a copy of a letter of consent from the relevant Department.
- 6.3.6 Photographs which present an indication of the impact of the proposed structure as viewed from key points around the site.
- 6.3.7 Title Deeds where legislation requires their submission.

An application in terms of sub-clause 6.3 is deemed to be an application submitted in terms of Section 67(1) of Ordinance No. 27 of 1949 (Natal).

- 6.4 An application for the increase in height of an approved telecommunication mast or for antennae erected at a greater height than the height that has been approved, or for an increase in the footprint of the Base Telecommunications Transceiver Station, shall require:-
 - 6.4.1 in the case of a mast, a special consent application as set out in paragraph 6.2 hereof; and
 - 6.4.2 in the case of an antennae, the submission of a Building Plan application as set out in paragraph 6.3 hereof.
- 6.5 The replacement of telecommunication masts, equipment and antennae on approved structures, shall be deemed to be regarded as maintenance and provided that there is no material change to the telecommunication mast, equipment and antennae on approved structures, no application shall be required in terms of Section 67(1) of the Town Planning Ordinance No. 27 of 1949 (Natal), as amended.

GENERAL REQUIREMENTS FOR THE SCOPING REPORT TO BE SUBMITTED TO THE LOCAL AUTHORITY TO ERECT CELLULAR MASTS AND BASE STATIONS

1. APPLICANTS DETAILS

- 1.1 Name;
- 1.2 Postal Address;
- 1.3 Physical Address;
- 1.4 Consultants Name;
- 1.5 Consultants Postal Details.

2. PROJECT DESCRIPTION

- 2.1 Details of the proposed structure, including ancillary uses;
- 2.2 Physical address of the property;
- 2.3 Property description;
- 2.4 Site "code name".

3. SITE DESCRIPTION

- 3.1 General description of biophysical environment (land form, flora and fauna) on site and surroundings (including the location of Red Data Species, and the percentage and description of indigenous vegetation on the site);
- 3.2 Description of specific environment elements that will be affected by the activity and description of these impacts;
- 3.3 Description of mitigating measures to be implemented;
- 3.4 Description of alternatives where these were considered and motivation for the preferred option.

4. PUBLIC CONSULTATION

- 4.1 Indicate how the proposal was advertised (include copy of advertisement);
- 4.2 Record any other public scoping undertaken (notification to adjacent land owners, public meetings, etc);
- 4.3 Record any comments received from interested and affected parties.

5. COMPLIANCE WITH GENERAL EXEMPTION

- 5.1 State whether the site affects or may affect any sensitive area as described in the General Exemption letter received from the Department of Agriculture and Environmental Affairs;
- 5.2 State whether the structure is to be constructed in terms of the General Exemption or, if application in terms of the Regulation is required.

6. MAPPING

- 6.1 Site layout plan indicating the location of the proposed infrastructure in relation to all existing infrastructure and large trees;
- 6.2 Site location plan indicating the surrounding land uses.

NOTE:

- 1. In addition to the above, the standard Environmental Management Plan (EMP) for construction and operation of the site, as described in the Letter of Exemption, must be submitted for approval. This should include compliance with Health, Aviation, and other requirements.
- 2. The abovementioned documents must be submitted to the Local Authority as part of the Town Planning application.

