

AKASIA-SOSHANGUVE
TOWN-PLANNING SCHEME
1996

Original approved by virtue of Local Authority Notice 2288 dated 15 October 1997

UPDATED WITH CORRECTIONS, AMENDMENTS AND RECTIFICATIONS 27 February 2006

INDEX

| PART 1: GENERAL | PAGE |
|---|-------------|
| 1. CONTENTS | 1 |
| 2. DEFINITIONS | 1 |
| 3. AREA OF SCHEME | 12 |
| 4. RESPONSIBLE AUTHORITY | 13 |
| 5. USE OF ANNEXURES | 13 |
| 6. PROTECTION OF EXISTING BUILDINGS | 13 |
| PART 2: STREETS, BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS | |
| 7. LINES OF NO ACCESS | 14 |
| 8. BUILDING LINES | 14 |
| 9. RELAXATION AND OBSERVANCE OF BUILDING LINE REQUIREMENTS | 23 |
| 10. PHYSICAL BARRIERS | 23 |
| PART 3: BUILDING RESTRICTIONS AND USE OF LAND | |
| 11. BUILDINGS USED FOR MORE THAN ONE PURPOSE | 32 |
| 12. ERECTION AND USE OF BUILDINGS OR USE OF LAND | 32 |
| 13. CONDITIONS APPLICABLE TO ALL PROPERTIES | 38 |
| 14. CONDITIONS APPLICABLE TO RESIDENTIAL 2 ERVEN | 39 |
| 15. CONDITIONS APPLICABLE TO RESIDENTIAL 3 ERVEN | 41 |
| 16. CONDITIONS APPLICABLE TO PUBLIC GARAGES | 41 |
| 17. CONDITIONS APPLICABLE TO TOWNSHIPS OR ERVEN ON LAND WITH DETRIMENTAL SOIL CONDITIONS | 42 |
| 18. PARKING | 44 |
| 19. SPECIAL CONSENT (GRADE I AND II), ADVERTISEMENTS AND OBJECTIONS | 46 |
| 20. RESERVATION FOR SPECIAL PURPOSES | 48 |
| 21. ADDITIONAL DWELLING UNIT | 48 |
| 22. NUMBER OF DWELLING HOUSES WHICH MAY BE ERECTED, SUBDIVISIONS AND CONSOLIDATIONS | 49 |
| 23. HEIGHT, COVERAGE, FLOOR AREA RATIO AND NUMBER OF DWELLING UNITS PER HECTARE | 51 |
| 24. RESTRICTION ON HEIGHT OF BUILDINGS | 53 |
| 25. RESTRICTION ON COVERAGE OF BUILDINGS | 53 |
| 26. FLOOR AREA RATIO OR NUMBER OF DWELLING UNITS PER HECTARE | 54 |

| PART 4: GENERAL AMENITY AND CONVENIENCE | PAGE |
|---|-------------|
| 27. REMOVAL OF DETRIMENTAL CONDITIONS IN PRIVATE GARDENS..... | 54 |

PART 5: MISCELLANEOUS

| | |
|---|----|
| 28. FEES PAYABLE | 54 |
| 29. BINDING FORCE OF CONDITIONS..... | 55 |
| 30. ENTRY AND INSPECTION OF PROPERTIES | 55 |
| 31. SERVICE OF NOTICE | 55 |
| 32. CONFLICT BETWEEN SCHEME, TITLE CONDITIONS AND TOWNSHIP ESTABLISHMENT CONDITIONS | 56 |
| 33. TITLE..... | 56 |
| 34. SUBSTITUTION | 56 |

AKASIA-SOSHANGUVE TOWN PLANNING SCHEME, 1996

PART 1

GENERAL

1. CONTENTS

This Scheme is divided into parts relating to the following matters respectively:

| | |
|---------|--|
| PART 1: | GENERAL |
| PART 2: | STREETS, BUILDING LINES. BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS |
| PART 3: | BUILDING RESTRICTIONS AND USE OF LAND |
| PART 4: | GENERAL AMENITY AND CONVENIENCE |
| PART 5: | MISCELLANEOUS |

2. DEFINITIONS

In this Scheme the following words and expressions have the respective meanings except where the context requires otherwise or it is otherwise expressly provided:

“Additional dwelling unit” - a dwelling unit in addition to a dwelling house.

“Administrator” - the Administrator as defined in the Ordinance.

“Agricultural building” - a building designed for use in connection with, and which is ordinarily incidental to, or reasonably necessary in connection with the use of the land on which the building is situated as agricultural land, and may include a dwelling house.

“Agricultural holding” - land laid out in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act 22 of 1919) as amended.

“Agricultural land” - arable land, meadow or pasture land, market gardens, poultry farms and pig farms, land used for bee-farming, nursery gardens, plantations and orchards.

“Annexures to the Scheme” - an annexure as contemplated in clause 5.

“Area” - the area described in clause 3.

“Basement” - any part of a building which is below the level of the ground storey of the building.

“Board” - the Townships Board as established in terms of the provisions of the Ordinance.

“Building” - includes a construction or structure of any nature as well as

- (a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with-
 - (i) the accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage, display or sale of any goods;
 - (iii) the rendering of any services;
 - (iv) the destruction or treatment of refuse or other waste materials;
 - (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building.

“Building line” - a line indicating a building restriction area measured from a street, proposed street, street widening, or any other boundary of a property other than a street boundary and which is at a stipulated distance from the boundary of a property.

“Building restriction area” - an area wherein no building, except permitted in the Scheme, may be erected.

“Builders yard” - Land and/or buildings which are used for the storage of materials -

- (a) required for a normally used in building operations; or
- (b) derived from demolition or excavation operations; or
- (c) required or normally used for improvements to land, such as material for the construction of streets, the installation of essential services, or for any other building works, whether used for public or private purposes, or land or buildings used for the preparation for use of materials thus stored but does not include a builder's yard established for the purpose of temporarily storing such materials in connection with and for the duration of construction or building works, in the vicinity of such builder's yard and does not include the storage at a "Shop" or a "Warehouse".

"By-laws" - the municipal by-laws applicable in the area of the scheme.

"Commercial use" - land used or a building designed or used for such purposes as distribution centres, wholesale trade, storage, warehouses, cartage and transport services, laboratories and computer centres and may include offices and industries which are directly related and subservient to the main commercial use which is carried out on the land or in the building.

"Car wash" - land that is used for the washing, polishing and vacuum cleaning of motor vehicles.

"Controlling Authority" - the controlling authority as defined in section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940) or the Commission as defined in section 1 of the National Roads Act, 1971 (Act 54 of 1971), as the case may be.

"Coverage" - The area of a property covered by buildings measured over the external wall as seen vertically from above and expressed as a percentage of the area of the property excluding covered walkways.

"Density zone" - a part of the area of this Scheme, shown on the map by means of a distinctive notation or edging or other distinctive manner for the purpose of indicating the restriction imposed on the erection and use of buildings or the use of land with regard to density.

"Drive-in restaurant" - land used or a building designed or used as a place of refreshment from where food and refreshments are served to clients who mainly remain seated in parked vehicles.

"Dwelling house" - a single detached dwelling unit.

“Dwelling unit” - means an interconnected suite of rooms which may not include more than one kitchen, designed for occupation and use by a single family and also includes such outbuildings and servant’s quarters as are ordinarily incidental thereto.

“Erection of a building”- includes the structural alteration of or the making of any addition to a building other than a structural alteration which, in the opinion of the local authority, is of a limited extent such as, inter alia the removal of non-weight bearing internal walls, the erection of removable partitions, safes and toilets inside an existing building, or repair work inside or outside a building.

“Erf” - as defined in the Ordinance.

“Existing building” - a building erected in accordance with building plans approved by the local authority and which is otherwise lawful, the construction of which -

- (a) was completed on or before the “Fixed date”; or
- (b) in the opinion of the local authority, commenced within a reasonable time before the “Fixed date”, but was completed thereafter.

“Existing erf” - any erf as defined in the Ordinance and includes any portion of an erf the subdivision of which was approved prior to the “Fixed date” and is registered in a Deeds Registry.

“Existing use” - as defined in section 43 of the Ordinance.

“Family” - a man or woman, or both, with or without their parents, and with or without the children of one or the other or both, who all live together.

“Filling station” - land used or a building designed or used for the purposes of fuelling, washing, polishing and lubricating of motor vehicles, including incidental and routine maintenance but excluding a “Public Garage”, panel beating, spray-painting and any major repairs.

“Fixed date”- the date on which the Northern Pretoria Metropolitan Substructure gave notice in the Provincial Gazette that this Scheme had been approved.

“Floor area” - the total of the gross area occupied by a building at the floor level of each storey: Provided that in the calculation of the floor area the following areas shall not be included:-

- (a) Unroofed buildings, open roofs and areas occupied by external fire-escapes.

- (b) Parking spaces for the occupants of the building.
- (c) Entrance passages and corridors (excluding entrance halls, porches and corridors in a dwelling unit or a residential building where such entrance halls, porches and corridors are not enclosed by outer walls or windows).
- (d) Accommodation for the lift motors and other mechanical or electrical equipment necessary for the proper utilisation of the building.
- (e) Housing for servants on the roof of a building: Provided that the floor area thus excluded shall not exceed three percent of the permissible floor area of such building.
- (f) A verandah or balcony in a building: Provided that such verandah or balcony shall not be enclosed except by means of a parapet at most one metre (1m) high or a wire gauze screen.
- (g) Areas reasonably used for the cleaning, maintenance and care of the building or buildings, except dwelling units for supervisors, cleaners and caretakers.
- (h) Passage ways for pedestrians

“Floor area ratio” or “F.A.R” - the ratio obtained by dividing the floor area of a building or buildings by the total area of the property on which the building is erected, thus -

$$\text{F.A.R.} = \frac{\text{Floor area of a building or buildings}}{\text{Total area of the property on which the building(s) is/are erected.}}$$

“Ground floor” - the storey on which there is an entrance or entrances to the building by means of an approach ramp, stairs or similar structure from the lowest natural ground level.

“Gross leasable floor area” - means the floor area designed for occupation and control by a lessee, or which is suitable for such purpose, measured from the centre line of joint partitions and/or the outer surface of external walls, but excluding covered walkways.

“Guest house” - a residential enterprise which, with the consent of the local authority, may be conducted from a dwelling house that is still occupied on a full-time base, subject to such conditions as may be set by the local authority.

“Height” - the height of a building expressed in the number of storeys.

“Height zone”- a part of the area of this Scheme, shown on the map by means of a distinctive notation or edging or other distinctive manner for the purpose of indicating the restriction imposed on the erection and use of buildings or the use of land with regard to height, coverage and floor area.

“Home office” - a dwelling unit that is used by the occupant for the conduct of a practice, which in the opinion of the Local Authority is deemed to be a home practice; provided that such use shall be subservient to the residential use of the property in the opinion of the Local Authority.

“Hotel” a building which is registered as an hotel in terms of Section 1 of the Hotel act, 1965 (Act 70 of 1965).

