

VEREENINGING PLANNING SCHEME

1992



EMFULENI
LOCAL MUNICIPALITY

Vaa River City the Cradle of Human Rights

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VERREENIGING TOWN PLANNING SCHEME : 1992

PART ONE

GENERAL

1. CONTENTS OF THE SCHEME

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

PART 1: GENERAL

PART 2: LINES OF NO ACCESS, BUILDING LINES, BUILDING RESTRICTION AREAS AND RELAXATION OF BUILDING LINES

PART 3: USE OF LAND AND BUILDINGS AND CONDITIONS APPLICABLE THERETO

PART 4: GENERAL AMENITY

PART 5: MISCELLANEOUS

2. DEFINITIONS

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

"Additional structures to a Mobile dwelling unit" - any structure attached or detached to a mobile dwelling unit but which is related thereto.

"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 not more than two dwelling houses.

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

"Agricultural land" - arable land, meadow or pasture land, market gardens, animal farms, poultry farms and pig farms, including 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 of the Scheme.

"Basement" - any storey 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" - any structure of any nature whatsoever.

"Building line" - a line indicating the furthestmost boundary of a building restriction area from a street, proposed street, streetwidening, 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 pit (shaft)" - a part of a building containing lift shafts, conveniences or enclosed stairs.

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

"Builders yard" - land which is or buildings which are used for the storage of materials -

- (a) required for or 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 work, 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 work, in the vicinity of such builder's yard and also does not include the storage at a "Shop" or a "Warehouse".

"By-laws" - the municipal instructions or regulations which are in force within the Scheme area by virtue of section 2 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) and include the national Building Regulation as described in the national Building Regulations and Standards Act, 1977 (Act 6 of 1977).

"Central area" - is the area as indicated on Annexure 1.

"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 which are directly related and subservient to the main use which is carried out on the land or in the buildings.

"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 which is covered by buildings measured over the external walls of the building as seen vertically from above and expressed as a percentage of the area of the property.

"Domestic industry" - a use as defined under "Industry" where not more than seven (7) persons are employed on the premises, whether as directors, partners or employees but which is not a "Noxious activity".

"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" - 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" - the erection of a building, the structural alteration of or the 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 partitioning, safes and toilets inside an existing building, or repair work inside or outside a building.

"Erf" - land 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) was only completed after the "fixed date" but which the building plans were approved before that date and the building work in the opinion of the local authority commenced within a reasonable time after approval of the building plans.
- (c) was completed in accordance with the conditions of any permission granted by the local authority pending the preparation and coming into force of the Scheme.

"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 Office.

"Existing use" - a use as defined in section 43 of the Ordinance.

"Family" - a man and/or woman, with or without their dependant children, and/or parents, 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", panelbeating, spray-painting and any major repairs.

"Fixed date" - the date on which the Administrator gave notice in the Provincial Gazette that this Scheme had been approved.

"Floor area" - the sum of the gross area occupied in 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 enclosed by outer walls or windows).
- (d) Accommodation for the lift motors and other mechanical or electronic equipment necessary for the proper use of the building, including facilities and steps in lift shafts.
- (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.

"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 or buildings is or are erected, thus -

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

"Ground storey" - the lowest storey of a building which is not a basement.

"Gross leasable floor area" - the floor area of a building 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.

"Hotel" - a building which is registered as an hotel in terms of section 1 of the Hotels Act, 1965 (Act 70 of 1965).

"Industry" - the use of land or a building as a factory as defined in the Machinery and Occupational Act, 1983 (Act 6 of 1983)) and a works as defined in the Mines and Works Act, 1956 (Act 27 of 1956) 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, but does not include "institutions" which are primarily used for offices or in which primarily administrative work is performed.

"Land" - also land covered by water.

"Light industry" - an industry in which the power consumption any motor is not more than 3kW which a maximum of 24 KVA for all the motors: The total power consumption on the property shall not exceed 49 KVA and the number of workers bona fide employed on the property shall not exceed twenty (20).

"Living room" - a room designed or used for human occupation in accordance with the standards prescribed in the National Building Regulations and Standards Act, 1977 (Act 6 of 1977), but does not include a storeroom, a kitchen, a scullery, a toilet, a bathroom or a passage.

"Local authority" - the City Council of Vereeniging.