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INDEX

- 1 800 m2 30, 31
 1:3 7, 21, 69, 75
 200 m2 14, 30, 32
 3 600 m2 31
 300 m2 14, 15, 66
 350 m2 14, 15, 32
 750 m2 32
 8 000 m2 32
 Academy 44
 Access Strip 23
 Accessories 9, 44, 46, 48
 Activity . . . iii, 25, 28, 39, 45, 48, 62-65,
 72, 83, 86
 Activity Node 83
 Activity Spine iii, 83
 Administration . . iii, v, vi, 19, 45, 64, 67,
 68
 Administrative Office 46
 Administrator 1, 41, 51, 52
 Advertisement 36, 43, 56, 86
 ADVERTISEMENTS 36
 Advertising . . . 26, 28, 36, 52, 64, 65, 78,
 79, 86
 Aesthetically Desirable 23
 Agricultural . . . 27, 30, 32, 42, 66, 78, 79,
 81, 82
 Agricultural Building 42
 Agricultural Industry 42
 Agricultural Land 42
 AMENDMENTS TO THE SCHEME
 41
 Amenities 23, 26, 28, 29, 33, 34, 42,
 43, 45, 79-81
 Amenity 2, 14, 26, 31, 36, 43, 45, 78,
 79, 83, 86
 Amusement-arcade 46
 Ancillary . . . ii, 2, 3, 13, 32, 33, 43-47, 78,
 80, 86
 Ancillary Dwelling ii, 32
 ANCILLARY DWELLING (GRANNY
 FLAT) 32
 Ancillary Unit 3, 33, 45
 Appeals Board 1, 34, 41, 57, 60
 APPLICATIONS 35, 36
 Arcade 1, 46
 Architect 7
 Architectural Feature 9
 Architecturally Compatible . . 1, 7, 23, 33
 Architecturally homogeneous 23
 Area of Scheme 2
 Art Gallery 44, 46
 Arts and Crafts Workshop v, 42
 Ash 43, 45
 Assagay v, vi, 8, 11
 Attorney 7, 55
 Auction Mart 47
 Authority . . . i-4, 6-25, 27-32, 34-41, 43,
 46, 49-52, 54-58, 60, 64,
 69, 75, 77, 78, 81-83, 85-
 87, 89, 86, 87
 Bakery 47
 Balconies 5
 Bank 27, 46
 Base Telecommunications Transceiver
 Station 84-88, 90
 Bed and Breakfast 2, 6, 27, 78, 79
 Betting Depot 39, 42
 Beverages 46-48
 Billiards Room 46
 Boarding-house 46
 Bothas Hill iii, v, 8, 83
 Brochures 44, 47
 Builder's Yard 47
 Building . . . i, ii, v, 1-10, 12-19, 22, 23, 25,
 27, 29-31, 33-48, 56, 57,
 61, 63, 70, 71, 73, 75, 77-
 79, 81, 85, 86, 88-90
 Building Line 2, 13-16, 19
 BUILDING LINES 13-16
 Building Professional 7
 Building Society 46
 Bulk 29, 33, 38
 Bus 38, 64
 Bylaw 2
 Canopies 29
 Caravan i, 2, 9, 18, 31, 42
 Caravan Park 18, 31, 42
 CARAVAN PARKS 18
 Carport 37, 68
 Cato Ridge v, 8, 11
 Cellular Masts iii, 84, 86
 Chalet Development 31, 43
 Change Room 46
 Chartered Accountant 8

Children	5, 20, 43, 45	THE NEED TO	
Cinema	38, 43, 46	SUBDIVIDE . .	1, 7, 21-24, 33
Civil Engineer	8	Development of Physically Difficult	
Cleaning	44, 47, 61, 62	Residential Sites . .	iii, 22, 69
Cliffdale	17, 81	Development Plan	77
Clinic	45, 47, 68	Display	29, 44, 46-48
Club	46	Drive-in Cinema	43
Clubhouse	46	Drummond	v, 8, 11
Cluster Housing	33, 75	Dry-cleaning	47
Code of Practice	18, 19, 70, 71	Duplex	3, 15, 45, 46
Coffee Shop	48	Duplex Flat	3, 15, 46
College	44	Durban Metropolitan Open Space System	
Commercial Workshop	43		82
Common Land	3, 6-10, 23, 45	Dust	43, 45
Common Open Space	10, 20	Dwelling House . .	1, 8, 25, 31-33, 42-46, 78, 79
Community Facilities	19, 77, 83	Dwelling Unit . .	3, 4, 6, 7, 9, 10, 13, 15, 21, 23, 25, 30, 37, 40, 44, 45, 75
Compatible	1, 7, 23, 33, 67	Dwelling Unit Curtilage	3, 30
Concert-hall	46	D'MOSS	81, 82
Confectionery	46, 48	Ecosystems	82
CONFLICT OF LAWS	41	Educational Building	44
Conservancy	iii, 27, 30, 32, 75, 76	EESMP	81, 82
Conservation	23, 43, 75, 76, 81, 85, 87	EFFECTIVE DATE	11
Conservation Area	43, 75, 76	Effluent Loading	70, 71
Convalescent Home	45	EIA	81
Convent	44	EMP	87
Cottage Industrial Building	43	Entertainment	3, 7, 46
Court House	46	Entertainment Rooms	3, 7
COVERAGE	ii, 3, 20, 29, 30, 33, 68, 69, 75, 81, 88	Environment	67, 68, 75-77, 82-84, 86, 87, 86
Craiglea	v, 8, 11	Environmental Impact Assessment	22, 76, 81, 87
Creche	43	Environmental Management Plan	17, 22, 27, 75, 76, 81, 87
Crematorium	44	Environmentally Sensitive Areas	21, 69
Curtilage	3, 9, 25, 29, 30, 40, 42, 77	Equestrian	v, 4, 27, 32
Dairy Depot	47	Equestrian Residential	v, 27, 32
Dance Hall	46	Erection of a Building	4, 29, 57
Date of Adoption	3, 4, 12, 18, 30, 31, 36	Erf	ii, 1-5, 7, 8, 10, 12-18, 22, 24, 25, 29-39, 41, 43, 45, 56, 70, 73, 75, 77
DEFINITIONS	ii, iii, vi, 1-10, 14, 18, 22, 24, 26, 32-34, 37, 49-52, 65-67, 69, 78, 79, 83, 86, 87	Erf Area	3-5, 22, 29, 31, 32, 34, 75
Develop Land	3	ERF CONTROL	30-32
Developable Area	7, 22, 69	Escarpment Land	71, 72
Developable Erf Area	22	Estate Agent	46
Development	i, i, iii-vi, 3, 4, 12, 14, 16, 17, 19-23, 25-27, 29-31, 33, 35, 36, 39, 40, 43, 45, 55, 56, 59, 64, 65, 69, 70, 72, 73, 75, 77-79, 81-89		
DEVELOPMENT OF LAND WITHOUT			

