

CAMPERDOWN

TOWN PLANNING SCHEME

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CAMPERDOWN

TOWN PLANNING SCHEME

SCHEME CLAUSES

PART I

1.1. TITLE

This scheme shall be known as the Camperdown 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 Administrator of the Province of Natal acting upon the advice and with the consent of the Executive Committee of the said Province.

(2) **“Appeals Board”**

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

(3) **“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.

(4) **“Area of Scheme”**

Is the area which lies within the inner edge of the boundary line coloured blue on the Resolution Map.

(5) **“Authority”**

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

(6) **“Basement”**

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

(7) **“Building”**

Is any structure or erection of an immovable nature for whatever purpose used including any tank, swimming pool or radio-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, statue, fish-pond, pergola or other garden ornamentation.

(8) **“Building Line”**

Is a line parallel to any boundary of a lot which is conterminous with a street, public right of way or road reservation; or in the case of “hatchet shaped” lots, a line parallel to the boundary nearest to the street which is not a boundary of the access strip.

(9) **“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 25 of 1974 or any other law.

(10) **“Commission”**

Is the Town and Regional Planning Commission established in terms of Section 2 of the Ordinance.

(11) **“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.

(12) **“Coverage”**

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

(13) **“Date of Adoption”**

Means the date upon which this Scheme was 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.

(14) **“Develop Land” or “Development”**

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

(15) **“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.

(16) **“Dwelling Unit”**

Means a self-contained inter-leading group of rooms for a single family including not more than one kitchen.

(17) **“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.

(18) **“Erection of a Building”**

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

(19) **“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.

(20) **“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.

(21) **“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. For the purposes of this scheme a family shall also mean two, three or four unrelated persons maintaining a common household.

(22) **“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.

(23) **“Floor Area Ratio”**

Subject to Clause 5.1, is the ratio of the total floor area of the buildings on a lot to the lot 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 lot is half the lot area.

(24) **“Frontage”**

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

(25) **“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.

(26) **“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.

(27) **“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.

(28) **“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.

(29) **Home Business**

Means the carrying on within residential premises of a profession, occupation or activity by the occupier of a dwelling unit and, without limiting the generality of this definition, may include the following:

- Such professions as architects, land surveyors, quantity surveyors, consulting engineers, medical practitioners, accountants.

- Such occupations as hairdresser, seamstress, art teacher, radio repairer, music teacher, clock repairer.
- Such activities as carpentry, tailoring, toy-making, confectionery, knitting, hand-carving.

(30) **“Home Owners Association”**

Means a company registered in terms of Section 21 of the Companies Act, No. 61 of 1973, as amended, 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.

(31) **“Industrial Building”**

Means a Factory as defined in Annexure E.

(32) **“Local Authority”**

Is the Health Committee.

(33) **“Lot”**

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 “Lot” shall for the purposes of this scheme apply to each of such portions as if they had been separately registered.

(34) **“Lot Area”**

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

(35) **“Maisonette (or Pair of Maisonettes)”**

Means a two storey building consisting of 2 dwelling units placed one above the other with separate entrances.

(36) **“Mall”**

Means an area of land open to the air and reserved exclusively for pedestrian traffic but may include fountains, benches and other similar features as well as kiosks for, *inter alia*, the sale of refreshments.

(37) **“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.

(38) **“Net Developable Area”**

Means the surveyed area of a lot 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.

(39) **“Ordinance”**

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

(40) **“Outbuilding”**

Means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, servant’s rooms, servant’s ablution facilities and workroom; workroom meaning a room used for maintenance of the dwelling unit(s) or for private hobbies.

(41) **“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 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 verandas.

(42) **“Rear Boundary”**

Shall mean that boundary of a lot which is furthest from any street boundary, and which does not meet any street boundary.

(43) **“Scheme”**

Is the Camperdown Town Planning Scheme in the course of preparation, as amended from time to time.

(44) **“Scheme Map”**

Is the Map forming part of the Scheme as adopted by the local authority in terms of Section 47 *bis*

(4) of the Ordinance. (See Clause 1.6).

(45) **“Semi-detached House”**

Means a building other than a dwelling house comprising 2 dwelling units contained in one building, both on the ground floor and each provided with a separate entrance.

(46) **“Side Boundary”**

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

(47) **“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.

(48) **“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:

- (a) 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. (6);

- (b) 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);
- (c) 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 (e) below and which the local authority considers to be habitable shall count as a storey;
- (d) 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;
- (e) with the exception of lift rooms, stairwells and pitched roofs, any structures or architectural features situated on the roof of a building and greater than 1,2 metres in height shall constitute a storey.