“Household Enterprise” - a small scale enterprise which is practised by a maximum of two (2) persons, of which at least one is a full time resident of the property, from a dwelling unit or house in such a way that the residential character and use, dwelling unit and environment shall not, in the opinion of the local authority, be in any way harmed or changed.

“Industry” - a factory and industries as defined in the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983) and including offices which are directly related to and subservient to the main use conducted on the property.

“Institution: - a building designed and used as a public institution or charitable institution, hospital, nursing home, sanatorium, clinic whether public or private, place of public worship or place of instruction but does not include “Institutions” which are primarily used as offices or which primarily perform administrative work.

“Kennels”- land used for the purpose of keeping, breeding, accommodating, and lodging of any domestic animal.

“Land” - also includes land covered by water.

“Light industry:” - an industry in which the power source is such that no single motor is rated at more than 3 kW with a total maximum of 24 kW for all motors: Provided that a total demand of 49 kVa on the site shall not be exceeded and the maximum number of workers actively engaged on the site shall be restricted to twenty (20).

“Living room” - a room designed or used for human occupation, but does not include a storeroom, a kitchen, a scullery, a toilet, a bathroom or a passage.

“Local authority” - the Northern Pretoria Metropolitan Local Council.

“Map” - the scheme map indicated as “Map 3” as defined in the Regulations and as amended from time to time by any approved amendment scheme.

“Medical consulting rooms” - a building that is designed or arranged and is used as professional rooms for medical doctors and includes general practitioners, medical specialists, pathologists, radiologists, dentists, ophthalmologists and similar uses such as veterinarians amongst others, and may include a dispensing chemist which does not exceed 36m²- but not the uses which are included under the definition of “Institution”.

“Motor car sales market” - land used, with or without buildings, for the sale or display of vehicles, excluding any form of workshop.

“Municipal purposes” - such purposes as the local authority may be authorised to carry out in terms of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as amended, or any other law.

“Noxious industry” - meaning an industry, which as a result of noise or waste products, is dangerous or harmful to the health and well-being of the general public and includes: panel-beating, spray-painting, blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, fellmongerings, skin curing, blood drying, gut scrapping, leather dressing, tanning, glue making, size making, charcoal burning, brick burning, lime burning, manure making, manure storing, parchment making, malt making, yeast making, cement works, coke ovens, salt glazing, sintering of sulphur bearing materials, viscose works, smelting of 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 bisulphites, cellulose lacquers, cyanogens or its compounds, hot pitch or bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide and sulphur chlorides, works for the production of amyl-acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass hexamine, iodoform, lampblack, B-naphthol, resin products, salicylic acid, sulfonated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and the refining or processing of petrol, oil or their products or any other industry or process which, in the opinion of the local authority, is deemed to be noxious; Provided that when a certificate, issued by the Medical Officer of Health of a local authority in consultation with the Inspector of Factories or any responsible Health Authority, is produced, declaring that the process intended to be used in connection with any of the afore going activities or factories will eliminate all nuisances or any threat to the health in the neighbourhood of the property due to:

- (a) vapours or effluvia;
- (b) fluids or liquid wastes originating from the property (if it is the intention to purify the wastes according to the soil treatment method, the nature, slope and area of the piece of land and its position in relation to streams or water courses must be mentioned) and
- (c) solid waste material, the Local Authority may consent to the erection of such a building in Use Zone 6 (Industrial).

“Nursery” - a business where agricultural crops, grass or plants are planted, cultivated or grown and may include the sale of these and other related products.

“Occupant” - in relation to any building, structure or land means and includes the following: Any person occupying such building, structure or land or legally entitled to occupy it, or anybody in charge or management thereof; or whom is entrusted with the care thereof and if such person is absent from the area or his whereabouts are unknown, his agent.

“Office” - a building or part of a building which is used for or designed to be used for administrative, clerical or professional purposes and includes a bank, insurance company and building society.

“Ordinance” - the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), as amended .

“Outbuilding” - a building other than the main building which, in the opinion of the local authority, is usually functionally necessary with the use of the main building.

“Owner” - in relation to a building, land or property -

- (a) the registered owner;
- (b) the holder of a stand licence;
- (c) a lessee by virtue of a lease which is registered by law and such other leasehold certificates, occupation certificates or such legal agreement which the local authority may determine.
- (d) the person who administers the estate of any person mentioned in (a), (b) or (c) above, whether as executor, administrator, guardian or in any other capacity;
- (e) any person who receives payment from any occupant or other person who would receive payment should such building or land be leased, whether for his own account or as agent for any person who is entitled thereto or who has an interest therein; and

(f) a properly authorized agent of such owner as determined in (a) to (e) above.

“Panel beater” - the replacement, repair and/or panel beating of the bodywork and parts of vehicles and the spray painting thereof.

“Panhandle” - the access portion giving access to the build able part of the panhandle portion.

“Panhandle Portion” - the portion of a property that obtains access by means of a panhandle.

“Panhandle Subdivision” - a subdivision that results in one or more of the portions being created by such subdivision, obtaining access by means of a panhandle.

“Parking area” land used or a building designed or used exclusively for the parking of motor vehicles not being for trade or sale.

“Place of amusement “ - land used or a building designed or used as a public hall, theatre, cinema, music-hall, concert hall, billiard saloon, sports stadium, skating rink, dance hall or for other recreational purposes, or for trade or industrial exhibitions.

“Place of instruction” - a building designed for use or used as a school, college, technical college, lecture hall, institute, or other educational centre and includes a creche, a convent or monastery, a public library, art gallery, museum or gymnasium.

“Places of public worship” - a building designed for use, or used as a church, chapel, oratory, house of worship, synagogue or other place of public devotion, and includes a building designed and used as a place of religious instruction or an institution on the same property as and associated with any of the afore going buildings which is intended to be used for social intercourse and recreation but shall not include a funeral chapel which shall be deemed to be a “Special use”.

“Place of refreshment” - includes a restaurant, tea-room or coffee-shop and means a building which is not a hotel, residential club, drive-in restaurant or boarding house, but which is designed and used for the preparation or the sale of meals, refreshments, as well as the sale of fresh produce, mineral water, tobacco, reading material and sweets.

“Premier” - the Administrator as defined in the Ordinance.

“Private club” - land used or a building designed to be used for a private meeting by a group of people with a collective aim.

“Private open space”- land zoned for use as private grounds for a sport, play rest, and recreation area or as an ornamental garden to which the general public will have no right of admission, except with consent.

“Property” - any portion of land which is registered in a Deeds Registry.

“Public garage” - a building and land which is used for the maintenance, repair or fuelling of vehicles and ancillary uses excluding panel-beating and spray-painting, and may include any one or more of the following uses: parking, or storage of vehicles, the sale of spare parts, accessories, fuel, lubricants for vehicles and retailing of new or used vehicles.

“Public open space” - land zoned for use by the public as an open space, including a park, garden, playground, recreation park or urban square.

“Public resort” - land and the use of buildings which, due to their natural or human made attraction is aimed at nature orientated, natural beauty orientated, water orientated-, and socio-historical recreation or recreation and overnight facilities aimed at the through traffic at transport routes and connection routes and may include uses incidental to the resort such as overnight facilities, motel, restaurant, eating house, retail for the convenience of the inhabitants of the resort, conference facilities and offices only for the administration and management of the resort.

“Regulations” - the Town-planning and Townships Regulations published in terms of the Ordinance.

“Residential building” - a building, other than a “dwelling house” or “hotel”, designed for use, or used for human habitation, and includes a boarding house, a residential club, a hostel or tenements but does not include any use mentioned, whether by way of inclusion or exclusion, in the definitions of “Place of instruction”, “Institution” and “Dwelling unit”.

“Restaurant” - a building or part of a building used for the preparation and sale of meals and refreshments, confectionery for consumption on the erf or property and includes entertainment subsidiary to the main use and can include a place of refreshment.

“Retail trade” - any trade other than “Wholesale trade” as defined in this Scheme.

“Retirement Village” - includes dwelling units and community facilities including a dining hall, sick-bay, sport and recreational facilities or such other facilities as approved by the Local Authority for occupation and use by elderly persons.

“Scrap-yard” - land or building used as a junk-yard or scrap-yard for the dismantling, stacking, storing or preparation for resale of any used material, scrap metals, scrap vehicles, scrap machinery, or any other scrap material, whether or not such dismantling or storage take place with the aim of the disposal or re-use of such scrap.

“Service industry” - a use which, in the opinion of the Local Authority, is a small scale or light industrial activity incidental to the needs of the local community and the retail trade and which, in the opinion of the Local Authority, will not interfere with the amenity of surrounding properties or be of nuisance by virtue of noise, appearance, smell or activities or for any other reason what so-ever but excludes a “Public garage” and “Filling station”.

“Shop” - land used or a building designed or used for the purposes of carrying out retail trade and the necessary accompanying storage and packaging, and includes service industries as well as any accompanying use on the same site which is incidental and subordinate to the conduct of the retail business: Provided that such accompanying storage and packaging an accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to “Shop”: - A “Noxious activity”, “Drive-in restaurant”, “Place of refreshment”, “Scrap-yard”, “Commercial use”, “Warehouse”, “Public garage”, “Filling station”, “Parking garage”, “Place of amusement”, “Motor sales market” and a “Fish fryer”.

“Site” - includes the area of any building, yard, courtyard or garden.

“Site Development Plan” - a plan which shows the proposed development of a property and any salient natural features thereof.

“Social place” - a building designed for use as or used for social assemblies, gatherings, meetings and recreational purposes and includes a masonic temple and a non-residential club but does not include a “place of amusement”.

“Spaza Shop” - a business for the selling of daily convenience goods, excluding alcoholic refreshments.

“Special consent” - the written consent of the local authority granted in terms of the provisions and procedure of clause 19 of the Scheme.

“Special use” - land used or a building designed or used for any use other than one of the uses defined in this Scheme or mentioned in any definition.

“Storey” - the space in a building between one floor level and the following floor level or ceiling or roof above.

“Street or road” - the area or portion of any street, road, bridge, subway, tunnel, avenue, lane, driveway, sanitary lane, thoroughfare or right of way, shown on the general plan of a township, agricultural holdings or other division of land, or in respect of which the public has acquired a right of way by prescription or any other means.

"Surrounding owners" - the owners of any land abutting or sharing a common boundary with the relevant property (specifically including any land which is only separated by a road) and any such other person as the local authority may specifically identify.

"Tavern" - land used or a building designed or used for on-site sale and consumption of liquor, including “Place of amusement “ and “Place of refreshment”.

“Use Zone” - a part of the area of this Scheme, shown on the Map by means of a distinctive notation or edging or other distinctive manner for the purpose of indicating the restriction imposed on the erection and use of buildings or the use of land with regard to land use.

“Warehouse” - a building or use of land for the exclusive purpose of storage of goods, which in the opinion of the Local Authority are not dangerous, noxious or unsightly, and includes wholesale trade, and may also include ancillary office accommodation which is subsidiary to the main use, but excludes any retail trade on the property of such building, unless the special consent of the Local Authority has been obtained.

“Wholesale trade” - trade which is restricted to the sale of goods or products to licenced retailers.

