

PLESSISLAKE

Town Planning Scheme.

* REFER TO PLAN 219/7/1

(PART OF EDENDALE AND DISTRICT TOWN PLANNING SCHEME)

AMENDMENTS TO THE PLESSISLAER TOWN PLANNING SCHEME FINALLY
ADOPTED BY THE BOARD IN TERMS OF SECTION 47 bis (4) OF THE ORDINANCE

<u>RESOL. NO.</u> T.P.S.	<u>DATE</u>	<u>DETAILS</u>
		Adopted 23 May 1962.
1. 2977 3057	29 July 1981 23 September 1981.	Amended by Resolution no. 3057.
2. 3513	6 July 1982	Rezoning Sub. A of Rem. of Gildown No. 13690 from Public Open Space to Industrial as per drawing 219/71 (Now Sub 13) (with minor modifications).
3. 5759	8 November 1985	Rezoning portion of Rem. of Gildown No. 13690 from Public Open Space to Industrial.
4. Withdrawn.		

LOCAL HEALTH COMMISSION

PUBLIC HEALTH AREA OF EDENDALE AND DISTRICT

(PROVISIONAL)

DRAFT TOWN PLANNING SCHEME NO. 1

ENGINEER'S DEPARTMENT
DECEMBER 1961

EFFECTIVE DATE : 16 NOVEMBER 1955
ADOPTION DATE : 23 MAY 1962

INDEX

<u>CONTENTS</u>	<u>CLAUSE</u>	<u>PAGE</u>
Arrangement of Scheme	1	1
<u>PART I - GENERAL</u>		
Definitions	2	1
Area of Scheme	3	2
Responsible Authority	4	2
Material Date	5	2
<u>PART II - RESERVATION OF LAND</u>		
Reservations (Table A)	6	3
Buildings etc., not to be erected on Reserved Land	7	3
Acquisition of Reserved Land	8	4
<u>PART III - STREETS AND BUILDING LINES</u>		
Streets Declared to be closed or Diverted (Tables B & C)	9	5
Closing or Diversion of Streets	10	5
Building Lines	11	6
Observance of Building Line	12	6
No Obstruction between Street and Building Line	13	7
<u>PART IV - BUILDING RESTRICTIONS AND USE OF LAND</u>		
Interpretation	14	8
Inferior Buildings	15	11
Erection and Use of Buildings (Table D)	16	11 & 24
Prohibition of Building on Unsuitable Land	17	13
Use of Land	18	13
Density - Number of Dwelling Houses that may be erected (Table E)	19	13
Space about Buildings	20	16
Limitation of Height of Buildings	21	16
Limitation of Floor Area of Buildings (Table F)	22	16
<u>PART V - SUBDIVISION AND PRIVATE TOWNSHIPS</u>		
Subdivision in Relation to Scheme	23	18
Conditions of Title	24	18
Building Lines in New Private Townships	25	18
Corners to be splayed	26	19
<u>PART VI - GENERAL AMENITY AND CONVENIENCE</u>		
External Appearance of Buildings	27	20

INDEX

CONTENTS

CLAUSE

PAGE

PART VII - MISCELLANEOUS

Permission Granted before Approval of Scheme	28	21
Binding Force of Conditions Imposed	29	21
Appropriation of Land for Other Uses	30	21
Making of Applications and Lodging of Plans	31	21
Entry and Inspection of Premises	32	21
Appeals	33	22
Record of Permissions and Conditions	34	22
Inspection of Scheme	35	22
Service of Notices	36	22
Saving for Powers of Responsible Authority	37	23
Conflict of Scheme and Conditions of Title	38	23
Conflict with Regulations	39	23
Short Title	40	23

TABLES

A (Reservations)	3
B (Streets to be closed)	5
C (Streets to be Diverted or Closed)	5
D (Use Zones)	24
E (Density Zones)	13
F)Floor Space Factors)	16

PROVISIONAL DRAFT TOWN PLANNING SCHEME NO. 1.

1. Arrangement of Scheme

PART I	GENERAL
PART II	RESERVATION OF LAND
PART III	STREETS AND BUILDING LINES
PART IV	BUILDING RESTRICTIONS AND USE OF LAND
PART V	SUBDIVISION AND PRIVATE TOWNSHIPS
PART VI	GENERAL AMENITY AND CONVENIENCE
PART VII	MISCELLANEOUS

PART I - GENERAL

2. Definitions

In this Scheme, except where the context otherwise requires, or it is otherwise expressly provided, the following words and expressions have the respective meanings hereby assigned to them and any words not defined herein shall have the meaning assigned to them in the Ordinance.

"Appeals Board" means the Town Planning Appeals Board established by Section 73 bis of Ordinance No. 9 of 1961.

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

"Commission" means the Town and Regional Planning Commission as constituted under Chapter 1 of the Ordinance.