(49) **“Street Line”**

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

(50) **“Terrace House”**

Means a dwelling unit in a building comprising 3 or more dwelling units, each having a separate entrance on the ground floor with direct access to a private open area or areas.

(51) **“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.

(52) **“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, verandas and drying areas.

(53) **“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.

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 No. 22 of 1960.

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. For the area described in Proclamation No. 22 of 1960 this is 6 January 1961.

1.5 **PLANNING AUTHORITY**

The Health Committee, 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 comprises drawing No. CAM416.2.

PART 22.1 **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, street, Central, Provincial and Local Government, railway or essential services appear on a lot, 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 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.

2.2 **DECLARING OR CLOSING OF STREETS**

- (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 lot on which such road widening or proposed road is located.

- (ii) All roads shown in red hatch 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 33.1 **BUILDING LINES**

- (i) All lots 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 street frontages of the Medium Density Housing site, where the building line shall be 7,5 m.
- (iii) In the Commercial zone all lots shall be subject to a 2,5 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.
- (iv) Except as provided in Clause 3.1(xii), subdivisions on Lots 113, 114 and 115 zoned for service industrial purposes (or any consolidation thereof) shall be subject to a 2,5 m building line.
- (v) All lots in the General Residential zone shall be subject to a 9 metre building line.
- (vi) 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.
- (vii) The local authority, by special consent, may relax the building line if, on account of the levels of the lot 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 lot.
- (viii) The local authority may, by special consent, relax the building line if the architectural effect will enhance the appearance of the street and contribute to public amenity.

- (ix) The local authority may, by special consent, relax the building line on corner lots 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 lot adjoining.

- (x) Notwithstanding the provisions of the above clauses in the cases of swimming pools the building line may be relaxed by special consent of 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.

- (xi) Notwithstanding the foregoing provisions, the local authority may, if special circumstances exist, exempt an applicant from applying for special consent if it is satisfied that no interference with the with the amenities of the neighbourhood, existing, or as contemplated by this Scheme, will result; provided that the prior written consent of the registered owner of each adjoining property, and such other properties as the local authority may direct, has first been obtained. Where any such written consent is not forthcoming, the applicant shall, in seeking the relaxations, be required to apply for the local authority's special consent.]

[T3.60.7 (applic 3) 1995—06—27]

- (xii) 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 in such circumstances the building restriction line may not be relaxed by the local authority, without the consent of the Provincial Roads authority.

[T3.60.7 (applic 3) 1995—06—27]

- (xiii) Lots adjacent to the railway reserve, national road and provincial roads shall be subject to the building lines as imposed by the relevant bodies administering these. These are to be established by the applicant prior to building plans being submitted.

[T3.60.7 (applic 3) 1995—06—27]

3.2 **SIDE AND REAR SPACE**

- (i) No building shall be erected nearer than 2 metres to any side or rear boundary of the lot 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, semi- detached house or terraced house shall be erected nearer than 4,5 metres to any such boundary.
- (ii) 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.
- (iii) Notwithstanding (i) above, in the case of commercial or industrial zones the side space requirement may be relaxed by special consent of 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) or where such buildings adjoin lots zoned for residential purposes.
- (iv) The local authority may, by special consent, permit in any zone any building to be erected closer to any boundary than the distances specified in this clause if on account of the siting of existing buildings or the shape, size or levels of the lot, the enforcement of this clause will, in opinion of the local authority, render the development of the lot 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.
- [(v) Notwithstanding the foregoing provisions, the local authority may, if special circumstances exist, exempt an applicant from applying for special consent if it is satisfied that no interference with the amenities of the neighbourhood, existing, or as contemplated by this Scheme, will result; provided that the prior written consent of the registered owner of each adjoining property, and such other properties as the local authority may direct, has first been obtained. Where any such written consent is not forthcoming, the applicant shall, in seeking the relaxations, be required to apply for the local authority's special consent.]

PART 44.1 **BUILDING RESTRICTIONS AND THE USE OF LAND**

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.

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. PRESERVATION OF INDIGENOUS FLORA AND PROTECTION OF WATERCOURSES**

- (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 a lot 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. Where possible areas are to be set aside for conservation purposes, such areas being clearly indicated on a site plan.

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 lot by an amount not greater than 12,5% 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.
- (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 “existing 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 existing use shall be deemed to have lapsed and shall not be recommenced.