“Workshop” - land used or a building designed or used for the purpose of trade of goods that are wholly or partially manufactured, processed, mounted or repaired on the property and in each case a building that is not described as a factory under the Factories, Machinery and Building Works Act, Act 22 of 1941 or any amendment thereof.

3. **AREA OF SCHEME**

The area of jurisdiction of this Scheme is shown on the Map by the following notation:



4. RESPONSIBLE AUTHORITY

The local authority shall be the authority responsible for enforcing and executing the provisions of this Scheme.

5. USE OF ANNEXURES

- (1) Special rights, conditions and restrictions which may apply to any property within any use zone, may be indicated in an annexure to the Scheme.
- (2) The special conditions and restrictions referred to in sub-clause (1) shall -
 - (a) be in addition to the general conditions, restrictions and other provisions of the Scheme; and
 - (b) prevail should they conflict with any such other condition, restriction or provision in the Scheme.
- (3) An annexure contemplated in sub-clause (1) shall consist of-
 - (a) a sheet indicating the number of the annexure, a description of the property to which it applies, the special rights, conditions and restrictions applicable to the property, and the number and name of the relevant Scheme in terms of which the annexure was prepared; and
 - (b) a diagram of the property concerned, which diagram shall correspond with the layout shown on the Map.
- (4) The number of the relevant annexure shall be indicated in a double circle within or next to the figure of the relevant property on Map 3 and if it is indicated next to the figure, it shall be linked to the figure by means of a line.

6. PROTECTION OF EXISTING BUILDINGS

The rebuilding of, or addition to existing buildings, with the exception of any structural alteration which, in the opinion of the local authority, is of a limited extent such as the removal of non-weight bearing internal walls, the erection of removable partitions, safes and toilets inside an existing building, or repair work inside or outside a building, shall conform to the provisions of the Scheme: Provided that in cases where alterations of, or additions to existing buildings are, in the opinion of the local authority, not of a limited extent, the provisions of the Scheme shall apply only to the parts of the building which are being altered or extended.

PART 2

STREETS, BUILDING LINES, BUILDING RESTRICTION AREAS AND LINES OF NO ACCESS

7. LINES OF NO ACCESS

Access to property from or to a public street or road where such access is prohibited, shall be shown on the map by the following symbol:



Provided that the local authority may, on receipt of a written application, relax the restriction subject to such conditions as it may deem desirable, if as a result of exceptional circumstances, observance of the access restriction would interfere with the development of the property to an unreasonable degree: Provided further that no such relaxation shall be granted in respect of entrance to or exit from a property from or to a provincial or national road without the approval of the "Controlling authority".

8. BUILDING LINES

- (1) No building or structure other than boundary walls, fences or temporary buildings or structures which are required in connection with building operations being executed on the property shall be erected within any building restriction area.
- (2) Any building line along a proposed new road or widening shall be measured from the boundary of such proposed road or widening which is the common boundary of the road or widening and the remaining part of the property to which the building line applies.
- (3) No material of whatever nature may be placed, stored or dumped within the building restriction area.
- (4) The building restriction area may only be used for the purpose of lawns, gardens, parking and access roads and for such purposes as mentioned in clause 9(1) (c).
- (5) Building lines indicated on a site development plan will be regarded as approved on approval of the site development plan.
- (6) Building lines applicable to any erf or property shall be as shown on the Map or Annexure or in Tables A, B or C hereunder as the case may be:

TABLE A

| USE ZONE (1) | Building line in Metres | | |
|------------------------------------|-----------------------------|---------------------------|----------------------------|
| | on street boundaries (2) | on rear boundaries (3) | on other boundaries (4) |
| Residential 1 > 900 m ² | 5 | 2 | 2 |
| Residential 1 < 900 m ² | 2 | 2 | 1 |
| Residential 2 | 5 | 2 | 2 |
| Residential 3 | 8 | 2 | 2 |
| Business | 5 | 2 | 2 |
| Industrial | 6 | 5 | 2 |
| Public Garage | 8 | 5 | 5 |
| Agricultural | 10 | 5 | 5 |
| All other use zones | 5 | 5 | 5 |

Provided that-

- (a) on "Residential 1" erven smaller than 900 m² the building lines on other boundaries shall in total not be smaller than 3 metres with a minimum of 1 metre.
- (b) in respect of the streets and portions of streets or erven designated in column (2) of Table B, the applicable building line shall be as shown in column (3) of the said table.

TABLE B

| Township or agricultural holding (1) | Street, portion of street or erf number (2) | Building line in metres (3) |
|---|--|--------------------------------|
| | | |

- (c) the building lines indicated in Table C shall apply to the erven and properties designated therein and such building lines shall not be relaxed, modified or amended in any way whatsoever without the written consent of the relevant "Controlling authority".

-16-
TABLE C

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | RELEVANT POSITION (3) | BUILDING LINE IN METRE (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|-----------------------------------|--|--|---|--|
| AMANDASIG | 18 1-17 | Northern and north-eastern boundary Northern boundary | 16 20 (single storey) 30 (multi storey) 16 | P106-1 P200-1 |
| AMANDASIG | 19-33 | North-eastern boundary | 20 (single storey) 30 (multi storey) | P200-1 |
| AMANDASIG | 180 | Northern boundary | 16 | P106-1 |
| AMANDASIG X 10 | Portion 1-7 of erf 481 | Northern boundary | 16 | P106-1 |
| AMANDASIG X 10 | Portion 8 of erf 481 | Northern and north-eastern boundary | 16 | P106-1 |
| CHANTELLE X1 | 82-96 | Eastern boundary | 16 | P1407 |
| CHANTELLE X 2 | 280 | Southern boundary | 16 | P106-1 |
| CHANTELLE X 3 | 338, 350 | Southern boundary | 16 | P106-1 |
| CHANTELLE X 6 | 1200, 1216-1218, 1230, 1231 | Southern boundary | 16 | P106-1 |
| CHANTELLE X 8 | 754-760, 762-767, 1139-1141, 1143, 1144, 1147,1148,1151,1153- 1155,1156 | Southern boundary | 16 | P106-1 |
| CHANTELLE X 8 | 649, 713, 715, 743 | Western boundary | 16 | P1533 |
| CHANTELLE X 13 | 1439 | Eastern boundary | 16 | P1407 |
| CHANTELLE X 14 | 1449-1451 | Eastern boundary | 16 | P1407 |
| CHANTELLE X 14 | 1452 | North-eastern boundary | 16 | P1407 |

TABLE C (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | RELEVANT POSITION (3) | BUILDING LINE IN METRE (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|--|---------------------------------------|---|---|
| CLARINA | 34-45 | Southern boundary | 20 (single storey) 30 (multi storey) | PWV2 |
| CLARINA X 1 | 68-71 | Southern boundary | 20 (single storey) 30 (multi storey) | PWV2 |
| CLARINA X 3 | 221-225 | Northern boundary | 16 | P76-1 |
| CLARINA X 6 | 73-77 | Southern boundary | 16 | P76-1 |
| CLARINA X 6 | 84-94 | Northern boundary | 16 | P76-1 |
| HESTEAPARK X 4 | 133-150 | Northern boundary | 16 | P76-1 |
| HESTEAPARK X 4 | 151 | Northern boundary | 16 | P76-1 |
| HESTEAPARK X 4 | 119-132 | Southern boundary | 16 | P76-1 |
| HESTEAPARK X 5 | 40-51 | Southern boundary | 16 | P76-1 |
| KARENPARK | 48-51, 64-68,76-81, 94-99, 114-119, 178- 186, 210-214, 233-246, 392 | Eastern boundary | 20 | P200-1 |
| KARENPARK | 246-255, 351-391, 393 | Southern boundary Western boundary | 16 20 | P106-1 P200-1 |
| KARENPARK X 9 | 399 | Southern boundary | 16 | P106-1 |
| KARENPARK X12 | 687, 690, 691, 703, 704, 714, 715, 716, 744, 745 | Western boundary | 16 | P1407 |

TABLE C (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | RELEVANT POSITION (3) | BUILDING LINE IN METRE (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|---|---------------------------------------|---------------------------------------|---|
| KARENPARK X12 | 686 | Western boundary Northern boundary | 16 20 | P1407 |
| KARENPARK X 22 | 851, 852 | Western boundary | 16 | P1407 |
| KARENPARK X 25 | 880 | Southern boundary | 16 | P106-1 |
| KLERKSOORD | Re/50 | Southern boundary | 16 | P980 |
| NINAPARK X 2 | 121-128 | Northern boundary | 16 | P106-1 |
| NINAPARK X 3 | 67-72 | Northern boundary | 16 | P106-1 |
| NINAPARK X 5 | 223-226, 231, Ptn 1/660, 2/660, 3/660, 4/660, 5/660 en Re/660 | Northern boundary | 16 | P106-1 |

TABLE C (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | RELEVANT POSITION (3) | BUILDING LINE IN METRE (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|--|----------------------------------|---------------------------------------|---|
| ROSSLYN X 1 | 71,72, 73, 144, 91 106-109, Re/117, Re/118, 4/118,134 | Southern boundary | 16 | P980 |
| ROSSLYN X 1 | Re/79,90 | Southern boundary | 9 | P980 |
| ROSSLYN X 1 | 97, 98 | North-eastern boundary | 13 | P31 |
| ROSSLYN X 1 | Re/99, 105, Re/102, 1/102 | North-eastern boundary | 16 | P31 |
| ROSSLYN X 1 | Re/103 | Eastern boundary | 16 | P31 |
| ROSSLYN X 1 | 104, Re/105 | South-eastern boundary | 16 | P31 |
| ROSSLYN X 1 | 1/105 | Southern boundary | 16 | P980 |
| ROSSLYN X 1 | Re/118, 4/118 | Southern boundary | 16 | P980 |
| ROSSLYN X 1 | 1/118, 2/118, 3/118, 4/118, 5/114, 4/114, 115 | Western boundary | 16 | P31 |
| ROSSLYN X 2 | 364-370, 371-379 | Eastern boundary | 16 | P1407 |

TABLE C (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | RELEVANT POSITION (3) | BUILDING LINE IN METRE (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|--|---|--|---|
| SOSHANGUVE P | 73, 92-107, 120-129, 155-163, 1624-1637, 1668-1679, 1719-1725, 1735-1744, 1773-1798 | Western boundary | 16 | K95 |
| SOSHANGUVE R | 1-8, 27-36, 49, 82-101, 210-213, 1939, 1956- 1971, 2054, 2100-2106, 2130-2133 | Western boundary | 16 | K95 |
| SOSHANGUVE S | 9-24, 48-51, 61, 313 | Western boundary | 16 | K95 |
| SOSHANGUVE T | 170-185, 388-401, 427- 432, 450-460, 1266 | Western boundary | 16 | K95 |
| THE ORCHARDS X 2 | 82-103 | Western boundary | 16 | P1407 |
| THE ORCHARDS X 3 | 3915 | Western boundary | 16 | P1407 |
| THE ORCHARDS X 3 | 365 | Western boundary | 16 | P1407 |
| THE ORCHARDS X 10 | 391-395 | Western boundary | 16 | P1407 |
| THE ORCHARDS X 10 | 396-416 | Northern boundary | 16 | P76-1 |
| THE ORCHARDS X 10 | 538-545 | Northern boundary | 16 | P76-1 |
| THE ORCHARDS X 10 | 417 | Northern and eastern boundary | 16 | P76-1 |
| THE ORCHARDS X 10 | 537 | Northern and western boundary | 16 | P76-1 |
| THE ORCHARDS X 10 | 545 | Northern boundary North-eastern boundary | 16 20(single storey) 30 (multi storey) | P76-1 P200-1 |