eThekwin	i, vi, 82, 84	Hammarsdale	v, 8, 12
Evapo-Transpiration	70-73, 75	Harrison	v, 8, 12
EXEMPTIONS	25, 27	Hatchet	ii, 31, 33, 34
Exhibition-hall	46	Hatchet-shaped	31
Existing Building	1, 4, 12, 18, 35	Head: Development Planning and Management	25, 26, 33, 78, 79, 85-89
Existing Use	4, 18	Height	ii, 2, 6, 9, 10, 14, 15, 22, 29, 33, 65, 68, 75, 84-86, 90
Extended Residential	44	floor areas may be excluded	29
EXTERNAL APPEARANCE OF BUILDINGS	34	Hillcrest	i, v, vi, 8, 12
Extractive Industry	44	Hillcrest 2	v, 8, 12
Family	3, 4, 44	Home	i, v, 3, 6, 7, 13, 15, 19, 20, 23, 25, 26, 31, 34, 35, 37, 45, 47, 68
FAR	24, 77	Home Business	v, 25, 26, 45
Farm Stall	44	Home for the Aged	45
Financed by the State	31, 34	Home Owners Association	6, 23, 34, 35
Firm	46	homogeneous theme	23
Flats	30, 45, 46, 64	Hospital	45, 47, 48
Flooding	7, 69	Hostel	44, 46
Floor Area	ii, 5, 6, 10, 11, 18, 29, 30, 33, 38, 39, 43, 46, 66	Hotel	28, 38, 46, 47, 78, 79
Floor Area Ratio	5, 29	HOTELS	27, 28
Flora	17, 43, 44, 75, 76, 86	Hours	26, 40, 71
FRONTAGE	34	Inaccessibility	7, 69
Fuel	44	Indigenous	17, 43, 76, 81, 82, 86
Fuelling	44	Industrial	ii, iii, 6, 8, 9, 13, 15, 26, 30, 34, 38, 39, 43-45, 47, 61, 66
Fumes	43, 45	Industrial Building	6, 38, 43-45, 47
Fun-fair	46	Industrial Purposes	26
Functional	81, 82	Industry	v, 26, 39, 42, 44, 62
Funeral Parlour	44	Infectious Diseases	47
Games Rooms	3, 7	INSPECTION OF SCHEME	41
Garage	24, 25, 31, 33, 37, 38, 43, 44, 46, 47, 68	Institution	25, 45, 62, 63
GARAGES AND SERVICE STATIONS	24, 25	Insurance Office	46
General Industrial Building	44	Integrated	67
General Residential	14, 15, 30, 34	Interference	26, 28, 33, 79, 80, 85
Geotechnical	70, 72, 77	Intermediate Residential	30, 69
Gillitts	v, vi, 8, 12	Jail	47
Government Office	46	Kiosk	6
Granny Flat	32	Kitchen	3, 10, 42, 43, 45
Grease-pit	44	Kitchenette	3, 11
Grit	43, 45	Kloof	v, vi, 8, 12
Gross Office Area	5, 37	KwaZulu-Natal	iv, 1
Gross Shop Area	5, 37	Land Surveyor	8, 21, 22
Ground Floor	3, 6, 8-10, 30	Landscaping	19, 21, 75, 77, 86, 88, 89
Guest House	iii, 6, 27, 44, 78-80	Langefontein	v, 8, 12
Gymnasium	44, 46	Laundrette	45
Gymnasiums	3, 7		
Habitable	3, 9, 10, 43		
Habitation	44, 46		
Hairdresser	47		