4.5 **APPLICATION PROCEDURE. DESIGN AND LAYOUT OF MEDIUM DENSITY HOUSING DEVELOPMENT**

- (1) The applicant shall submit to the local authority for its approval:
 - (i) a layout plan or plans showing, where applicable;
 - (a) the position, dimensions and materials to be used in the construction of all roads, driveways, parking areas, squares and pedestrian access ways, if any;
 - (b) the boundaries of all dwelling unit curtilages, private open areas and common open spaces;
 - (c) the position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;

- (d) the proposed landscaping of the site;
 - (e) the proposed public open space;
 - (f) the position and nature of recreation facilities, if any;
 - (g) the position and extent of all utility areas.
- (ii) a set of sketch drawings prepared by an architect at a scale of 1 100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with both front and rear elevations of each typical group of dwelling units at a scale of 1:100 or 1:200;
- (iii) a table indicating:
- (a) the total area of the site;
 - (b) the total number of dwelling units;
 - (c) the total floor area;
 - (d) the total number of car parking spaces provided for visitors and for residents;
 - (e) the extent of the usable common land, the smallest private open area, the smallest dwelling unit curtilage and the smallest utility area;
 - (f) the areas of public open space and other public uses where applicable;
- and
- (iv) any other documents which the local authority may reasonably require.
- (2) (i) The following minimum areas per dwelling unit shall apply to a Medium Density Housing site:
- (a) Private Open Area - 30 m²
 - (b) Usable Common Open Space - 50 m²

- (c) Utility Area - 15 m²
- (ii) The minimum floor area of a garage or carport shall be 18 m²
- (3)
 - (i) Where in the opinion of the local authority a road within a Medium Density Housing site should serve the public, the local authority may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.
 - (ii) The minimum width of a road carriageway within a Medium Density Housing site shall be 3 metres where the carriageway is one-way and 5,5 metres where the carriageway is two-way.
 - (iii) Situated at the end of every *cul-de-sac* there shall be provided turning space to the satisfaction of the local authority.
- (4) In the event of the different dwelling unit curtilages being transferred in freehold or registered leasehold title, the local authority shall require that:—
 - (i)
 - (a) the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and
 - (b) no co-owners shall be entitled to require the partition of the common land according to the proportion of his share;
 - (ii) 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;

- (iii) no dwelling unit curtilage within the Medium Density Housing site or within any portion of the site specified by the local authority shall be transferred or separately registered before the whole Medium Density Housing site or the specified portion of the Medium Density Housing site within which the curtilage is situated has been developed to the satisfaction of the local authority.
- (5) (i) Notwithstanding the requirements in 4.5(1) wherever it is intended to develop a site for Medium Density Housing in a Special Residential zone, the special consent of the local authority shall first be obtained.
- (ii) In the Special Residential zone the maximum number of dwelling units which may be established on a Medium Density Housing site shall be obtained by dividing the registered surveyed area of the property concerned by the appropriate minimum lot area per dwelling house as specified in Clause 5.2 and rounded off to the nearest whole number.
- (6) (i) Notwithstanding (5)(ii) above, with regard to physically difficult residential sites, the maximum number of dwelling units which may be established on a Medium Density Housing site shall be calculated in accordance with the provisions of Annexure H of this Scheme.

4.6 **GARAGES AND SERVICE STATIONS**

- (i) 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.
- (ii) No Garage or Service Station shall have direct vehicular access to an existing or proposed major traffic arterial.
- (iii) 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 an intersection with any road.

- (b) The frontage of a Garage or Service Station lot 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 lot 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 lot when recharging the tanks and for such vehicles to enter and leave the lot in a forward direction.
- (e) Pump islands shall not be less than 5 metres from any boundary of the lot 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 lot 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 lot 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 which, in the opinion of the local authority, is not a traffic generator in terms of Annexure F.

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

4.7 **EXEMPTIONS**

- (1) Nothing in this Scheme shall prohibit or restrict the letting of part of a dwelling house, provided that, in the 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 and provided further that no more than 4 persons (over and above the family) may so board or lodge with the family.

- (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) (A) Nothing in this scheme shall operate to prohibit or restrict the Local Authority from granting its special consent for the resident of a dwelling unit to carry on therein a home business, subject to the provisions of sub-clause (B) below.
 - (B) Any special consent granted in terms of (A) above shall be subject to whatever conditions the Local Authority may see fit to impose but shall be subject, in any case, to the following limitations:
 - (a) The applicant shall reside on the premises to which the application relates and the special consent with or without conditions, shall attach to such premises and not to the applicant.

 - (b) Such consent shall not entitle the applicant:
 - (i) to be assisted by more than 1 person who may be a partner or an employee.