TABLE C (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | RELEVANT POSITION (3) | BUILDING LINE IN METRE (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|--|--|---|---|
| THE ORCHARDS X 10 | 546-565 | Eastern boundary | 20 (single storey) 30 (multi storey) | P200-1 |
| THE ORCHARDS X 11 | 651, 1154 | Western boundary Northern and southern boundary | 16 20 (single storey) 30 (multi storey) | P1533 PWV2 |
| THE ORCHARDS X 11 | 1238, 1239, 1621, 1622, 1630-1634, 1783 | Western boundary | 16 | P1533 |
| THE ORCHARDS X 11 | 622, 664, 666, 668, 670, 671, 674, 675, 678, 679, 682, 683, 686, 687, 689, 692, 693, 695, 697, 759, 760, 763, 764, 767, 768, 771, 772, 775, 776, 779, 780, 783, 784, 787, 788, 791, 792, 1781 | Northern boundary | 20 (single storey) 30 (multi storey) | PWV2 |

TABLE C (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY | RELEVANT POSITION (2) | BUILDING LINE IN METRE (3) | NATIONAL ROAD/ PROVINCIAL ROAD (4) |
|--|--|----------------------------------|---|---|
| THE ORCHARDS X 11 | 1017, 1031, 1032, 1035, 1036, 1039, 1040, 1043, 1044, 1047, 1048, 1051- 1053, 1063-1065, 1067-1069, 1126, 1127, 1130, 1131, 1134, 1135, 1138, 1139, 1142, 1143, 1145, 1149-1153 and 1782 | Southern boundary | 20 (single storey) 30 (multi storey) | PWV2 |
| THE ORCHARDS X 13 | 2048-2060, 2185-2189 | Eastern boundary | 16 | P1407 |
| THE ORCHARDS X 13 | 2021, 2023, 2033-2048 | Southern boundary | 20 (single storey) 30 (multi storey) | PWV2 |
| THE ORCHARDS X 13 | 2160-2184 | Northern boundary | 20 (single storey) 30 (multi storey) | PWV2 |
| THE ORCHARDS X 16 | 3765-3773 | Western boundary | 16 | P1407 |
| THE ORCHARDS X 17 | 3750-3760 | Eastern boundary | 20 (single storey) 30 (multi storey) | PWV9 |
| THERESAPARK X1 | 614-636 | Southern boundary | 16 | P106-1 |
| THERESAPARK X 2 | 1178-1180 | Southern boundary | 16 | P106-1 |

9. RELAXATION AND OBSERVANCE OF BUILDING LINE REQUIREMENTS

The local authority may after receiving a written application by the owner-

- (1) subject to the provisions of proviso (c) of clause 8(6) –
 - (a) permit the erection of a building in the building restriction area in the case of corner erven or if, due to the gradient of the property or of the adjoining land, or the proximity of buildings which have already been erected in front of the building line, compliance with the building line requirements will hamper the development of the property to an unreasonable extent;
 - (b) relax the building restriction areas as indicated in the Scheme, Map 3 or Annexure for properties where, in its opinion such relaxation would result in an improvement of the development on the erf;
 - (c) permit the erection of a swimming pool or a tennis court within the building restriction area;
 - (d) relax the building line on any boundary other than a street boundary of any erf upon consolidation of such erf with an adjoining erf.

This clause shall not be construed that the erection of buildings shall be permitted contrarily to the requirements of clause 8 or any title conditions contained in the relevant title deed.

10. PHYSICAL BARRIERS

- (1) Except where otherwise indicated on the Map or Annexure the properties indicated in Column (1) and (2) of Table D shall be subject to the following conditions:
 - (a) The registered owner of the erf shall erect and maintain a physical barrier to the satisfaction of the local authority as indicated in Column (4) of Table D, or a fence of such other material as may be approved by the local authority in accordance with the standards prescribed by the Controlling Authority, prior to or during the development of the property along the boundaries of the property adjacent to the National Road or Provincial Road, as indicated in Column (5) of Table D.
 - (b) Except for the physical barrier referred to in clause 10(a), a swimming pool or any essential stormwater drainage structure, no building, structure or anything which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than the distance as indicated in Table C from the boundary of the property adjacent to the National Road or Provincial Road, and no alteration or addition to any existing structure or building situated within such distance of the said boundary shall be made, except with the consent in writing of the Controlling Authority.

TABLE D

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | APPLICABLE POSITION (3) | REQUIRED BARRIER (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|--|---|--|---|
| AMANDASIG | 1-17 | Northern boundary | 1,3m high wire fence | P106-1 |
| AMANDASIG | 18 | Northern boundary North-eastern boundary | 1,3m high wire fence 1,3m high wire fence | P106-1 P200-1 |
| AMANDASIG | 19-33 | North-eastern boundary | 2m high security fence | P200-1 |
| AMANDASIG | 108 | Northern north-western boundary | 1,3m high wire fence | P106-1 |
| AMANDASIG X 2 | Ptn 1-8 of erf 481 | Northern boundary | 1,3m high wire fence | P106-1 |
| AMANDASIG X 2 | 8/481 | North-eastern boundary | 1,3m high wire fence | P106-1 |
| CHANTELLE X 1 | 82-96 | Eastern boundary | 1,3m high wire fence | P1407 |
| CHANTELLE X 2 | 280 | Southern boundary | 1,3m high wire fence | P1407 |
| CHANTELLE X 3 | 338, 350 | Southern boundary | 1,3m high wire fence | P1407 |
| CHANTELLE X 6 | 1200, 1216-1218, 1230, 1231 | Southern boundary | 1,3m high wire fence | P106-1 |
| CHANTELLE X 8 | 649 | Southern boundary | 1,3m high wire fence | First Avenue |
| CHANTELLE X 8 | 713 | Northern boundary | 1,3m high wire fence | First Avenue |
| CHANTELLE X 8 | 743 | Southern and south-western boundary | 1,3m high wire fence | P106-1 |
| CHANTELLE X 8 | 754-760, 762-767, 1139-1141, 1143, 1144, 1147, 1148,, 1151, 1153-1155 | Southern boundary | 1,3m high wire fence | P106-1 |
| CHANTELLE X 8 | 1185 | Southern and south-western boundary | 1,3m high wire fence | First Avenue |
| CHANTELLE X 8 | 1189 | Northern and north-western boundary | 1,3m high wire fence | First Avenue |

TABLE D (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | APPLICABLE POSITION (3) | REQUIRED BARRIER (4) | NATIONAL ROAD PROVINCIAL ROAD (5) |
|--|--|---|---------------------------------|--|
| CHANTELLE X 13 | 1439 | Northern and North western boundary | 1,3m high wire fence | First Avenue |
| CHANTELLE X 14 | 1449-1451 | Eastern boundary | 1,3m high wire fence | P1407 |
| CHANTELLE X 14 | 1452 | Eastern boundary | 1,3m high wire fence | P1407 |
| CLARINA | 33-45 | Southern boundary | 1,3m high wire fence | PWV2 |
| CLARINA X 1 | 68-71 | Southern boundary | 1,3m high wire fence | PWV2 |
| CLARINA X 3 | 221-225 | Northern boundary | 1,3m high wire fence | PWV2 |
| CLARINA X 6 | 73 | Southern, south-western and north-western boundary between the western beacon and a point 20m thereof measured in a northerly direction | 2m high brick or concrete wall | P76-1 |
| CLARINA X 6 | 74-77 | Southern boundary | 2m high brick or concrete wall | P76-1 |
| CLARINA X 6 | 83 | North-western boundary | 1,3m high wire fence | P76-1 |
| CLARINA X 6 | 84-94 | Northern boundary | 1,3m high wire fence | P76-1 |
| HESTEAPARK X 4 | 133-150 | Northern boundary | 1,3m high wire fence | P76-1 |
| HESTEAPARK X 4 | 151 | Northern and western boundary | 1,3m high wire fence | P76-1 |
| HESTEAPARK X 4 | 119-132 | Southern boundary | 1,3m high wire fence | P76-1 |
| HESTEAPARK X 5 | 40-51 | Southern boundary | 1,3m high wire fence | P76-1 |
| KARENPARK | 48-51, 64-68, 76-81, 94-99, 114-119, 178, 186, 210-214, 233-246, 392 | Eastern boundary | 1,3m high wire fence | P200-1 |
| KARENPARK | 246-255 | Southern boundary | 1,3m high wire fence | P106-1 |
| KARENPARK | 351-393 | Western boundary | 1,3m high wire fence | P200-1 |

TABLE D (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | APPLICATION POSITION (3) | REQUIRED BARRIER (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|---|---|---------------------------------|---|
| KARENPARK X 9 | 399 | Southern, south-western and western boundary excluding that part of the western boundary between the north-western beacon and a point 110m from such beacon | 2m high brick or concrete wall | P106-1 |
| KARENPARK X 12 | 686, 687, 690, 691, 704, 714, 744 and 745 | Western boundary | 1,3m high wire fence | P1407 |
| KARENPARK X 22 | 851, 852 | Western boundary | 1,3m high wire fence | P1407 |
| KARENPARK 25 | 880 | Southern boundary | 2m high brick or concrete wall | P106-1 |
| NINAPARK X 2 | 121-128 | Northern boundary | 1,3m high wire fence | P106-1 |
| NINAPARK X 3 | 67-72 | Northern boundary | 1,3m high wire fence | P106-1 |
| NINAPARK X 5 | 223 | Northern, north-western and western boundary | 1,3m high wire fence | P106-1 |
| NINAPARK X 5 | 224-226, 231, Ptn 1/660, 2/660, 3/660, 4/660, 5/660 en Re/660 | Northern boundary | 1,3 m high wire fence | P106-1 |
| ROSSLYN X 1 | 71, 72, 73, 144, 91 106-109 Re/117, Re/118, 4/118, 134 | Southern boundary | 2m high brick of concrete wall | P980 |
| ROSSLYN X 1 | Re/79, 90 | Southern boundary | 2m high brick of concrete wall | P980 |
| ROSSLYN X 1 | 97, 98 | North-eastern boundary | 2m high brick or concrete wall | P31 |
| ROSSLYN X 1 | Re/99, 505, Re/102, 1/102 | North-eastern boundary | 2m high brick or concrete wall | P31 |
| ROSSLYN X 1 | Re/103 | Eastern boundary | 2m high brick or concrete wall | P31 |