"Regulations" means the general regulations of the Responsible Authority promulgated under Provincial Notice No.237 of 1942 and any amendment thereof.

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

"Map" means the map or maps approved in terms of Section 50 of the Ordinance as part of the Scheme.

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

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

"Ordinance" means the Town Planning Ordinance No. 27 of 1949 (Natal) together with any amendment thereof.

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

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

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

"Responsible Authority" means the Development and Services Board as provided for in Clause 4 hereof.

"Erection" or **"Erected"** where used in relation to a building shall mean and include the structural alteration of, or the making of an addition to, such building.

3. **Area of Scheme**

The area to which the scheme applies is the area which lies within the inner edge of the boundary line coloured black on Map No. 1398/1.

4. **Responsible Authority**

The Development and Services Board is the authority responsible for enforcing and carrying into effect the provisions of the scheme provided that if the area or any part thereof is subsequently taken over by any other local authority, such other local authority may, with the consent of the Administrator, become the Responsible Authority in respect of the area or such portion thereof which has been placed under its jurisdiction.

5. **Material Date**

The **"Material Date"** is the date of the Administrator's approval of the Resolution to prepare a Scheme.

This is 16th November 1955.

PART II - RESERVATION OF LAND

6. Reservations

The several pieces of land specified in Column (1) of Table A are reserved for the respective purposes indicated in Column (2) of the Table, and, except as hereinafter provided, shall not be used for any other purpose which would conflict with the use for which they have been reserved.

TABLE A

(1)
Indication on Map
of Lands Reserved

(2)
Use for Which Lands
are Reserved

PART I

Coloured Red (Full
road widths given in
circles)

New roads and
improvements of
of existing roads.

PART II

Green and numbered
1 - 8

Public Open Spaces

PART III

Red chain dash border,
and numbered 17 and 19

Local authority
housing schemes

PART IV

Red chain dash border,
and numbered 20 and 21

Sewerage purposes
and/or local
authority housing
schemes.

PART V

Red chain dash border and
numbered 9 to 16 and 18

Local authority
purposes

PART VI

Blue (circular)

Business centres -
to be determined
when development
takes place from
time to time.

7. Buildings etc., not to be Erected on Reserved Land

- (a) Save with the consent of the Responsible Authority no person shall erect a building or execute works, or make excavations on land reserved under Clause 6 hereof, other than buildings, works or excavations required for or incidental to, the purpose for which the land is reserved,

provided that any such land may continue to be used for the purpose for which it was used on the material date, and

provided further that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the regulations.

- (b) Save as is provided in Sub-clause (a), no person shall spoil or waste land reserved under Clause 6 hereof so as to destroy or impair its use for the purpose for which it is reserved,

provided that the Responsible Authority may consent to the deposit on such land of waste materials or refuse.

- (c) In giving consent under this clause, the Responsible Authority may impose such conditions as it thinks fit.
- (d) Nothing in this Clause shall be construed as prohibiting the reasonable fencing of the land.
- (e) The streets specified in Clause 6, Part I, Table A, shall not be deemed to be public streets until they or any portion of them are so declared by resolution of the Responsible Authority or are taken over in terms of any law under which the Responsible Authority is authorised to take over streets.
- (f) Any resolution taken in terms of Sub-clause (e), shall not come into effect until 60 days after the date on which written notice of such resolution was served upon the owner or owners of the land affected.

8. Acquisition of Reserved Land

Where the Responsible Authority has acquired by agreement or expropriation, any land (together with buildings, structures or other erections thereon) reserved under Clause 6 hereof, it may execute thereon such works as in the opinion of the Responsible Authority, may be required for, or are incidental to the purpose for which the land is reserved or for local authority purposes.

9. Streets declared to be Closed or Diverted

- (a) Each of the existing streets or roads hatched red on the map and specified in Column (1) of the following table (Table B), is hereby declared to be closed. All public rights therein are declared to cease as from the date of approval of the scheme, and the land shall be used or reserved for the purposes set out in Column (2) of the said table.

TABLE B

(1) Numbers of Streets on Map to be Closed	(2) Purpose for Which land is to be Used
22	Urban Residential

- (b) Each of the public streets hatched red on the map and specified in the Column (1) of the following table (Table C), is hereby declared to be diverted or closed and all public rights therein shall cease from the date on which the proposed street or road to be made on the land, (the number of which is set opposite the number of the existing street in Column (2) of the said table), is declared by the Responsible Authority as is provided for in Sub-clause 7(e), or otherwise is made open to public traffic. The purpose for which the land comprising the street to be closed is to be used is specified in Column (3) of Table C.

TABLE C

(1) Numbers of Streets on Map to be Closed	(2) Numbers of New Streets	(3) Purpose for Which land is to be Used
--	----------------------------------	--

- (c) The closing of any street or road under this Clause shall not affect the rights of the Responsible Authority in any sewers, water mains, electric cables or wires, or other existing works lying on, over, or under such street or road, and the Responsible Authority shall have the same powers thereto (including the powers of inspecting, maintaining, and repairing the works and connections thereto, and of entry upon the land for that purpose) as if the street or road had not been closed.