 - (ii) to devote to a home business a floor area greater than 50 square metres or greater than 10% of the total area of the site, whichever is the less, and in the event of uncertainty as to the boundaries

of the site, these shall be defined by the Local Authority whose decision shall be final;

- (iii) to operate other than hand or electrically driven machinery;
 - (iv) to operate any electric motor with a power rating higher than 1,5 kW; and
 - (v) to display any goods in the public view.
- (c) No special consent shall be granted by the Local Authority in respect of any home business, and no home business so granted shall be carried on in a manner which is likely to cause any interference with the amenities of the neighbourhood, and shall be subject to the following further limitations:
- (i) no shop and no work on motor vehicles shall be permitted on the premises;
 - (ii) the home business shall not produce a noise level which is considered by a duly authorised officer of the Board to be excessive;
 - (iii) the conduct of the home business shall cease between the hours of 18h00 and 07h00 on weekdays and over weekends between 13h00 on Saturdays and 07h00 on Mondays;
 - (iv) the storage upon the site of any plant, materials or vehicles, other than private motor vehicles and bicycles, or any equipment, other than surveying instruments or normal office equipment, or any other thing which the Local Authority, with due regard to the amenities considered unsightly or undesirable shall not be permitted;

- (v) any sign advertising the home business and indicating its nature shall not exceed 0,2 square metres and only one such sign shall be permitted; and
 - (vi) off-street parking for vehicles of clients and employees shall be provided to the satisfaction of the Local Authority.
- (C) Notwithstanding the above, where the Local Authority is satisfied that the amenity of the neighbourhood will not be affected, it may exempt the applicant from applying for Special Consent; provided that the authority of the Local Authority is obtained, which authority may be granted with or without conditions.
- (D) The Local Authority may, where it is of the opinion that the carrying on of any home business, as contemplated in this clause is causing an interference with the amenities of the neighbourhood, impose further conditions or, by not less than 30 days notice in writing, call upon the occupier to remove the cause of such interference or to discontinue such home business, notwithstanding that the Local Authority has granted its authority or special consent for such a home business in terms of this clause.
- (4) Nothing in this Scheme shall prohibit the owner of a nursery garden in-a residential zone from selling his plants by retail provided the special consent of the Local Authority has been applied for and granted with or without conditions.

(5) **USE OF HOTELS FOR CERTAIN PURPOSES**

- (i) 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:

- (a) 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;
- (b) 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.

- (ii) 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, authorize, in terms of this scheme, the establishment of a bottle store in any licensed hotel premises.

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(22), 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 retail purposes or for the display, sale or storage of goods;
 - (iv) in the case of garages and service stations, the unwallled access ways and driveways covered by canopies.
- (3) Only roofed or covered areas are included in the coverage.

5.2 **LOT CONTROL**

- (1) The local authority may increase the minimum lot sizes specified in this clause where, in the local authority's opinion, the method used for the disposal of sewage warrants such an increase or where a site is a "Physically Difficult Residential Site" as defined in Annexure H.
- (2) Except in cases where any lot was in existence prior to the date of adoption:
 - (i) no Lot within the Special Residential zone shall be less than 1300 m² in extent;

- (ii) no Lot within the General Residential zone shall be less than 2000 m² in extent;
 - (iii) no Lot within the Intermediate Residential zone shall be less than 1800 m² in extent;
 - (iv) no Lot within the Commercial zone shall be less than 1300m² in extent;
 - (v) no Lot within the Service Industrial zone shall be less than 900 m² in extent;
 - (vi) no Lot within an Agricultural zone shall be less than 2ha in extent and
 - (vii) no Lot within the office zone shall be less than 1300 m² in extent.
- (3)
- (i) No Lot used for Medium Density Housing shall be less than 1800 m² in extent and no dwelling unit curtilage shall be less than 200 m²
 - (ii) Except as provided in 2(iv) above, no Lot within the Commercial zone 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.
 - (iii) No lot used for a Garage or Service Station shall be less than 1800 m² in extent.
 - (iv) No Lot used for Worship purposes shall be less than 3600 m² in extent.
- (4)
- (i) The Lot Area in any zone is exclusive of access ways in “hatchet-shaped” lots.
 - (ii) Where on the date of adoption, two dwelling houses were existing lawfully on a single lot 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 lot into two separate lots, provided also that the area of either of the subdivided lots is not less in extent than 900 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.

- (iii) Where an existing lot in the Special 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 on the lot provided that the lot has not been reduced in area to less than 900 m² and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the local authority.
 - (iv) Where an existing lot in a General 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 residential building on the lot provided that the lot has not been reduced in area to less than 1350 m² and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the local authority.
- (5) Except as provided in Clause 4.5.5(j) and (ii) not more than one dwelling house shall be erected on any lot, provided that where the lot is 2600 m² in extent or greater in a Special Residential zone or 4000 m² or greater in a General Residential zone or 4 ha or greater in the Agricultural zone, one additional dwelling house may be erected on the lot 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.
- (6) Except in special circumstances the depth of a lot in relation to the frontage shall not exceed the ratio of 3 to 1 in proportion. A lot 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 75 per cent of the minimum prescribed area.