TABLE D (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | APPLICATION POSITION (3) | REQUIRED BARRIER (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|--|--|---------------------------------|---|
| ROSSLYN X 1 | 104, Re/105 | South-eastern boundary | 2m high brick or concrete wall | P31 |
| ROSSLYN X 1 | 1/105 | Southern boundary | 2m high brick or concrete wall | P980 |
| ROSSLYN X 1 | Re/118, 4/118 | Southern boundary | 2m high brick or concrete wall | P980 |
| ROSSLYN X 1 | 1/118, 2/118, 3/118, 4/118, 5/114, 4/114, 115 | Western boundary | 2m high brick or concrete wall | P31 |
| ROSSLYN X 2 | 363-369, 371-377 | Eastern boundary | 2m high brick or concrete wall | P1407 |
| ROSSLYN X 2 | 370 | South-eastern boundary for a distance of 20m measured from the south-eastern beacon. | 2m high brick or concrete wall | Tungsten Road |
| ROSSLYN X 2 | 371 | North-western boundary for a distance of 20m measured from the north-western beacon. | 2m high brick or concrete wall | Tungsten Road |

TABLE D (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | APPLICATION POSITION (3) | REQUIRED BARRIER (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|--|---|---------------------------------|---|
| SOSHANGUVE P | 73, 92-107, 120-129, 155-167, 1620-1637, 1668-1679, 1719-1725, 1735-1745, 1773-1799, 1831-1832 | Western boundary | 1,3m high wire fence | K95 |
| SOSHANGUVE R | 1-18, 27-36, 49, 82-101, 210-213, 1939, 1956-1971, 2054, 2100-2106, 2130-2133 | Western boundary | 1,3m high wire fence | K95 |
| SOSHANGUVE S | 9-24, 48-51, 61, 313 | Western boundary | 1,3 m high wire fence | K95 |
| SOSHANGUVE T | 170-185, 388-401, 427-432, 450-460, 1266 | Western boundary | 1,3 m high wire fence | K95 |
| THE ORCHARDS X 2 | 82-103 | Western boundary | 1,3 m high wire fence | P1407 |
| THE ORCHARDS X 3 | 321 | Western, northern and north-western boundary | 1,3 m high wire fence | P1407 |

TABLE D (Continued)

| DESCRIPTION OF PROPERTY | ERF/PROPERTY | APPLICABLE POSITION | REQUIRED BARRIER | NATIONAL ROAD/ PROVINCIAL ROAD |
|------------------------------------|---------------------|--|--|---|
| (1) | | (2) | (3) | (4) |
| THE ORCHARDS X 3 | 365 | Western and southern boundary for a distance of 6m measured from the south-western beacon. | 1,3 m high wire fence | P1407 |
| THE ORCHARDS X 10 | 391-394 | Western boundary | 1,3m high wire fence | P1407 |
| THE ORCHARDS X 10 | 395 | Western boundary Northern boundary | 1,3m high wire fence 1,3m high wire fence | P1407 P76-1 |
| THE ORCHARDS X 10 | 396-416, 538-544 | Northern boundary | 1,3m high wire fence | P76-1 |
| THE ORCHARDS X 10 | 417 | Northern, north-eastern and eastern boundary for a distance of 16m measured from the north-eastern beacon. | 1,3m high wire fence | P76-1, P200-1 |
| THE ORCHARDS X 10 | 537 | Northern and north-western boundary for a distance of 20m measured from the north-western beacon. | 1,3m high wire fence | P76-1 |
| THE ORCHARDS X 10 | 545 | Northern boundary North-eastern boundary | 1,3m high wire fence 1,3m high wire fence | P76-1 P200-1 |
| THE ORCHARDS X 10 | 546-565 | Eastern boundary | 1,3m high wire fence | P200-1 |
| THE ORCHARDS X 11 | 651 | Western and northern boundary | 1,3m high wire fence | P1533 |
| THE ORCHARDS X 11 | 1154 | Western boundary Southern boundary | 1,3m high wire fence 1,3m high wire fence | P1533 PWV2 |
| THE ORCHARDS X 11 | 1239 | Western, north-western and northern boundary | 1,3m high wire fence | P1533 PWV2 |

TABLE D (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY (2) | APPLICABLE POSITION (3) | REQUIRED BARRIER (4) | NATIONAL ROAD/ PROVINCIAL ROAD (5) |
|--|---|---|---------------------------------|---|
| THE ORCHARDS X 11 | 1621 | Western, south-western and southern boundary | 1,3m high wire fence | P1533 PWV2 |
| THE ORCHARDS X 11 | 1622 | Western and southern boundary for a distance of 25m measured from the western beacon. | 1,3m high wire fence | P1533 |
| THE ORCHARDS X 11 | 1630-1634, 1783 | Western boundary | 1,3m high wire fence | P1533 |
| THE ORCHARDS X 11 | 662, 664, 666, 669, 670, 671, 674, 675, 678, 679, 682, 683, 686, 687, 689, 692, 693, 695, 697, 759, 760, 763, 764, 767, 768, 771, 772, 775, 776, 779, 780, 783, 784, 787, 788, 791, 792, 1781 | Northern boundary | 1,3m high wire fence | PWV2 |

TABLE D (Continued)

| DESCRIPTION OF PROPERTY (1) | ERF/PROPERTY | APPLICABLE POSITION (2) | REQUIRED BARRIER (3) | NATIONAL ROAD/ PROVINCIAL ROAD (4) |
|--|--|---------------------------------------|--|---|
| THE ORCHARDS X 11 | 1017, 1031, 1032, 1035, 1036, 1039, 1040, 1043, 1044, 1047, 1048, 1051- 1053, 1063-1065, 1067-1069, 1126, 1127, 1130, 1131, 1134, 1135, 1138, 1139, 1142, 1143, 1145, 1149-1153 and 1782 | Southern boundary | 1,3 m high wire fence | PWV2 |
| THE ORCHARDS X 13 | 2021, 2023, 2033-2047 | Southern boundary | 1,3m high wire fence | PWV2 |
| THE ORCHARDS X 13 | 2048 | Southern boundary Eastern boundary | 1,3m high wire fence 1,3m high wire fence | PWV2 P1407 |
| THE ORCHARDS X 13 | 2055-2060, 2185-2189 | Eastern boundary | 1,3m high wire fence | P1407 |
| THE ORCHARDS X 13 | 2160-2184 | Northern boundary | 1,3m high wire fence | PWV2 |
| THE ORCHARDS X 13 | 2184 | Eastern boundary | 1,3m high wire fence | P1407 |
| THE ORCHARDS X 16 | 3765-3773 | Western boundary | 13,m high wire fence | P1407 |
| THE ORCHARDS X 17 | 3750-3760 | Eastern boundary | 1,3m high wire fence | PW2 and P200-1 |
| THERESAPARK X 1 | 614-636 | Southern boundary | 1,3m high wire fence | P106-1 |
| THERESAPARK X 2 | 1178-1180 | Southern boundary | 1,3m high wire fence | P106-1 |

PART 3

BUILDING RESTRICTIONS AND USE OF LAND

11. BUILDINGS USED FOR MORE THAN ONE PURPOSE

- (1) Where a building is used, or a proposed building is designed, for more than one use it shall for the purpose of clauses 12 (erection and use of buildings or use of land), 18 (parking), 19 (Special consent) (Grade I and II), advertisement and objections) and 23, (height, coverage, floor area ratio and number of dwelling units per hectare) hereof, be treated as being used or partly designed for each of those uses but for the purposes of the other provisions of this part of the Scheme, it shall be treated as though it were being used or designed for its predominant use and the local authority shall, when considering a building plan, or if the person who is in control of the erection of a building, or proposing to erect a building makes an application for that purpose, decide which is the predominant use.
- (2) The local authority shall give notice of any decision in terms of this clause to the applicant.

12. ERECTION AND USE OF BUILDINGS OR USE OF LAND

- (1) This clause does not prohibit the erection of entrance structures (other than entrance halls and entrance passages), pergolas, garden ornaments, garden walls and fences.
- (2) (a) The purposes for which buildings and properties in each of the use zones specified in Table E may:
 - (i) be erected and used;
 - (ii) be erected and used only with the special consent of the local authority:
or
 - (iii) not be erected and used;are shown in the third, fourth, fifth and sixth columns of the said table.
- (b) For the purposes of this clause the expression "the erection and use of a building" includes the use of land.

TABLE E

| Used Zone (1) | Notation on Map (2) | Purposes for which land may be used (3) | Purpose for which land may be used only with Special Consent Grade I (4) | Purpose for which land may be used only with Special Consent Grade II (5) | Purpose for which land may not be used (6) |
|------------------|------------------------|--|---|--|--|
| 1. Residential 1 | | Dwelling house | Additional dwelling unit Home office | Guest house, Institution, Household enterprise, Spazashop, Special uses. | Institution. (On erven smaller than 900 m²:) Tavern ^(a) |
| 2. Residential 2 | | Dwelling units | - | Home office, Guest house, Household enterprise, Special uses, Spaza shop. Place of instruction ^(a) | - |
| 3. Residential 3 | | Dwelling units | - | Household enterprise, Special uses Place of instruction ^(a) | - |
| 4. Business | | Shop, Office, Place of refreshment, | Dwelling units Residential buildings, Dry cleaner | Social place, Institution, Parking area, Tavern, Hotel. | Public garage |
| 5. Special | | As shown on relevant Annexure | As shown on relevant Annexure | As shown on relevant Annexure | - |

^(a) 20.09.2000/15/2000/051

TABLE E (Continued)

| Used Zone | Notation on Map | Purposes for which land may be used | Purpose for which land may be used only with Special Consent Grade I | Purpose for which land may be used only with Special Consent Grade II | Purpose for which land may not be used |
|------------------|------------------------|---|--|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 6. Industrial 1 | | Industry (excluding noxious industries), Commercial, Public garage, Parking area. | - | Place of amusement, Restaurant, Shop, Office, Institution, Noxious industries | - |
| 7. Industrial 2 | | Industry (including noxious industries), Commercial, Public garage, Parking area | - | Place of amusement, Restaurant, Shop, Office, Institution. | - |
| 8. Institution | | Institution | Social place, Office | Special uses | - |
| 9. Municipal | | Municipal purposes | - | Special uses | Residential 1, 2 and 3 |
| 10. Agricultural | | Agricultural buildings, Agricultural land, Nursery | Shop (limited to sale of goods produced on the property), Home office, Additional dwelling-unit ^(b) | Tea Garden, Institution, Social place, Kennels, Place of refreshment, Place of amusement, Guest House | - |

^(b) 11.03.1998/08/1998/Rectification notice

TABLE E (Continued)


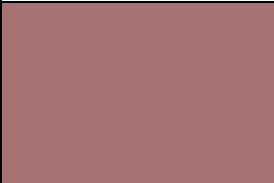

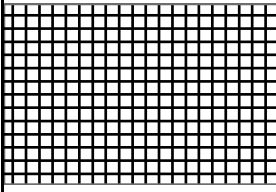
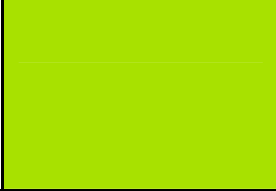
| Used Zone (1) | Notation on Map (2) | Purposes for which land may be used (3) | Purpose for which land may be used only with Special Consent Grade I (4) | Purpose for which land may be used only with Special Consent Grade II (5) | Purpose for which land may not be used (6) |
|---------------------------|--|--|---|--|---|
| 11. Public Garage |  | Public garage, parking area | Car wash | Shop | |
| 12. Government |  | State purposes | - | - | - |
| 13. S.A.R. |  | Railway purposes | - | - | - |
| 14. Existing public roads | | Street or road | - | Special uses. | - |