Provided that the Responsible Authority may, if it thinks fit, divert or transfer any such works, and execute any works necessary and incidental to such diversion or transfer and may enter into agreements for the purpose.

10. Closing or Diversion of Streets

Nothing contained in Clause 9 shall derogate from the powers to close or divert streets which the Responsible Authority may derive from any other law.

Building Lines

- (a) On all streets existing at the material date there shall be building lines of 7,5 metres.
- (b) On all proposed streets or improvements of existing streets shown on the map there shall be building lines of 7,5 m measured from the boundaries of such proposed streets or from the boundaries of such improvements of existing streets which will be street boundaries when the improvements have been brought into effect.
- (c) Where any building line is shown on the map in relation to any existing street, proposed street or proposed improvement of an existing street such building line shall be as stated on the map.

Observance of Building Line

Where a building line for any existing street or proposed street is fixed under Clause 11 or 25 hereof no building other than boundary walls or fences or temporary structures erected in connection with building operations or erected in pursuance of Sub-clause (a) of Clause 7 hereof, shall, thereafter, be erected on the land between the building line and the street boundary.

provided that

- (i) the Responsible Authority may permit the erection of a building in front of the building line if, on account of the levels of the site, or the propinquity of buildings already in front of the building line or any other special circumstances compliance with the building line would interfere with the development of the site.
- (ii) where in any street an existing building is demolished or destroyed in any manner whatsoever to more than half its cubic extent, and is re-erected or is replaced by a new building, it shall be regarded as a new building for the purpose of this Clause.
- (iii) in the case of business and/or industrial buildings the Responsible Authority may permit such relaxation of the building line as in the circumstances and having regard to the requirements of pedestrian traffic and parking, it may see fit.
- (iv) whether or not a building is erected abutting on a street boundary, no part thereof except a verandah or balcony sanctioned by the Responsible Authority or any architectural feature or enrichment which is higher than 10 feet above the ground level and is constructed of non-inflammable material shall project beyond the street boundary.

13.

No Obstruction Between Street and Building Line

Where shops, business premises and industrial buildings are erected to conform to a building line shown on the map or fixed under Clauses 11 and 25 hereof, no goods, merchandise, wares or other obstruction shall be placed, deposited, kept or displayed between the street boundary and any such building line.

14.

Interpretation

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

"Agricultural Building" shall mean a building or part of a building used or designed for use in connection with, and which would ordinarily be incidental to, or reasonably necessary in connection with, the use of the site of that building as arable, meadow, or pasture land, a market garden, poultry farm, nursery garden, the breeding or keeping of domestic animals, poultry or bees, or silviculture.

"Business Premises" means a building or part of a building used or designed for use as a shop, office, warehouse, or other business purpose but does not include a theatre, cinema or public hall or institution, or a building used or designed for use as a public garage, parking garage, industrial building or noxious industrial building.

"Dwelling House" means a free-standing building used or designed for use as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith.

"Educational Buildings" means a building designed or used for a school, college, technical institute, academy, lecture hall or any other educational centre, and includes a monastery, convent, public library, art gallery, museum, gymnasium, but it does not include a building designed for use wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children.

"Existing Building" and **"Existing Work"** mean respectively a building or work erected, constructed, or carried out before the material date and include also, a building or work

- (i) erected, constructed or carried out in pursuance of a contract made before the same date; or
- (ii) begun before, but completed after the material date; or
- (iii) erected after the material date in accordance with the terms of a permission granted by the Responsible Authority before such date.

"Existing Lot" means any erf, stand, lot or plot, or subdivision existing at the material date and includes any proposed subdivision recommended for approval by the Responsible Authority in terms of this scheme, or pending the approval of this scheme or prior to the material date.

"Existing Use" means in relation to any building or land, a continuous use of that building or land for any purpose of the same character to that for which it was being used on the material date or, in the case of a newly erected building erected before such date, or commenced before and completed after such

date, a use for any purpose for which it was designed, including in any case, any use of a building or land permitted by the Responsible Authority pending the preparation and approval of the scheme,

provided that

- (i) the discontinuance of the existing use of a building or land at any time after the material date for a period exceeding 18 months shall be deemed to interrupt the continuous use.
- (ii) where, on the material date, a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse, or for any purpose of a similar nature, was entitled also to use any neighbouring land for any such purpose, such use of such neighbouring land shall be deemed to be an existing use.

"Industrial Building" shall mean and include any building or part of a building within the precincts of which machinery worked by steam, water, gas, oil, electricity or any other mechanical power is employed or utilised in the production of any article (including food and printed matter), a part of any article, or in the adaptation, repair, laundering, cleaning or dyeing of any article, or any premises in which there is carried out for the purpose of gain, any manufacture or the making of, packing or preparation of, goods for sale or transport and includes any office or building within the same site the use of which is incidental to, and such as would ordinarily be incidental to, the use of such industrial building.