(7) **GRANNY COTTAGE:**

The Camperdown T.L.C. may grant its special consent to the erection of a Granny Cottage in the Special Residential Zone provided that:

- i) no Site on which a Granny Cottage is to be erected shall be less than 2 000m² in extent;
- ii) a single Granny Cottage may be erected on a Site where a dwelling house is already in existence;
- iii) the gross floor area, excluding a garage shall not exceed 60m²;
- iv) the gross floor area of a garage shall not exceed 20m²
- v) the gross floor area of the dwelling house, including outbuildings and servants quarters but excluding the gross floor area of the carports must at least be three times the gross floor area of the Granny Cottage.]

[T3.60.1 (25) 1995—12—05]

5.3 **MINIMUM FRONTAGE REQUIREMENTS**

- (i) Except in special circumstances the minimum frontage for all lots shall be 22 metres and the width of the access way for a “hatchet-shaped” lot shall be a minimum of 4 metres throughout its length which length shall not exceed 65m. Where a lot 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 22 metres provided the proportion of the lot is in conformity with the ratio provision set out in Clause 5.2(6) and provided also that the frontage on the street is not less than 4 metres.

- (ii), The minimum frontage of a lot used for General Residential purposes, shall be 24 metres. The width of the access way for a “hatchet-shaped” lot in General Residential or Industrial zones, shall be a minimum of 9 metres throughout its length.

PART 6

6.1 EXTERNAL APPEARANCE OF BUILDINGS

- (i) The character, design and external appearance of buildings, including the material used in their construction, shall be subject to the approval of the local authority, and no building may be erected without the approval of the local authority.
- (ii) In considering any application, 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.
- (iii) 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.
- (iv) 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 unacceptable.
- (v) Any applicant aggrieved by any decision in terms of sub-clause (iv) hereof shall have the right of appeal to the Appeals Board.

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 access way, 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 lot, the position of any existing buildings on the adjoining lots, and servitudes, building lines and rights-of-way to which the lot is subject.
 - (iv) A brief schedule in quadruplicate, specifying the general construction and finishes of the proposed building, alterations or additions on the lot.
- (2) 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 Building Bylaws/Regulations, which approval shall first be applied for and obtained before any building work is commenced.

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 lot, 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.

6.5 **LOADING AND PARKING ACCOMMODATION**

- (1) Any person intending to erect, alter or extend a building or develop or use any lot, shall provide loading and parking accommodation within the boundaries of the lot and shall submit proposals therefore in accordance with the following requirements and to the satisfaction of the local authority.
 - (i) For every residential building there shall be provided 1 garage or- covered parking space for each dwelling unit. En 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 building intended for shopping use there shall be provided 1 car space off the street for each 50 m² or major portion thereof for the gross

shop area and for every building intended for office use there shall be provided 1 car space for each 65 m² or major portion thereof of gross office area. In addition there shall be provided on the lot a loading and unloading area with suitable access to the satisfaction of the local authority.

Provided that where in the Commercial zone it is physically impracticable to provide on-site parking without disturbing the continuity of the shopping frontage, or where the lot 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 or within the road reserve. 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.

- (iv) Where, in the 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.

- (v) Where, in the 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.

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)(vi), shall be provided for the residential use.

- (vi) 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.
- (vii) For every public office there shall be provided a convenient area for parking accommodation for 15 cars.
- (viii) For every building or portion of a building intended for use as a warehouse there shall be provided one car space for each 140m² or major portion thereof of floor area and a loading and unloading area with suitable access to the satisfaction of the local authority.
- (ix) For every building or portion of a building intended for use as a hail without fixed seats there shall be provided a car space off the street for every 23 m² or major portion thereof of floor area.
- (x) 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.
- (xi) 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.

(xii) For every industrial building there shall be provided on the lot 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 lot 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.

- (xiii) (a) Car space or parking accommodation means a parking bay of dimensions not less than 5,5 x 2,5 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.
 - (xiv) 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.
 - (xv) A betting depot, shall be required to provide 15 car spaces.
- (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 thereto, regulation made thereunder and amendment thereof.

PART 77.1 **INSPECTION OP 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 **AMENDMENT 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 lot 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 and Afrikaans versions of the Scheme Clauses, the English version shall prevail.

- (2) Any decision, order or authorization 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.

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, gamebirds, 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. **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.

5. **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, electrician and may include a jobbing printer, but excludes a garage or service station.
6. **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.
7. **Crèche** : 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.
8. **Dwelling House** : means a free-standing dwelling unit used as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith. Such freestanding dwelling unit (excluding outbuildings) shall have a floor area of 80m² or greater.
9. **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.