Laundry	7, 47	Noise	43, 45
Lecture Hall	44	NON-CONFORMING EXISTING USE	
Lift Rooms	9		18
Light Industrial	26, 30, 43, 45, 47	Notarial Deed	4, 37, 39
Light Industrial Building	43, 45, 47	Nursery Garden	27, 42, 48
Light Industry	26	Nursing Home	45
Liquor Act	48	Office	i, 5, 7, 15, 31, 37, 38, 43, 44, 46, 48
Living	2, 5, 10, 11, 33, 43, 67, 68	Office Building	46
LOCAL AUTHORITY APPROVAL		Opportunity	v, 83
	35	Ordinance	iv, v, 1-3, 7-9, 13, 14, 17, 40-42, 49, 53, 54, 56, 57, 64, 89, 90
Local Authority	ii, 2-4, 6-25, 27-32, 34-41, 43, 46, 49-52, 54-58, 60, 69, 75, 77, 81, 83, 86, 87	Ornamental Towers	9
Local Authority Office	46	Orphanage	45
Lodge	49, 56, 60	Outbuilding	7, 48
Lubricants	44	Outer West Local Council	iv, 6, 11
Machinery	42-45, 63	Owner	21, 25, 27, 30, 33, 36, 41, 49, 52, 54, 55, 58, 73, 78-80, 85, 89
Maisonette	6, 15, 46	Panel Beating	44, 47
Mall	6	Panhandle	23
Medium Density Housing	i, 3, 4, 6, 7, 10, 13, 15, 21, 24, 30, 37, 45, 69	Parking	ii, 4, 5, 7, 9, 10, 14, 16, 18, 21, 25, 26, 29, 33, 36-40, 46, 64, 68, 75, 77-80
Medium Density Housing Site	3, 4, 6, 7, 13, 15, 24, 37, 69	PARKING	37-40
Mental Home or Hospital	47	Parking Bay	39
Mentally	45	Parking Garage	46
Meter Rooms	9	Partially Functional	81, 82
Mini	33	Patios	7, 10
Mini-sub	33	Pavilion	46
Mobile Home	3, 7, 13, 15, 19, 20, 31, 37, 45	Peri-urban	83
MOBILE HOME PARK SITE	3, 7, 13, 15, 19, 20, 31, 37	Petrol Filling Stations	64, 65
Mobile Home Stand	7, 20, 37	Physically Difficult	iii, 22, 69
Monastery	44	Physically Retarded	45
Monumental Mason	44	Pitched	9, 10
Motor Showroom	47	Place of Public Amusement	25, 46
Motor Spares	44, 48, 66	Place of Public Assembly	25, 46
Motor Workshop	48	Planned Unit Development	iii, 77
Multi	9, 29, 45	PLANNING AUTHORITY	11
Museum	44, 46	Planting	17, 82
Music-hall	46	Plateau Land	71, 72
Natal	iii, iv, 1, 7, 42, 47, 49, 61, 64, 67, 89, 90	Playing Field	46
Natal Provincial Administration	iii, 64	Police Station	46
Natal Town Planning Ordinance No. 27 of 1949	7	Pool	2, 3, 7, 14
Natural Flora	75	Pool Rooms	3, 7
Net Developable Area	7, 22, 69	Post Office	46
		Premier	1
		Private Open Area	3, 7, 10, 37, 45
		Private Open Space	77