Provided that any such building on the same premises as a shop and ordinarily incidental to the retail business conducted in such shop, shall not be regarded as an industrial building.

"Institutional Building" means a building designed or used as a public or charitable institution, hospital, nursing home, sanatorium, clinic or dispensary, whether public or private, but does not include buildings designed wholly or principally for any of the following uses, namely, as

- (i) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases,
- (ii) a certified institution, a certified house or approved home for mental defectives,
- (iii) a mental hospital,
- (iv) a public assistance institution.

"Noxious Industrial Building" means a building or part of a building designed or used for the purpose of carrying on an offensive trade, such as blood boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongering, skin curing, blood drying, gut scraping, leather dressing, tanning, glue making, size making, charcoal burning, manure making, manure and fertiliser storing, parchment making, malt making, yeast making,

cement works, coke ovens, salt glazing, sintering of sulphur-bearing materials, viscose works, smelting ores and minerals, calcining, puddling and rolling of iron and other metals, conversion of pig-iron into wrought iron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ, carbon bisulphide, cyanogen or its compounds, hot pitch or bitumen, pulverised fuel pyridine, liquid or gaseous sulphur-dioxide, sulphur chlorides, works for the production of amyl acetate, aromatic esters, butyric acid, caramel, enamelled wire, glass, hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulphurated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide, and any trade not included herein but which is mentioned in the Natal Offensive Trades Regulations, promulgated under Government Notice No. 1047 of 1924.

Provided that if, in respect of any noxious industrial building, the Medical Officer of Health certifies that the process or processes which it is proposed to employ in such building will eliminate nuisance or danger to health in neighbouring premises arising from

- (a) vapour or effluvia,
- (b) fluids or liquid waste matters to be discharged from the premises, and if land treatment of such matter is proposed, the nature, slope and area of the land and its position in relation to dwellings, streams and water courses,
- (c) solid waste matters,

the Responsible Authority may deem such building to be an industrial building for the purpose of this part of the scheme.

"Residential Building" means a building other than a dwelling-house, designed for use for human habitation, together with such outbuildings as are ordinarily used therewith, and includes semi-detached houses, row-houses, blocks of flats, tenements, maisonettes, apartment houses, boarding houses, hotels, residential clubs.

"Site" means the whole of the area of ground within the boundaries of the building lot, or lots, subdivision, or subdivisions, forming the site of any building or proposed building.

"Special Building" means a building or part of a building used or designed for any use other than one of the uses for which the buildings herein defined are designed.

"Zone" means a portion of the area which is shown on the map by distinctive colouring, hatching or edging, or in some other distinctive manner, for the purpose of indicating restrictions imposed by this part of the scheme on the erection and use of buildings and the use of land, and the terms **"Density Zone"**, **"Use Zone"** and **"Height Zone"** mean zones indicating where restrictions on the density use and height of buildings respectively are applied.

15.

Inferior Buildings

Nothing in this part of the scheme shall apply to any building approved by the Responsible Authority in terms of Regulation 25 of Part 5 of the Regulations.

16.

Erection and Use of Buildings

(a) The purposes

- (i) for which buildings may be erected and used,
- (ii) for which buildings may be erected and used only with the consent of the Responsible Authority,
- (iii) for which buildings may not be erected and used

in each of the Use Zones specified in Table D are shown in the third, fourth and fifth columns of the said Table. (See Page 19).

Provided that

- (i) an existing building, or an existing work which is not in conformity with the provisions of the scheme relating to the erection and use of buildings and the use of land, but is otherwise lawfully erected and used, may be maintained and may be used for its existing use, and subject to the provisions of the scheme other than those relating to the erection and use of buildings and use of land and to Sub-clause (b) hereof, it may be altered, extended or rebuilt upon the same site for the particular trade, business or industry or purpose for which it was then being used. Provided that any existing building which is not in conformity with the provisions of the scheme and notwithstanding the provisions of Clause 22 may not be altered, extended or rebuilt so as to increase its total floor area by an amount exceeding one half (1/2) its total floor area at the material date;

and provided further that where any change occurs in the use of an existing building or land the question whether or not the new use shall be regarded as being of the same character as the previous use shall be decided by the Responsible Authority whose decision shall be final.

- (ii) notwithstanding anything contained in the foregoing part of this Sub-clause, where in the case of an existing building or structure, which is being used for the same purpose or a similar purpose to that for which it was used on the 16th November 1955, and such use has been continuous, any application to extend such building or structure is refused by the Responsible Authority on the grounds that it would contravene the provisions of the scheme relating to the use of land and buildings or structures, the applicant concerned may appeal.