10. **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.
11. **Funeral Parlour** : means a building or land used for the purpose 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.
12. **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, greasepit and machinery; provided that panel beating may be included by special consent.
13. **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).
14. **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.

15. **Launderette** : 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 a type that shall not cause harmful effluent to be discharged into the sewerage system.
16. **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.
17. **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, semidetached houses, terrace houses, maisonettes or dwelling houses.

18. **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.
19. **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.
20. **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.
21. **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.
22. **Private Recreation Area** : means a sports ground, playing field or other open space or Recreational Buildings of a club, firm or other body.
23. **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.

24. **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.
25. **Residential Building** : means a building or portion of a building other than a dwelling house, 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.
26. **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.
27. **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.
28. **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.
29. **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 are 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.

30. **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.

31. **Special Industrial** : 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).
32. **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.

TABLE B: RESERVATION OF LAND (SEE PART 2 OF CLAUSES)

COLOUR NOTATION ON SCHEME MAP	USE FOR WHICH LAND IS RESERVED	ADDITIONAL CONTROLS
Dark green	Public Open Space	<ol style="list-style-type: none"> 1. This land is reserved as open space for the use and 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, recreational grounds, zoological gardens and similar such uses. 3. Attention is drawn to Clauses 2.1 (i) and (ii) of these clauses.
Red	New roads and widening of existing roads.	Proposed reservations for new roads as shown on the scheme map to be effective at dates to be determined.
Red broken line	Approximate position of new roads	Final alignment to be determined when development takes place.
Blue with letters W W	Water Works	Reserved for Water Supply authority.
Grey	Railway reserve	Railway purposes and incidental uses permitted.
Orange with letters S.D.	Sewage Disposal Works	Buildings and other works incidental thereto permitted.
Orange with letters R.S.	Refuse Site	Buildings and other works incidental thereto permitted.
Green with dark green border and letter C inscribed	Cemetery	Reserved for burial purposes and ancillary buildings, including crematorium.

TABLE B: RESERVATION OF LAND (SEE PART 2 OF CLAUSES)

COLOUR NOTATION ON SCHEME MAP	USE FOR WHICH LAND IS RESERVED	ADDITIONAL CONTROLS
Green blue	River Reserve	<ol style="list-style-type: none"> <li data-bbox="971 443 1466 548">1. Reserve to protect the amenity of the water course and to minimize pollution and erosion. <li data-bbox="971 590 1466 737">2. Removal of soil and stones and indigenous vegetation not permitted without the authority of the local authority. <li data-bbox="971 768 1466 842">3. Local authority shall be permitted to install underground services.

TABLE C: USE ZONES

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED AND LAND MAY NOT BE USED
Special Residential	Yellow	6. Conservation area 8. Dwelling house	7. Crèche 17. Medium density housing	Buildings and land uses not included in Columns 3 and 4.
Intermediate Residential	Light brown	6. Conservation area 8. Dwelling house 17. Medium density housing	1. Agricultural building 3. Agricultural land 7. Crèche 15. Laundrette 21. Place of public assembly 22. Private recreation area 24. Recreational building.	Buildings and land uses not included in Columns 3 and 4.
General Residential	Dark brown	6. Conservation area 8. Dwelling house 15. Laundrette 17. Medium density housing 25. Residential building	1. Agricultural building 3. Agricultural land 7. Crèche 21. Place of public assembly 22. Private recreation area 24. Recreational building.	Buildings and land uses not included in Columns 3 and 4.

TABLE C: USE ZONES

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED AND LAND MAY NOT BE USED
Commercial	Blue	<ul style="list-style-type: none"> 5. Commercial workshop 6. Conservation area 8. Dwelling house 15. Laundrette 18. Office building 20. Place of public amusement 23. Public office 25. Residential building (except on ground floor) 26. Restaurant 30. Shop 	<ul style="list-style-type: none"> 3. Agricultural land 4. Betting depot 7. Crèche 9. Educational building 11. Funeral parlour 19. Parking garage 21. Place of public assembly 22. Private recreation area 24. Recreational building. 29. Service station 32. Warehouse 	Buildings and land uses not included in Columns 3 and 4.
Office	Light blue	<ul style="list-style-type: none"> 6. Conservation area 8. Dwelling house 18. Office building (excluding banks and building societies) 	<ul style="list-style-type: none"> 18. Office building (including banks) 23. Public office 25. Residential building 	Buildings and land uses not included in Columns 3 and 4.