Private Recreation Area	46	SCHEME MAP	i, 8, 10-13, 17, 55, 81, 83
Proclamation	iii, 11, 49	School	44, 82
Professional Suites	46	Screened	14, 75, 86
Project Manager	8	Section 47bis	ii, iv, 3, 8, 41, 49-52, 54
Protection	17, 84, 86, 87	Section 67bis	ii, 9, 56, 60, 89
Provincial Planning & Development Commission	3	Section 67ter	ii, 57, 60
Public Art Gallery	46	Self Catering	6, 27
Public Library	44, 46	Septic Tank	70, 73
Public Museum	46	Servant's Rooms	7
Public Office	38, 46	Servant's Toilet	7
Public Open Space	12, 77	Service Industrial Building	47
PUD	77	Service Installations	9
Quantity Surveyor	8	Service Station	24, 25, 31, 38, 43, 44, 47
Race-track	46	Servicing	44, 46, 48
Rear Boundary	8, 15	Shebeen	48
Rear Space	i, 15, 16	Shelter	46
Recreation	46, 64, 83	Shongweni	17, 81
Recreational Building	46	Shop	v, 5, 18, 26, 28, 37, 42-44, 47, 48, 66
Recreational Buildings	46	Showroom	47
Recreational Use	10, 24, 77	Side Boundary	8, 14
Reformatory	44, 47	Side Space	15, 16, 22
Relaxation	14, 23, 37, 38, 40, 75	Sign	26, 36, 78, 79
Removal	41, 76, 82	Site Owners Association	8, 30
Repair	44, 46-48, 63	Siting	i, 16, 17, 24, 35, 75
Research Laboratory	44	SITING OF BUILDING AND ACCESS POINTS	17, 18
RESERVATION OF LAND	12, 13	Skating-rink	46
Residential Building	1, 9, 15, 31, 37, 43, 45-48	Slope Classification	72
Residential Club	46	Slopes in Excess of 1:3	75
Restaurant	40, 46	Smell	43, 45
Restricted Building	45, 47	Smoke	43, 45
Retail	iii, 5, 27, 29, 42, 43, 47, 48, 63, 66	Soakpit	70-73
Retail Uses	iii, 66	Soil Instability	7, 69
Retirement Villages	iii, 67	Soot	43, 45
Riparian	81, 82	Spaza Shop	48
ROAD PROPOSALS	13	Special Consent	v, 9, 10, 12, 13, 17, 18, 25-31, 33, 36, 44, 46, 56-59, 66, 75, 77, 78, 80, 85, 86, 89, 90
Roof	9, 10, 15, 16, 20, 29, 72, 86	Special Industrial Building	44, 47
Roof Overhangs	29	Special Residential	14, 15, 21, 22, 25, 27, 30-32
Sale	6, 29, 36, 44, 46-48, 62, 63	Special Residential 200 m2	14
Sanatorium	45	Special Residential 350 m2	14, 15
Sand	27, 44, 81	Special Residential 750 m2	32
Sand Winning	27, 81	Spine	iii, 83
Scheme	i, i, ii, v, vi, 1-4, 8, 10-13, 17, 18, 21, 22, 24, 25, 27, 28, 31-33, 35-37, 39, 41, 46, 49, 54-56, 58, 59, 62, 75, 78-81, 83, 84, 88	Sports Ground	46
SCHEME AREA	11		

Sports-arena	46		83
Spray Painting	44, 47		
Squash Court	46		
Staircase	3		
Stairwells	9		
Static Caravan	9		
Sterkspruit	v, 8, 12		
Storage	5, 9, 26, 29, 37, 44, 46, 48, 62		
Storeroom	7, 44, 48		
Storey	5, 6, 9, 10, 15		
Stream	72		
Street Line	14		
Subsoil Drainage	72		
Tavern	v, 47, 48		
Taxi	38		
Tea Garden	v, 48		
Technical Institute	44		
Tenant	38		
Terrace House	10, 46		
Thatched	15		
Theatre	27, 38, 46		
Theme	23		
Ticket Agency	47		
Title Deeds	89, 90		
Tourism	v, 81, 83		
Tourist Maps	44		
Town and Regional Planning Commission	niii, vi, 3, 66, 67, 69		
Town Hall	46		
Town Planner	vi, 8		
Town Planning Ordinance	iv, v, 7, 49, 54, 56, 90		
Town Planning Ordinance No. 27 of 1949	7, 49, 90		
Town Planning Scheme	i, i, v, vi, 1, 8, 35, 49, 54, 55, 58, 59, 75,		
Traffic Generator	25, 64, 65		
Traffic-Generating Site	64		
Transformer	9		
Trees	17, 76, 87		
Tuck Shop	v, 48		
TYPES OF BUILDING AND LAND USE			
Undevelopable	7, 69		
Usable Common Open Space	10, 20		
Usable Land	24, 77		
Utility Area	10		
Utility Areas	7, 21		
Veterinary	48		
Vibration	43, 45		
Video-hire	47		
Visual Environment	75		
Wall	2, 5, 14, 17, 20, 21		
Walls	14-16, 22, 24, 29, 35, 76		
Warehouse	38, 48		
Washing	44-47, 62		
Waste	iii, 22, 26, 36, 70, 72		
Waste Water Disposal	iii, 22, 70		
Water-courses	17		
Waterfall	v, 8, 12		
Without the Need to Subdivide	i, 21		
Workroom	7, 63		
Workshop	v, 42-44, 46, 48		
Worship	31, 38		
Zone	iii-v, 8, 10, 14, 15, 18, 22, 24, 25, 27, 29-32, 36-38, 40, 43, 45, 57, 75-77, 85		