- (b) (i) Subject to the consent of the Administrator, the Responsible Authority may, at any time after the date of approval of the scheme, in cases where it is deemed necessary in the public interest, acquire by agreement, any existing building which is not in conformity with the provisions of the scheme, and may use it or dispose of it for any purpose not contravening the scheme. If it is unable to acquire any such building by agreement, it may, with the prior consent of the Administrator and subject to the provisions of Parts II and III of the Provincial and Local Authorities Expropriation Ordinance No.19 of 1945, expropriate same.
- (ii) No person shall use, or cause or allow to be used any building or portion thereof for a use other than that for which it has been erected unless authority therefor has been obtained from the Responsible Authority.
- (iii) (a) Where any application is made to the Responsible Authority for its consent to the erection and use of a building in a use zone in which a building of the type proposed may be erected and used only with the Responsible Authority's consent, the Responsible Authority may give or withhold its consent, and shall, in giving its consent, be entitled to impose such conditions as it may deem fit, governing the erection and use of such building,
- provided that consideration shall be given to the question whether the use for which the building is intended or designed, is likely to cause injury to the amenity of the neighbourhood, including without generality to the foregoing, in the case of an industrial building, injury due to the omission of smoke or fumes, or of dust, noise or smell.
- (b) The applicant, if aggrieved by the decision of the Responsible Authority, or by the imposition of any condition under the preceding Sub-clause, may appeal.
- (iv) In this Clause the expression "erection and use" of a building for a particular use includes the conversion of the building, whether or not involving the structural alteration thereof, to that use.
- (v) Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Regulations not inconsistent herewith, nor shall be deemed to apply to any building for which authority is necessary in terms of Part 9 of the Regulations relating to the keeping of animals and birds.

- (a) Notwithstanding any other provision contained in this scheme the Responsible Authority may, where it appears to it that any projected building works or any other proposed work of any nature or description whatsoever would involve danger or injury to health by reason that the land upon which such building works or other proposed works will be carried out includes built-up or water-logged ground, or by reason of the lack of roads, sewers, water supply or any public services and that the provision of the necessary services would be premature or likely to involve excessive expenditure of public money, prohibit such building works or other works or authorise the same subject to specified conditions.
- (b) Where application is made for the subdivision of land which for any one or more of the reasons mentioned in Sub-clause (a) above is deemed by the Responsible Authority to be unsuitable for building purposes, approval of such application shall not be recommended to the Administrator.

18.

Use of Land

- (a) The use of land in a use zone, whether forming the site of a building or not, for a purpose for which in that use zone a building may not be erected or used or may not be erected and used without the consent of the Responsible Authority, shall in the first case be prohibited and in the second case, shall not be commenced without the consent of the Responsible Authority, provided that an existing use of land may be continued.
- (b) No land in any use zone shall be used for the purpose of refuse tipping or sewage disposal without the consent of the Responsible Authority.
- (c) If an application is made to the Responsible Authority for its consent to the use of land for a purpose for which its consent is required, the Responsible Authority may give or withhold its consent, and in giving its consent shall be entitled to impose such conditions governing the use of such land as it may deem fit.
- (d) The applicant, if aggrieved by the decision of the Responsible Authority or by the imposition of any condition under the preceding Sub-clause, may appeal.

19.

Density - Number of Dwelling Houses that may be Erected

- (a) No dwelling house shall be erected on a site having a lesser area than that specified in Table E for the Density Zone in which the site is situated.

TABLE E

<u>Density Zone</u>	<u>Minimum Area per Dwelling House</u>
(1) Rural	Two hectares
(2) Urban	900 m ²

Provided that

- (i) nothing in this Clause contained shall prevent the erection of a dwelling house on a vacant existing lot,
- (ii) in calculating the area of a site, the area of any public or other right of way or servitude of road, shall not be included in the area of the site for the purpose of this Clause.
- (iii) in calculating the area of a corner lot, the portion thereof cut off by any splay existing or required in accordance with Clause 26 hereof, shall be included in the area of the site for the purpose of this Clause.
- (iv) upon the subdivision of any land falling in a density zone, where any portion thereof is physically separated by the creation of a road required under the Scheme, or will be separated when such road is created, the portions so severed may be regarded as existing lots, provided such portions do not fall below 75% of the minimum area specified in the above table for the density zone in which the land is situated.
- (v) where it is proposed to erect a dwelling house on any piece of land which in terms of this Clause is capable of having further dwelling houses erected on it, the Responsible Authority may call upon the owner thereof to submit for its approval a layout plan showing the siting of such dwelling house and such further dwelling houses or the Responsible Authority may itself prepare and approve such plan. Where such plan is deemed necessary by the Responsible Authority no new dwelling house may be commenced unless it is sited in accordance with an approved layout plan.
- (vi) where it is proposed to erect more than one dwelling house on any piece of land whether in the form of detached or semi-detached dwelling houses, the siting of such houses shall be carried out as if it were intended to subdivide the land and each such dwelling house shall be provided with a site having an independent area of land available to it as required by this Clause and shall conform with the requirements of Clauses 11, 20 and 22; provided that in the case of semi-detached dwelling houses, the provisions of Clause 20 shall apply only to the building as a whole.
- (vii) where it is proposed to erect more than one new dwelling house on land on which any dwelling house already exists without subdividing such land, the siting of such new dwelling house shall be carried out as it were intended to subdivide the land and the existing dwelling house.

and the new dwelling house shall each be provided with a site having an independent area of land available to it as required by this Clause and shall conform with the requirements of Clauses 11 and 22.