TABLE E (Continued)

| Used Zone | Notation on Map | Purposes for which land may be used | Purpose for which land may be used only with Special Consent Grade I | Purpose for which land may be used only with Special Consent Grade II | Purpose for which land may not be used |
|-------------------------------------|---|--|---|--|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 15. Proposed new roads and widening |  | Proposed new roads and widening | - | - | - |
| 16. Public open space |  | Parks, Public sports- and recreation grounds, Gardens, Play parks and Squares. | - | Tea garden, Place of refreshment, Place of Amusement Nursery ^(a) | - |

^(a) 20.09.2000/15/2000/051

Provided that –

- (i) a dry cleaner practising his trade in Use Zone 4 (Business) shall be subject to the following conditions:
 - (a) Only chemicals of a non-flammable or non-explosive character as approved by the local authority shall be used in the cleaning process.
 - (b) Steam and hot water shall be provided by means of electric boilers only or, with the local authority's consent, by means of gas or automatic oil operated boilers.
 - (c) The public shall not be allowed in the work section which shall be partitioned off from public view.
 - (d) Provision for the disposal of fumes shall be made to the satisfaction of the local authority.
- (ii) A fish monger or a fish fryer shall provide equipment and storage facilities to the satisfaction of the local authority and shall take measures to the satisfaction of the local authority to prevent or limit any smoke, fumes, smells or nuisance.
- (iii) Notwithstanding any contrary stipulation contained in this Scheme the local authority may grant permission for the temporary use of any building or land within any use zone for any of the following:
 - (a) The erection and use of temporary buildings or the use of existing buildings or sites for site offices, storage rooms, workshops or such other uses that are in the opinion of the local authority necessary for the erection of any permanent building or structure on the land or the installation of engineering services: Provided that such consent shall lapse, ipso facto, on completion of the permanent building or structure or the completion of the engineering contract.
 - (b) The occasional or temporary use of land or buildings for concerts, fairs, circuses, bazaars, public gatherings or meetings.
 - (c) The use of land or buildings thereon for Government or Municipal purposes:

Provided that any such consent shall be for a maximum period of 12 months, which period the local authority may extend for further periods of 12 months, subject thereto that the total of such periods shall not exceed 2 years, and further subject to any other conditions that the local authority may impose.

- (3) No person shall use or cause or permit any building or portion thereof to be used for a purpose other than that for which it has been erected unless the necessary consent of the local authority has been obtained therefor.
- (4) The local authority may, where any application is submitted for special consent (Grade I or II), give or withhold its consent and shall in giving its special consent be entitled to impose such conditions governing the erection or use of such buildings as it may deem fit. Consideration shall also be given to whether the use for which the building is intended or designed might possibly have a detrimental effect on the neighbourhood or the environment.
- (5) In this clause the expression "the erection and use" of a building for a particular use includes the conversion of the building for that use, whether or not involving the structural alteration thereof.
- (6) Nothing contained in this Scheme shall be deemed to grant exemption from any of the local authority's by-laws as well as the stipulations of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).^(a)
- (7) No one shall spoil or waste land in Use Zones 9 (Municipal), 14 (Existing public roads), 15 (Proposed new roads and widening) and 16 (Public open space) to destroy or impair its use.
- (8) No "proposed new road and widening" shall be deemed to be a public street until it or any portion thereof falls within any township which may be established on the land traversed by such proposed road or widening, or it is proclaimed as a public road, or until it vests in the local authority for that purpose under any law.
- (9) No person shall use any mobile dwelling unit in any use zone for permanent or temporary occupation.
- (10) The purpose for which land may be used and the procedures prescribed in Columns (4) and (5), Table E shall not be interpreted as if to necessarily mean that more than one of the uses stipulated in these columns can be simultaneously obtained on a single property by means of the specific procedure prescribed in the relevant column. It is in the discretion of the Local Authority to decide if an application for rezoning or township establishment shall instead be submitted and such procedure must be determined beforehand in writing by the Local Authority."^(a)

13. **CONDITIONS APPLICABLE TO ALL PROPERTIES**

- (1) Except with the written approval of the local authority, and subject to such conditions as it may impose, neither the owner nor any other person shall -
 - (a) have the right, save and except to prepare the property for building purposes, to excavate any material therefrom;
 - (b) sink any wells or boreholes thereon or abstract any subterranean water therefrom; or
 - (c) have the right to make, or permit to be made, on the property for any purpose whatsoever, any tiles or earthenware pipes or other articles of a like nature.[This condition shall not apply to erven in Use Zone 6 and 7 (Industrial 1 and 2)].

^(a) (20.09.2000/15/2000/051)

- (2) Where, in the opinion of the local authority, it is impracticable for stormwater to be drained from higher-lying properties direct to a public street the owner of the lower-lying property shall be obliged to accept and permit the passage over the property of such stormwater: Provided that the owners of any higher lying properties, the stormwater from which is discharged over any lower lying property, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying property may find necessary to lay or construct for the purpose of conducting the water so discharged over the property.
- (3) The siting of buildings, including outbuildings, on the property and entrances to and exits from the property to a public street system shall be to the satisfaction of the local authority.
- (4) The main building, which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, or before, the outbuildings.
- (5) The loading and off-loading of goods shall take place only within the boundaries of the property to the satisfaction of the local authority, unless the local authority has provided loading facilities in the street reserve. [This condition shall not apply to properties in Use Zones Residential 1, and Residential 2 (unless subdivision into separate dwelling units has taken place.)]
- (6) A screen wall or walls shall be erected and maintained to the satisfaction of, and when required by the local authority.
- (7) If the property is fenced such fence, and the maintenance thereof shall be to the satisfaction of the local authority.
- (8) The registered owner is responsible for the maintenance of the whole development on the property. If the local authority is of the opinion that the property, or any portion of the development, is not being satisfactorily maintained the local authority shall be entitled to undertake such maintenance at the cost of the registered owner.
- (9) No building of any nature shall be erected on that portion of the property which is likely to be inundated by the flood water of a public stream on a average of every 50 years, as determined by the local authority.

14. CONDITIONS APPLICABLE TO RESIDENTIAL 2 ERVEN

- (1) The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the local authority: Provided that no internal roads shall be allowed along any Provincial Road or proposed Provincial Road.

- (2) A site development plan, drawn to a scale of 1:500, or such other scale as may be approved by the local authority shall be submitted to the local authority for approval prior to the submission of any building plans. No building shall be erected on the erf before such site development plan has been approved by the local authority and the whole development on the erf shall be in accordance with the approved site development plan: Provided that the plan may, from time to time be amended with the written consent of the local authority: Provided further that amendments or additions to buildings which in the opinion of the local authority will have no influence on the total development of the erf, shall be deemed to be in accordance with the development plan. Such site development plan shall show at least the following:
- (a) The siting, height, coverage, number of dwelling units per hectare, and where applicable the floor area ratio of all buildings and structures.
 - (b) Open spaces, children's playgrounds, screen walls or other acceptable methods of screening and landscaping.
 - (c) Vehicular entrances and exits to and from the erf (as well as any proposed subdivision of the erf) to any existing or proposed public street.
 - (d) The proposed subdivisional lines, if the erf is to be subdivided.
 - (e) Entrances to buildings and parking areas.
 - (f) Building restriction areas (if any).
 - (g) Parking areas and, where required by the local authority, the vehicular and pedestrian traffic systems.
 - (h) Elevational and architectural treatment of all buildings and structures.
 - (i) The grouping of the dwelling units and the programming of the development of the property if it is proposed not to develop the whole property simultaneously.
 - (j) the method of alienation of the property by means of freehold or sectional title.
- (3) The local authority shall not approve any building plan which does not comply with the proposals in the approved development plan with particular reference to the elevational and architectural treatment of the proposed building or structure.

- (4) Subject to the provision of section 92 of the Town Planning and Townships Ordinance 1986 (Ordinance 15 of 1986), but notwithstanding any other provision contained herein, the local authority may consent to the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf.
- (5) No buildings or structures shall exceed a 50% coverage of the erf or subdivided portion thereof.

15. CONDITIONS APPLICABLE TO RESIDENTIAL 3 ERVEN

- (1) In Use Zone 3 (Residential 3) where development takes place at a density not exceeding 20 dwelling units per hectare the provisions of clause 14 are applicable.
- (2) Where the development exceeds a density of 20 dwelling units per hectare the provisions of clause 14 and the following additional conditions are applicable.
 - (a) The registered owner of the erf shall make available and accessible, to the satisfaction of the local authority, at least 250 m² of the erf as children's play area. Play apparatus, according to the requirements of the residents, shall be provided on the erf by the registered owner to the satisfaction of the local authority.
 - (b) No dwelling unit may be sold before the whole development or the phase on the property is completed.

16. CONDITIONS APPLICABLE TO PUBLIC GARAGES

- (1) No material or equipment of any nature whatsoever shall be stored or stacked to a height exceeding the height of the screen wall: Provided that the local authority may relax this condition if, in the opinion of the local authority it shall not be detrimental to the general amenity of the neighbourhood.
- (2) No repairs of any nature to vehicles or equipment shall be effected outside the garage building, except in an area which is screened to the satisfaction of the local authority for that purpose: Provided that the local authority may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.

- (3) No material or equipment of any nature shall be stored or stacked outside the garage building except in an area which is screened to the satisfaction of the local authority for that purpose: Provided that fuel pumps or oil and fuel installations may be sited outside the building to the satisfaction of the local authority: Provided further that the local authority may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.

17. **CONDITIONS APPLICABLE TO TOWNSHIPS OR ERVEN ON LAND WITH DETRIMENTAL SOIL CONDITIONS:**

Any specified erf or township is subject to the conditions as stated in column (3) of Table F: Provided that if no conditions are indicated in column (3) the erf, or if no erf in a township is specified, all the erven in such a township, are subject to the following conditions:

- (a) No french drain shall be permitted on the erf.
- (b) Trenches and excavations for foundations, pipes, cables or for any other purpose, shall be properly refilled with damp soil in layers not thicker than 150mm, and shall be compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the local authority.
- (c) All pipes which carry water shall be watertight and shall be provided with watertight flexible couplings.
- (d) The entire surface of the erf shall be drained to the satisfaction of the local authority in order to prevent surface water from damming up, and water from roof gutters shall be discharged away from the foundations.
- (e) Proposals to overcome detrimental soil conditions to the satisfaction of the local authority shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with the precautionary measures accepted by the local authority.
- (f) If required, a soil report drawn up by a qualified person acceptable to the local authority, indicating the soil conditions of the erf and recommendations as to suitable founding methods and depths, shall be submitted to the local authority simultaneously with the submission of building plans prior to the commencement of any building operations on the erf.