TABLE C: USE ZONES

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED AND LAND MAY NOT BE USED
Education	Yellow green with orange border	6. Conservation area 8. Dwelling house 9. Educational building 21. Place of public assembly 22. Private recreation area 24. Recreational building.	1. Agricultural building 3. Agricultural land 7. Crèche 14. Institution 15. Laundrette 17. Medium density housing* 23. Public office 25. Residential building* 26. Restaurant* * Ancillary to Education use	Buildings and land uses not included in Columns 3 and 4.
Administration	Orange	6. Conservation area 8. Dwelling house 9. Educational building 14. Institution 20. Place of public amusement 21. Place of public assembly 23. Public office 24. Recreational building	Buildings and land uses not included in Columns 3 and 4.	1. Agricultural building 3. Agricultural land 7. Crèche 15. Laundrette 18. Office building 19. Parking garage 22. Private recreation area 26. Restaurant 32. Warehouse

TABLE C: USE ZONES

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED AND LAND MAY NOT BE USED
Service Industry	Red purple	<ul style="list-style-type: none"> 5. Commercial workshop 6. Conservation area 8. Dwelling house (subject to the restriction contained in paragraph 4, column 3 of Table D) 23. Public office 25. Residential building (subject to the restriction contained in paragraph 4, column 3 of Table D) 28. Service industrial building 32. Warehouse 	<ul style="list-style-type: none"> 1. Agricultural building 3. Agricultural land 11. Funeral parlour 12. Garage 15. Laundrette 16. Light industrial building 18. Office building 19. Parking garage 22. Private recreation area 24. Recreational building 26. Restaurant 29. Service station 30. Shop (subject to the restriction contained in Annexure G) 	Buildings and land uses not included in Columns 3 and 4.

TABLE C: USE ZONES

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED AND LAND MAY NOT BE USED
Worship	Orange with letter W	6. Conservation area 8. Dwelling house 21. Place of public assembly 22. Private recreation area	7. Crèche 14. Institution 23. Public office 24. Recreational building 25. Residential building (provided it is an ancillary use)	Buildings and land uses not included in Columns 3 and 4.
Agriculture	Green brown border	1. Agricultural building 3. Agricultural land 6. Conservation area 8. Dwelling house	2. Agricultural industry	Buildings and land uses not included in Columns 3 and 4.
Service station	Purple with letters P.F.S. inscribed	6. Conservation area 29. Service station	12. Garage 19. Parking garage 26. Restaurant	Buildings and land uses not included in Columns 3 and 4.
Private open space	Yellow green with green border	6. Conservation area 22. Private recreation area 24. Recreational building	3. Agricultural land 7. Crèche 8. Dwelling house 20. Place of public amusement 21. Place of public assembly 25. Residential building (restricted to a single flat for a manager or caretaker)	Buildings and land uses not included in Columns 3 and 4.

TABLE D: DENSITY

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Special Residential	0,20 : 25 : 2	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2. 2. Where the lot is used for Medium Density housing purposes, the minimum lot area shall be 2600m² and the maximum number of units which may be established shall be as per Clause 4.5.5 (ii). 3. Subject to the provision of a sewage disposal system to the satisfaction of the local authority. 	Yellow
Intermediate Residential	N.A. : 30 : 2	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2. 2. Accommodation for motor vehicles to be provided on the lot as per Clause 6.5. 3. Subject to the provision of a sewage disposal system to the satisfaction of the local authority. 4. The requirements of Clause 4.5 shall apply and the density shall be limited to 12 dwelling units per hectare. 	Light brown

TABLE D: DENSITY

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
General Residential	0,35 : 30 : 3	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2. 2. Accommodation for motor vehicles to be provided on the lot as per Clause 6.5. 3. For all residential buildings, provision to be made for landscaping and maintaining 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 drive-ways. 4. A maximum F.A.R and Coverage of 0,5 and 40% respectively is permitted for a licensed hotel. 5. Subject to the provision of a sewage disposal system to the satisfaction of the local authority. 6. Where the lot is used for Medium Density housing the requirements of Clause 4.5 shall apply; the density shall be limited to 12 dwelling units per hectare. The coverage requirement shall only apply to the medium density housing site and not the individual dwelling unit curtilages. 	Dark brown

TABLE D: DENSITY

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Commercial	0,5 : 50 : 3	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2. 2. Accommodation for motor vehicles to be provided on the lot as per Clause 6.5. 3. Notwithstanding the floor area and coverage controls for this zone, where a lot is less than 1300m² the local authority may, by Special Consent, permit an increased Floor Area Ratio and coverage provided that the total floor area and total coverage on the lot do not exceed 650m². 4. Subject to the provision of a sewage disposal system to the satisfaction of the local authority. 	Blue
Office	0,50 : 50 : 2	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2. 2. Accommodation for motor vehicles to be provided on the lot as per Clause 6.5. 3. 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. 4. Subject to the provision of a sewage disposal system to the satisfaction of the local authority. 	Light blue