(viii) where in any density zone an existing building is demolished or destroyed in any manner whatsoever, to more than half (1/2) its cubic extent it shall be regarded as a new building for the purposes of this Clause.

(ix) Pending the investigation and transferring of any part or parts of the Rural Zone to the Urban Zone within the provisions of Sub-clause (b) below, and if it appears desirable, the Responsible Authority may approve of the subdivision of land in the Rural Zone, such subdivision or subdivisions to be less than two hectares, but not less than 1 800 m² in extent, provided that in approving such subdivision or subdivisions, the Responsible Authority shall take into account the following considerations :-

- (i) availability of basic services such as water supply, road access, sanitation, drainage and electricity,
- (ii) the effect of the proposals on the amenities of the neighbourhood,
- (iii) the topography of the land to be subdivided, and
- (iv) any other matters not specifically referred to above;

provided further that :-

- (a) any such subdivisions will comply with the other provisions of the scheme in the course of preparation, and
- (b) adequate notice, as provided for in Section 67 bis (2) and (3) of the Ordinance, as amended, shall be given to the public of the intention to subdivide the land in the manner envisaged in Sub-clause (ix) hereof, and any objections shall be received and considered as provided in Section 67 bis (4) of the Ordinance, as amended.
- (c) Within three (3) years of the material date vide Clause 5 hereof, and thereafter at intervals not exceeding three (3) years, the Responsible Authority shall cause an investigation to be made of the development which has been taking place in the Urban Zone

since the material date of the scheme, or any subsequent period, as the case may be, to establish the need, (if any), for the enlargement of the Urban Zone.

Upon the completion of such investigation the Responsible Authority, if it is of the opinion that the Urban Zone ought to be enlarged, may by resolution, declare that any part or parts of the Rural Zone shall be transferred to the Urban Zone and thereupon, the provisions of the scheme shall apply to that part, or parts, of the Rural Zone as if it, or they, were included in the Urban Zone on the map, and shall thereupon proceed to amend the Scheme in terms of Section 47 bis of the Ordinance, as amended.

20. Space about Buildings

No new building in any use zone shall be erected nearer to the boundaries of its site, not being road boundaries, than 1,8 m such distance being measured to the external walls of the building, and no subdivision shall be made of any land on which a building or buildings exist whereby any new subdivisional boundary will be laid off nearer than 1,8 m to the external walls of such existing building or buildings.

Provided that where any existing building is demolished or destroyed in any manner whatsoever to more than half (1/2) its cubic extent it shall be regarded as a new building for the purposes of this Clause.

21. Limitation of Height of Buildings

No building shall be erected to a height exceeding three (3) storeys, provided that for the purposes of this Clause account shall not be taken of any storey of which the floor is more than 1,8 metres below the mean existing level of the ground immediately surrounding the building.

22. Limitation of Floor Area of Buildings

The sum total of the areas of all floors of buildings on any site, including the areas of walls, thereof, verandahs and/or balconies and, in the case of open-sided buildings, the areas covered by the roofs, shall not exceed an area equal to the product of the area of the site and the appropriate floor space factor set out in Table F for the class of building concerned,

TABLE F

<u>Class of Building</u>	<u>Floor Space Factor</u>
Dwelling Houses	0,33
Other Buildings	0,67

provided that

- (i) for the purposes of this Clause the area of the site of a building shall not include the area of any public or other rights of way or servitudes of road.
- (ii) (a) In the case where a building other than a dwelling house is erected on a site on which a dwelling house already exists or is proposed to be erected, the floor area of such other building shall not exceed that derived from a floor space factor of 0,33 and such dwelling house and any other building erected on the site shall be erected in such a manner that at least 650 square metres of land free of all buildings shall be available at all times, for use in conjunction with such dwelling house.
- (b) In respect of a vacant site in Use Zone 3 the erection of both business premises and a dwelling house shall be permitted on such site only if the dwelling house is located on an upper floor over the business premises.
- (c) Where, on a site in Use Zone 3, a dwelling house already exists, the siting of new business premises shall be subject to the approval of the Responsible Authority.
- (d) Where, on a site in Use Zone 3, business premises already exist, the erection of a new dwelling house shall not be permitted unless such new dwelling house is erected as an upper storey to the existing business premises.
- (iii) Notwithstanding the foregoing provisions of this Clause, the Responsible Authority, in respect of any building other than a dwelling house, to be erected in any use zone and which will not be connected to a public sewerage system, may restrict the floor area of such building to such lesser floor area than that derived from the foregoing provisions of this Clause, as having regard to the extent of its site and the nature of the sub-soil, it may deem necessary.
- (iv) The foregoing provisions of this Clause shall not have the effect of invalidating any conditions which may have been imposed by the Responsible Authority, in terms of Sub-clause (b)(iii)(a) of Clause 16.
- (v) Where any existing building is demolished or destroyed in any manner whatsoever to more than half its cubic extent, it shall be regarded as a new building for the purposes of this Clause.