TABLE F

| TOWNSHIP (1) | ERF DESCRIPTION (2) | CONDITIONS (3) |
|-------------------------|--------------------------------|---------------------------|
| AMANDASIG | ALL ERVEN | 17(a)-(f) |
| AMANDASIG X 2 | ALL ERVEN | 17(a)-(f) |
| AMANDASIG X 10 | ALL ERVEN | 17(a)-(f) |
| AMANDASIG X 19 | ALL ERVEN | 17(a)-(f) |
| CHANTELLE | ALL ERVEN | 17(a)-(f) |
| CHANTELLE X 1 | ALL ERVEN | 17(a)-(f) |
| CHANTELLE X 2 | ALL ERVEN | 17(a)-(f) |
| CHANTELLE X 3 | ALL ERVEN | 17(a)-(f) |
| CHANTELLE X 13 | ALL ERVEN | 17(a)-(f) |
| CHANTELLE X 14 | ALL ERVEN | 17(a)-(f) |
| CLARINA | ALL ERVEN | 17(a)-(f) |
| CLARINA X 1 | ALL ERVEN | 17(a)-(f) |
| CLARINA X 6 | ALL ERVEN | 17(a)-(f) |
| HESTEAPARK X 2 | ALL ERVEN | 17(a)-(f) |
| HESTEAPARK X 4 | ALL ERVEN | 17(a)-(f) |
| HESTEAPARK X 8 | ALL ERVEN | 17(a)-(f) |
| KARENPARK | ALL ERVEN | 17(a)-(f) |
| KARENPARK X 5 | ALL ERVEN | 17(a)-(f) |
| KARENPARK X 9 | ALL ERVEN | 17(a)-(f) |
| KARENPARK X 10 | ALL ERVEN | 17(a)-(f) |
| KARENPARK X 12 | ALL ERVEN | 17(a)-(f) |
| KARENPARK X 22 | ALL ERVEN | 17(a)-(f) |
| KARENPARK X 24 | ALL ERVEN | 17(a)-(f) |
| KARENPARK X 25 | ALL ERVEN | 17(a)-(f) |
| NINAPARK X 2 | ALL ERVEN | 17(a)-(f) |
| NINAPARK X 3 | ALL ERVEN | 17(a)-(f) |
| NINAPARK X 6 | ALL ERVEN | 17(a)-(f) |
| NINAPARK X 8 | ALL ERVEN | 17(a)-(f) |

TABLE F (Continued)

| TOWNSHIP (1) | ERF DESCRIPTION (2) | CONDITIONS (3) |
|-------------------------|--------------------------------|---------------------------|
| NINAPARK X 14 | ALL ERVEN | 17(a)-(f) |
| NINAPARK X 15 | ALL ERVEN | 17(a)-(f) |
| NINAPARK X 22 | ALL ERVEN | 17(a)-(f) |
| NINAPARK 26 | ALL ERVEN | 17(a)-(f) |
| NINAPARK X 27 | ALL ERVEN | 17(a)-(f) |
| THE ORCHARDS X 2 | ALL ERVEN | 17(a)-(f) |
| THE ORCHARDS X 3 | ALL ERVEN | 17(a)-(f) |
| THE ORCHARDS X 5 | ALL ERVEN | 17(a)-(f) |
| THE ORCHARDS X 11 | ALL ERVEN | 17(a)-(f) |
| THE ORCHARDS X 13 | ALL ERVEN | 17(a)-(f) |
| THE ORCHARDS X 16 | ALL ERVEN | 17(a)-(f) |
| THE ORCHARDS X 17 | ALL ERVEN | 17(a)-(f) |
| THERESAPARK X 2 | ALL ERVEN | 17(a)-(f) |
| THERESAPARK X 11 | ALL ERVEN | 17(a)-(f) |
| THERESAPARK X 15 | ALL ERVEN | 17(a)-(f) |
| THERESAPARK X 21 | ALL ERVEN | 17(a)-(f) |

18. PARKING

- (1) Effective and paved parking as set out in Table G, together with the necessary manoeuvring area, shall be provided on the property to the satisfaction of the local authority.

TABLE G

| USE ZONE/USE (1) | MINIMUM PARKING REQUIREMENT (2) |
|---|---|
| Residential 2 and in other use zones (excluding Residential 1) with a density of 20 dwelling units per hectare or less | (i) 1 Covered parking space per dwelling unit; and (ii) 1 Uncovered parking space per dwelling unit if so required by the local authority |
| Residential 3 and in other use zones (excluding Residential 1) with a density of more than 20 dwelling units per hectare. | (i) 1 Covered parking space per dwelling unit with 3 or less living rooms; and (ii) 1 Covered and 1 uncovered parking space per dwelling unit with 4 or more living rooms; and (iii) 1 Uncovered parking space per 3 dwelling units for visitors. |
| Shops | 6 Parking spaces per 100 m ² gross leasable shop floor area. |
| Industrial 1 and 2 | (i) 1 Parking space per 100 m ² gross leasable industrial floor area, and (ii) 2 Parking spaces per 100m ² gross leasable office and commercial floor area. |
| Industries in any other use zone than Industrial 1 and 2 | 2 Parking spaces per 100 m ² gross leasable industrial floor area |
| Commercial and Offices | 2 Parking spaces per 100 m ² gross leasable floor area. |
| Places of Public Worship | 1 Parking space per 4 seats |
| Places of Amusements and restaurants | 1 Parking space per 4 seats |
| Hotels | 1 Parking space per bedroom or suite, plus 6 parking spaces per 100 m ² public floor area. |
| Hospitals and Nursing homes | 0,7 Parking spaces per bed |
| Public Garages | 40 Percent of the area of the site including the area around petrol pump islands, but excluding workshops, show rooms, work areas, lubricating and washing areas. |
| Nursery school | 1 Parking space per 40 m ² nursery school floor area. |
| Any other use or use zones | As required by the local authority. |

Provided that the local authority may, on receipt of a written application, relax or waive the provisions of Table G if the local authority is of the opinion that adequate parking already exists in the vicinity of the site: Provided further that in the event of such relaxation or exemption the applicant shall pay a cash contribution to the local authority in lieu of the provision of parking spaces. Such contribution for parking shall be used solely for the provision of parking in the vicinity of the site:

Provided further that any owner may provide the parking area required in terms of this clause on any alternative site approved by the local authority.

- (2) The owner of a building in respect of which parking spaces are required in terms of this clause shall keep such parking spaces in a proper condition for such purposes to the satisfaction of the local authority.
- (3) The levying of a parking fee for parking spaces provided in terms of this clause, shall not be regarded as a business.

19. **SPECIAL CONSENT, (GRADE I AND II) ADVERTISEMENTS AND OBJECTIONS**

- (1) With regard to all applications for Special Consent the applicant shall submit a properly motivated application which includes a clear statement on the need and desirability with regard to the proposed use(s) and such application shall include all documents and plans that are deemed necessary for the consideration of the application.
- (2) **Special Consent Grade I**
 - (a) Where it is required in terms of this Scheme of an applicant to apply for Special Consent Grade I a written application shall be submitted to the local authority.
 - (b) On approval of the application the local authority may impose any conditions it deems fit.
- (3) **Special Consent Grade II**
 - (a) The applicant shall at his own expense publish simultaneously^(a) a notice in both English and Afrikaans once a month for one month in the municipal newsletter or a local newspaper wherein the particulars in clause 19(3)(e) are mentioned.

^(a) (20.09.2000/15/2000/051)

- (b) The applicant shall post and maintain a similar notice on each separate portion of the land or building to which such application applies for a period of 14 consecutive days calculated from the date of the notice in the newsletter or local newspaper and the applicant shall place a similar notice at the municipal office or in such manner as the local authority may determine.
- (c) The applicant shall beforehand notify the Local Authority in writing on which date the notice shall appear in the municipal newsletter.
- (d) The notice on the property referred to in clause 19(3)(b) shall be displayed in a conspicuous way so that it is properly visible from public roads and the Local Authority may prescribe the position of the notice to the applicant.
- (e) The notices referred to, shall include the following particulars:
 - (i) Name and address of the applicant.
 - (ii) Indication that the objections and representations shall be submitted in writing to the Local Authority within twenty-eight (28) days from the date of the publication of the notice in the municipal newsletter.
 - (iii) Particulars of the use(s) which is(are) applied for.
- (f) The format, wording and content of the notices referred to in clauses 19(3)(a) and 19(3)(b) shall be determined by the Local Authority.
- (g) The applicant shall, on the date on which the notices in clauses 19(3)(a) and 19(3)(b) are published and displayed, notify the surrounding owners by post of his intentions and shall submit copies of these notices to the Local Authority. Such surrounding owners can within twenty-eight (28) days submit any comments, representations and objections in writing to the applicant and the Local Authority.
- (h) The Local Authority shall take into consideration all written objections or representations received within the period of twenty-eight (28) days and shall notify in writing the applicant and any person from whom any objection or representation was received of its decision.
- (i) If no objections or representations were received the decision of the Local Authority shall take effect immediately. If objections or representations were received the decision of the local authority shall not take effect for a period of fifty-six (56) days from the date on which the applicant and objectors are notified thereof, and if an appeal has been noted against the decision of the Local Authority not until such appeal has been disposed of.

- (j) The local authority can on written request waive or amend all or certain of the requirements with regard to advertising and prescribe alternative advertising procedures.

20. RESERVATION FOR SPECIAL PURPOSES

- (1) Without prejudice to any power of the Local Authority derived from any law, or from the remainder of this scheme, nothing in the foregoing provisions of this part of the Scheme shall be construed as prohibiting or restricting or enabling the local authority to prohibit or restrict the following:
 - (a) The exploitation of minerals on any land not included in an approved township by underground or surface working.
 - (b) The use of land or the erection of buildings required for the purposes of a recreation or sports ground not being a recreation or sports ground ordinarily open to the public on payment of a fee.
 - (c) The letting of a dwelling house or dwelling unit in such a manner that a maximum of one family with four other persons are accommodated therein.
 - (d) The occasional use of a place of public worship, place of instruction, or institution, as a place of amusement or social hall.

21. ADDITIONAL DWELLING UNIT

Notwithstanding any stipulation in this scheme, the local authority may grant special consent for the erection of an additional dwelling unit on erven zoned Residential 1 subject to the following conditions:

- (a) The additional dwelling unit shall not be erected on an erf being less than 900 m² in extent. Provided that in the case of a panhandle erf the panhandle is excluded from this minimum erf area.
- (b) If the additional dwelling unit is detached from the dwelling house it shall be a minimum of 100 m² in extent (including outbuildings).
- (c) A contribution in respect of engineering services and open spaces or parks is payable in terms of Section 20 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as and when required by the local authority.

- (d) Parking shall be provided on the property in the ratio of one covered parking space to one dwelling unit.

22. NUMBER OF DWELLING HOUSES WHICH MAY BE ERECTED, SUBDIVISIONS AND CONSOLIDATIONS

- (1) No dwelling house shall be erected in such a manner that the number of dwelling houses on an existing erf exceeds the number specified in Table H for the density zone in which the existing erf is situated.