TABLE D: DENSITY

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Service Industry	0,50 : 50 : 2	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2. 2. Accommodation for motor vehicles to be provided on the lot as per Clause 6.5. 3. Where the building line is laid down in the Industrial Zone no building, boundary walls and fences shall be erected between the building line and the street boundary. The area between such building line and the street boundary is to be landscaped by the owner or occupier of the lot to the satisfaction of the local authority and may not be used for the storage of goods, parking of motor vehicles, depositing of refuse or any other use, which in the opinion of the local authority will detract from the visual amenities of the area. 4. Notwithstanding the requirements of Table C, one dwelling unit may be permitted on each Industrial site to accommodate a manager, foreman or caretaker. 5. When granting special consent for a shop, reference should be made to Annexure G. 	Red purple
Worship	0,50 : 30 : 2	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2. 2. Accommodation for motor vehicles to be provided on the lot as per Clause 6.5. 3. Side and rear space provisions as for residential building. 	Orange with letter W

TABLE D: DENSITY

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Agriculture	0,125 : 12,5 : 2	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2. 2. A dwelling house (including its ancillary outbuildings) shall have a maximum floor area of 260m² and a maximum coverage of 325m². 	Green brown border
Service Station	0,40 : 60 : 2	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2. 2. Accommodation for motor vehicles to be provided on the lot as per Clause 6.5. 3. In addition to the general requirements of the Scheme special attention is drawn to Clause 4.6. 	Purple P.F.S. inscribed
Private open space	0,15 : 15 : 2		Yellow green with green border

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) Publish in the same newspapers during succeeding week, again on the same day.
- (iii) Post on the public notice board etc. from date of first publication until closing date of objections.
- (iv) 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).

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 amendment necessary (fully motivated).
 - (v) Any relevant plans and documents.

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

COMMISSION:

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

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

Action (2)
Section 47 bis (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 this 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)

OR/AND

Action (5)

- (iv) Exercise any of the powers conferred upon it by subsection (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 47 bis (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 47 bis (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 47 bis (5)(a)

If resolution adopted by the Local Authority is not in accordance with 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 at 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's 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 47 *bis* (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 47 bis (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 47, bis (6)(a)
(i) – (iv) and (vi)** :

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

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

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

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

Allows Commission to exempt a Local Authority from provisions of Section 47 bis 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 47 bis (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 47 bis A

Section 47 bis A (1) :

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

Section 47 bis A(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)

ANNEXURE A (2)

Form of Application by an owner in terms of Section 47 *bis* 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 47 *bis* 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 the

_____ Town Planning Scheme.

B. PARTICULARS OF THE APPLICATION

1. Title Deed description of 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

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.C.
Diagram/s
 - Description _____
 - In favour of _____
 - S.C. 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 the title deed/s.
- 2. Photostat copy 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 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 of the 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 application 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.

ANNEXURE B(1)**TOWN PLANNING ORDINANCE NO. 27 OF 1949 (As AMENDED)****GUIDE TO SECTION 67 bis****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 lots lying wholly or partially within a distance of 100 metres from any boundary of the lot 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/Secretary 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/Secretary 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/Secretary 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 Secretary 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/Secretary of his intention to appeal to the Appeals Board in terms of Section 67 ter 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 both to interrupt the continuous use and 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 listed in Column 3 of 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 B (1) OF THE TOWN PLANNING SCHEME

A. I the undersigned

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

2. Title Deed number/s

3. Postal address of the applicant

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.

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

- (a) Any applicant or any person who has objected in terms of Section 67 *bis* 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 67 *bis* 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 67 *bis*, 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 67 *bis*, 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
36 of 1919 as repealed by the Health Act 63 of 1977
(Government Notice No. 1047, June 27, 1924: Schedule A).

Chemical works, dye works, manure, super phosphate, or fertilizer works or stores; fellmongery, 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, boots, or other animal organic matter; wattle-bark (grinding or extracting) works; brick burning and limeburning 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”.

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 subsection (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 subparagraph (iv) or (viii) of paragraph (a) of subsection (1) is only incidental to the conduct of a business engaged mainly in the sale of goods by retail;
 - (his) Premises on which any activity referred to in subparagraph (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 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 lots, 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.

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 day-to-day 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 wire, 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.

ANNEXURE H**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 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 subdivision of land should be permitted:
 - (a) where 65% or more of the area of the proposed subdivision 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 the 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 or topography.