23. Subdivision in Relation to Scheme

(a) Subject to the provisions of Clause 17 of Part IV. of the scheme, no subdivision of any land in the area shall be recommended to the Administrator unless either :-

(i) such subdivision will be in conformity with the provisions of the scheme, or,

(ii) that any necessary consents which the Responsible Authority is required to give in terms of the scheme, have been given,

(b) provided that

(i) nothing herein contained shall operate to prevent the owner of any land from carrying out the subdivision of such land in terms of any consent given by the Responsible Authority in terms of the Regulations and prior to the material date.

(ii) any subdivision which is designed to create a site having an area less than that specified in Tabel E for the density zone in which the land is situate or which would result in the area of any existing lot being reduced beyond the minimum specified in Table E for the density zone in which the land is situate or would result in conditions at variance with those intended by Clauses 20 and 22 shall not be recommended for the approval of the Administrator.

(iii) where in Density Zone 1, application is made to subdivide any land into portions less than five acres in extent to give effect to an agreement of sale entered into before the 11 July 1945, the Responsible Authority, if it is satisfied from evidence before it, that such agreement is in fact bona fide, may recommend approval of the application providing all other relevant provisions of this scheme and the Regulations, are complied with.

(c) Where the Responsible Authority considers it to be necessary for the proper development of any area, it may require the owner of any land, who makes application under this Clause, to submit a layout plan for the whole of his land or such part thereof as the Responsible Authority may direct.

24. Conditions of Title

No conditions of title shall be applied to any land in the area which will be in conflict with any of the provisions of this scheme.

25. Building Lines in New Private Townships

In all new private townships there shall be building lines of 7.5 m, provided that the Responsible Authority may approve the laying off of new streets nearer to an existing building or buildings than 7,5 m.

Corners to be Splayed

- (a) All new street corners forming angles of less than 120 degrees shall be splayed to such distance back along each intersecting street that the base of the splay so provided shall not be less than 8,5 m in length. The ground so cut off shall form part of the street.
- (b) Where two or more arterial roads intersect or where one such road meets a main road, the responsible authority may require such greater splays than are determined from Sub-clause (a) hereof, as it may deem necessary to meet all reasonable traffic requirements.

PART VI - GENERAL AMENITY AND CONVENIENCE

27. External Appearances of Buildings

- (a) If the Responsible Authority has reason to believe that a proposed building will injure the amenities of its neighbourhood by reason of its outward appearance, it may require the owner concerned to furnish such additional information as it deems necessary in regard to its external treatment, including a description of the materials to be used.

Within twenty-eight (28) days of receipt of such additional information, the Responsible Authority shall advise the owner that it approves or disapproves the proposed building in terms of this Clause and in the cases where the Responsible Authority disapproves it shall advise the owner of the reason for its decision.

- (b) Where the Responsible Authority has taken action in terms of Sub-clause (a) hereof, the proposed building shall not be commenced until such time as the Responsible Authority has given its approval.
- (c) Within twenty-eight (28) days after receiving notice of the decision of the Responsible Authority, the owner, if aggrieved by that decision, may appeal to the Appeals Board and the grounds of such appeal may include the ground that compliance with the decision of the Responsible Authority would involve an increase in the cost of the building, which would be unreasonable having regard to the character of the locality and of neighbouring buildings.

PART VII - MISCELLANEOUS

28. Permission granted before approval of Scheme

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

29. Binding Force of Conditions Imposed

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

30. Appropriation of Land for Other Uses

Land belonging to the Responsible Authority for the purpose of this scheme (other than land reserved under Part 11 of the scheme) and not required for any of those purposes, may be appropriated for any other purpose approved by the Administrator, for which the Responsible Authority is authorised to acquire land, and which is not inconsistent with the provisions of the scheme.

31. Making of Applications and Lodging of Plans

- (a) Ordinary applications under the Regulations governing the erection and use of buildings and the subdivision of land, shall be sufficient notice for the purpose of administering this scheme, provided that the Responsible Authority may call upon persons making such applications to furnish any additional information and/or plans as it may deem necessary to enable it to carry out the intention of the scheme.
- (b) The Responsible Authority may call upon the owner of any building which it is proposed to alter, add to, or put to a new use, whether wholly or partly, to cause a fresh survey thereof to be carried out; such survey shall provide sufficient information for the Responsible Authority to decide whether or not the provisions of Clause 21 will be complied with.