DENSITY ZONES

TABLE H

| Notation as shown on the "B"-series of the Map. (1) | Number of dwelling houses per existing erf. (2) | Minimum area of site required per dwelling house in square metre. (3) |
|--|--|--|
| | 1 | - |
| | 1 | 200 |
| | 1 | 400 |
| | 1 | 600 |
| | 1 | 800 |
| | 1 | 1000 |

Provided that-

- (a) in those areas in which in terms of Table H only one dwelling house per existing erf is permitted, the Local Authority may consent to the subdivision of only the following existing erven, if such subdivision will not cause the coverage permitted under Table I to be exceeded:
- (i) An existing erf, subject thereto that any portion so created (including the remainder) which is smaller in extent than 90 per cent of the area of the existing erf shall not be used as the site of a dwelling house.



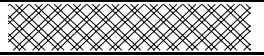


- (ii) If an erf created by the consolidation of two or more erven is subdivided, the number of new erven created shall not exceed the number of erven which were so consolidated and the extent of any new erf created shall not be less than 90 per cent of the area obtained by dividing the area of the consolidated erf by the number of erven created by the subdivision.
- (2) The local authority shall not, in those areas in which in terms of Table H a minimum area of a site is required for a dwelling house, approve of any subdivision of land whereby any portion (including the remainder) of such land shall have an area less than such minimum. The local authority may, however, consent to the subdivision of land into portions smaller than such minima, provided that no such smaller portion shall be used as a site for a dwelling house.
- (3) All erven shall be entitled to a relaxation of the density provisions in terms of Table H of a maximum of 1 (one) per cent of the area determined by these provisions.
- (4) In Use Zones where dwelling houses may be erected and where no density zone is applicable, only one dwelling house may be erected per existing erf.
- (5) Notwithstanding any conditions that are applicable regarding the subdivision of erven in terms of the Ordinance or this scheme, the following further conditions are applicable to panhandle subdivisions:-
 - (a) the panhandle shall provide access from a street to the panhandle portion;
 - (b) the panhandle shall be not less than 3m wide along its whole length, unless the local authority otherwise grants written consent, and preferably not wider than 8m;
 - (c) The area of the panhandle portion, excluding the panhandle, shall be in accordance with the density requirements of this scheme;
 - (d) except with the written consent of the local authority the slope of the panhandle shall not exceed 1:8;
 - (e) a panhandle shall provide access only to the erf of which it forms a part as well as the property in favour of which a servitude of right of way has been registered over the panhandle, except where the local authority otherwise determines;
 - (f) the registered owner of the panhandle portion shall at his own expense pave the panhandle to the satisfaction of the local authority prior to or simultaneously with the erection of any building on the erf and such roadway shall thereafter be maintained dust free to the satisfaction of the local authority.

- (g) the registered owner of the panhandle portion shall when required by the local authority erect screen walls or dense barriers along the boundaries of the panhandle to the satisfaction of the local authority. The extent, material, design, height, position and maintenance of such screen walls or barriers shall be to the satisfaction of the local authority.
- (h) No buildings or structures shall be erected in the panhandle.

23. **HEIGHT, COVERAGE, FLOOR AREA RATIO AND NUMBER OF DWELLING UNITS PER HECTARE.**

- (1) Table I sets out the height in storeys, the coverage, the floor area ratio (F.A.R) and the number of dwelling units per hectare permitted, in the corresponding height zones.
- (2) The appropriate height zone is indicated by means of the notation, as set out in column (2) of Table I, on the B-Series of the Map.

TABLE I

| HEIGHT ZONE | NOTATION as shown on the B-series of the Map. | HEIGHT (Storeys) Height in different height zones and, where the uses or use zones are not specifically mentioned, the height is applicable to all uses. | COVERAGE (%) Coverage in different height zones and, where the uses or use zones are not specifically mentioned, the coverage is applicable to all uses, except Residential 2. | FLOOR AREA RATIO Floor area ratio in different height zones and where the uses or use zones are not specifically mentioned, the Floor Area Ratio is applicable to all uses, except Residential 2. | NUMBER OF DWELLING UNITS PER HECTARE for Residential 2 only. |
|-------------|---|---|--|---|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 0 | Area not bordered | 3 | <p><u>Use Zones 4, 6 and 7</u></p> <p>Dwelling houses : 40%</p> <p>-----</p> <p>Residential buildings and hotels : 60%</p> <p>-----</p> <p>Other buildings: On the ground floor : 80% On the floors above the ground floor : 60%</p> <p><u>Use Zone 11</u> : 60%</p> <p><u>Other Use Zones</u></p> <p>Dwelling houses : 40% Dwelling houses (erven smaller than 900 m²) : 60% ^(a)</p> <p>-----</p> <p>Residential buildings and hotels : 40%</p> <p>-----</p> <p>Other buildings : 70%</p> | <p>Not applicable</p> <p>-----</p> <p>Residential buildings and hotels : 1,8</p> <p>-----</p> <p>Other buildings : 2,0</p> <p>Not applicable</p> <p>Not applicable</p> <p>-----</p> <p>Residential buildings and hotels : 1,2</p> <p>-----</p> <p>Other buildings : 2,1</p> | |
| 1 |  | 2 | 30% | 0,4 | 15 |
| 2 |  | 2 | 30% | 0,5 | 20 |
| 3 |  | 2 | 40% | 0,8 | 30 |
| 4 |  | 2 | 60% | 1,2 | 10 |
| 5 |  | 2 | 80% | 1,5 | 25 |

^(a) (20/09/2000/15/2000/051)

24. RESTRICTION ON HEIGHT OF BUILDINGS

No buildings shall be higher than the number of storeys set out in column (3) of Table I or as indicated on the applicable Annexure: Provided that -

- (1) the local authority may increase the number of storeys prescribed in any height zone by 1 (one) storey if it is satisfied that a greater height is necessary or desirable as a result of the topography and location of the site;
- (2) any chimney, ornamental tower, tower-like projection or similar architectural feature or lift servicing room or room wherein mechanical or electrical equipment is installed, shall not be regarded as a limitation on the height.
- (3) where 75 percent or more of a floor is used for the parking of vehicles, it shall not be counted as a storey;
- (4) in Use Zone 16 (Public open space) buildings may not exceed one (1) storey.
- (5) basements shall not be taken into account: Provided further that the floor area ratio as determined in the Scheme is not exceeded; and
- (6) the maximum height of a storey shall not exceed 6m in respect of the ground storey and 4,5m in respect of any other storey: Provided that the local authority may on written request relax this limit.

25. RESTRICTION ON COVERAGE OF BUILDING:

- (1) No building shall exceed the coverage set out in column (4) of Table "I" or on the applicable Annexure: Provided that -
 - (a) where a proposed building is designed for more than one use, the maximum portion of the site which may be covered by buildings at the floor level of each storey shall be in accordance with the coverage shown in Table I or on the applicable Annexure for the predominant use of the particular storey; and
 - (b) in Use Zone 4, (Business), the local authority may, if a mechanical or electrical air conditioning system is installed, consent to a maximum coverage of 97,5 percent on ground floor of buildings on corner erven and 95 percent on ground floor of buildings on other erven:

Provided that in case of a building erected or used for the purpose of a financial establishment, such consent may be given in respect of ground and first floors.

- (2) For the application of this clause-
 - (a) a building includes fire escapes and all outbuildings on the same site;
 - (b) the area occupied by sky-lights, parapets, pitched-roofing or similar projections and chimneys excluded; and
 - (c) structures which are not covered by a roof shall be excluded in the calculation of coverage.

26. FLOOR AREA RATIO OR NUMBER OF DWELLING UNITS PER HECTARE

- (1) No building shall be erected in such a way that it exceeds the floor area ratio as indicated in column 5 of Table I or on the applicable Annexure.
- (2) The number of dwelling units as set out in column (6) of Table I may not be exceeded.

PART 4

GENERAL AMENITY AND CONVENIENCE

27. REMOVAL OF DETRIMENTAL CONDITIONS

Where the amenity of any use zone, in the opinion of the local authority, is harmed by the condition of any garden, curtilages, building or any development on any property in the area, the Local Authority may serve a notice on the owner or occupant of the premises on which the condition exists, requiring him, within such period, not being less than twenty-eight (28) days from the date the notice, to take such action as may be necessary to remove the detrimental condition and the said notice may specify the measures to be taken to remove the detrimental condition.

PART 5

MISCELLANEOUS

28. FEES PAYABLE

Any application for the consent of the Local Authority in terms of this Scheme, shall be accompanied by the fees as determined by the local authority from time to time.

29. **BINDING FORCE OF CONDITIONS**

Where permission to erect any building or execute any works or to use any building or land for a particular purpose has been granted in terms of the Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they are part of the Scheme and shall be regarded as though they were part of this scheme.

30. **ENTRY AND INSPECTION OF PROPERTIES**

- (1) The local authority shall have the power, through its duly authorised officers to enter into and upon such property at any time for the purposes of any inspection which the local authority may deem necessary or desirable for the purpose of the Scheme.
- (2) No person shall in any way hinder, obstruct, or interfere with any authorised officer of the Local Authority, or in so far as he has any authority, permit such officer to be hindered, obstructed or interfered with in the exercise of the powers hereby conferred upon him.

31. **SERVICE OF NOTICE**

- (1) Any order, notice or other document, required or authorised to be served under the Scheme, shall be signed by the Town Clerk or other official duly authorised thereto by the Local Authority and shall be served by delivering it in one of the following manners:
 - (a) To the said person personally, or to his duly authorised agent.
 - (b) If service cannot be effected in terms of subclause (a), at his 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.
 - (c) If there is no such person as is mentioned in subclause (b) on the premises, by fixing such order, notice or other document to some conspicuous part of the premises and by despatching a copy of such order, notice or other 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.
 - (d) If such person to be served has chosen a domicilium citandi, at the *domicile* so chosen.

- (2) Where any service is effected in accordance with the provisions of the preceding subclause (1) (c), 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.
- (3) Any order, notice or other document, which in terms of the provisions of this Scheme, is required to be given to the owner or occupant of any particular premises, may be addressed to the "owner" or "occupant" of such premises, in respect of which the order, notice or other document, is given, without any further name or description.

32. **CONFLICT BETWEEN SCHEME, TITLE CONDITIONS AND TOWNSHIP ESTABLISHMENT CONDITIONS**

No consent of the local authority given under the provisions of this Scheme shall be construed as conferring upon any person the right to use any land or to erect or use any building thereon in any manner or for any purpose which is prohibited in any condition registered against the title deed of the land or imposed in respect of the land under any law relating to the establishment of townships.

33. **TITLE**

This Scheme shall be known as the AKASIA-SOSHANGUVE TOWN PLANNING SCHEME, 1996.

34. **SUBSTITUTION**

This Scheme substitutes the Akasia Town Planning Scheme, 1988, the Peri Urban Areas Town Planning Scheme, 1974 and Regulation R1888 of 1990 of the Black Administration Act, 1927 (Act 38 of 1927) only regarding the relevant area of the Schemes and Regulations.