32. Entry and Inspection of Premises

- (a) The Responsible Authority shall have the power, by its duly authorised officers, and after giving not less than forty-eight (48) hours notice to the owner or occupier of any premises within the area, to enter into and upon such premises at any time between the hours of nine (9) in the forenoon and four (4) in the afternoon for the purpose of any inspection which the Responsible Authority may deem necessary or desirable for the purposes of the scheme.

- (b) No person shall in any way hinder, obstruct or interfere with any duly authorised officer of the Responsible Authority, or cause, in any way, so far as he has any authority or permit such officer to be hindered, obstructed or interfered with in the exercise of the powers hereby granted.

33.

Appeals

- (a) Where provision is made in this scheme for an appeal from the decision of the Responsible Authority, the appeal shall be to the Appeals Board.
- (b) If the decision is one which the Responsible Authority is required to give upon the application of any person or upon the submission by any person of plans or proposals, an appeal shall, in addition, lie against a refusal of the Responsible Authority to give, or an unreasonable delay on its part in giving a decision and it shall be made to the Appeals Board as if it were an appeal against the decision of the Responsible Authority.

34.

Record of Permissions and Conditions

The Responsible Authority shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, consents, authorities or permissions granted by it under any provisions of this scheme, or of any conditions imposed or agreed between the Responsible Authority and the applicant in connection therewith.

35.

Inspection of Scheme

The Responsible Authority shall permit any person to inspect at any reasonable time, the Scheme and Map deposited in the offices of the Responsible Authority.

36.

Service of Notices

- (a) Any notice, order or other documents required or authorised to be served under this scheme may be signed by the Secretary or other official duly authorised by the Responsible Authority, and may be served by delivery of a copy thereof in one or other of the following manners :-
- (i) to the addressee personally; or to his duly authorised agent; or;
 - (ii) if the service cannot be effected in terms of the preceding paragraph, at his place of residence or place of business or employment, to some person apparently not less than sixteen (16) years of age and apparently residing at or employed there; or,
 - (iii) if there is no such person on the premises as is mentioned in the preceding paragraph, by fixing such order, notice or other document, on some conspicuous part of the premises, and by dispatching such order, notice or document by prepaid registered post in an envelope on which is written his last known address, which may be his last known abode, place of business or employment, or post office box number; or,
 - (iv) if such person to be served has chosen a "domicilium citandi" at the domicile so chosen.

(b) Where any service is effected in accordance with paragraph (iii) of the preceding Sub-clause, such service shall be deemed to have been effected at the time when the letter containing such order, notice or other document would have been delivered in the ordinary course of post, and, in proving such service, it shall be sufficient to prove that the order, notice or other document was properly addressed and registered.

(c) Any order, notice or other document by this scheme required to be given to the owner or occupier of any particular premises, may be addressed by the description of the "owner" or "occupier" of such premises in respect of which the order, notice or other document is given, without further name or description.

37. Saving for Powers of Responsible Authority

Nothing in this scheme shall operate to prevent the Responsible Authority erecting, maintaining or using any building or work, or land in any part of the Area for the purpose of any undertaking which it may be empowered to carry out under any other law.

38 Conflict of Scheme and Conditions of Title

Nothing in the provisions of this scheme shall be construed as permitting or enabling the Responsible Authority to permit the erection or use of any building, or the use of any land, for a purpose which is prohibited under any conditions of title under which any land may be held.

39. Conflict with Regulations

Any Regulation which is in conflict with any of the provisions of this scheme shall, in so far as such conflict is concerned, be of no effect.

40. Short Title

This scheme shall be known as the Public Health Area of Edendale and District Town Planning Scheme No. 1.

TABLE D

(1) Use Zone (2) Reference to Maps	(3) Purposes for which buildings may be erected and used	(4) Purposes for which buildings may be erected and used only with the consent of the Responsible Authority	(5) Purposes for which buildings may not be erected and used
1. Urban	Washed Brown	Dwelling Houses	Special Buildings and Buildings other than Dwelling Houses Noxious Industrial Buildings
2. Rural	Washed Yellow	Agricultural Buildings and Dwelling Houses	Special Buildings and Buildings other than Dwelling Houses and Agricultural Buildings Noxious Industrial Buildings.
3. Business	Hatched Black	Dwelling Houses and Business Premises	Special Buildings and Buildings other than Dwelling Houses and Business Premises Noxious Industrial Buildings
4. Industrial	Hatched Purple	Business Premises and Industrial Buildings	Special Buildings, Buildings other than Business Premises and Industrial Buildings Noxious Industrial Buildings
5. Institutional/ Educational	Washed Green and bordered Orange	Institutional Buildings and Educational Buildings	Dwelling Houses and Special Buildings Buildings not specified under Columns 3 & 4