"Map" - the Scheme map marked "Map 3" as defined in the Regulations and as amended from time to time by any approved amendment scheme.

"Mobile dwelling unit" - a prefabricated interconnected suite of rooms, which may not include more than one (1) kitchen, designed for occupation and use by a single family as a permanent residence, which is provided with the necessary services connecting points and so manufactured that it can be moved as a unit or units on wheels.

"Mobile dwelling unit parking surface" - an area reserved on each mobile dwelling unit site for the siting of a mobile dwelling unit, with at least such dimensions to fit the mobile dwelling unit thereon and hardened with a suitable material to carry the expected maximum load at all times.

"Mobile dwelling unit stand" - a part of an erf which is demarcated and intended for the siting of one mobile dwelling unit and the allowable additional structures for the exclusive use of the occupants of the mobile dwelling unit.

"Motor sales market" - land used, with or without buildings, for the sale and display of vehicles, but does not include any form of workshop.

"Municipal purposes" - such purposes for which the local authority requires the land to carry out its functions in terms of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as amended, or any other law.

"Noxious industry" - panel-beating, spray-painting, blood boiling, bone boiling, tallow melting, fat melting or extracting, soap boiling, tripe boiling or cleaning, skin storing, bones storing, fellmongering, skin curing, blood drying, gut scraping, 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 pigiron into wroughtiron, reheating, annealing, hardening, forging, converting and carburising iron and other metals, works for the production of, or which employ, carbon bisulphide, cellulose lacquers, cyanogen or its compounds, hot pitch of bitumen, pulverised fuel, pyridine, liquid or gaseous sulphur dioxide and sulphure 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, sulphonated organic compounds, sulphur dyes, ultramarine, zinc chloride and zinc oxide and oil refining and works dealing with the processing or refining of petrol or oil or their products:

Provided that:

(1) when a certificate, issued by the Chief Health Services of a local authority in consultation with the Inspector of Factories, is produced, declaring that the process intended to be used in connection with any of the foregoing activities or factories will eliminate all nuisances or threats to the health in the neighbourhood due to:

- (a) vapour or effluvia;
- (b) fluids or liquid wastes originating from the property if it is the intention to purify the waste according to the soil treatment method, the nature 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 Industrial Zones 1 and 3.

"Occupant" - in relation to any building, structure or land means and includes the following: Any person occupying a building, or land or legally entitled to occupy it, or anybody having the charge or management thereof or in whose care it is entrusted; and if such a person is absent from the area or whose place of residence is unknown, then 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, building society and an insurance company.

"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 ordinarily necessary in connection with the use of the main building.

"Owner" - in relation to a building or land -

- (a) the registered owner;
- (b) the holder of a stand licence;
- (c) a lessee by virtue of a lease which is registered by law;
- (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.

"Parking garage" - 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 with a view to profit.

"Place of instruction" - a building designed for use or used as a school, college, technical college, technicon, university, lecture hall, crèche, a convent or monastery, a public library, art gallery, museum or gymnasium.

"Place of public worship" - a building designed for use, or used as a church, chapel, oratory, house of worship, synagogue or other place of public worship, and also a building designed or used as a place of religious instruction or an institution on the same site as and related to any of the foregoing 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, tearoom 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 retail sale of meals, refreshments, as well as the retail sale of fresh produce, mineral waters, tobacco, reading material and sweets.

"Podium" - the lower section of a building immediately above ground level but not exceeding three (3) storeys, which serves as a platform for a superstructure and which is wider than such superstructure.

"Private club" - land used or a building designed to be used as a private meeting-place for a group of people with a collective aim.

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

"Property" - any portion of land which is registered as a separate unit in a Deeds Office.

"Public garage" - a building which, for the purpose of gain or reward, is used for the maintenance, repair or fueling of vehicles and associated purposes, 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, fuels and lubricants for vehicles as well as the sale and display of new or used vehicles.

"Public open space" - land zoned for use by the public as an open space, and includes a park, garden, playground, recreation park or square.

"Public 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.

"Regulations" - the Town-planning and Townships Regulations published by the Administrator 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 building mentioned whether by way of inclusion or exclusion in the definitions of "Place of instruction", "Institution" and "Dwelling unit".

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

"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 materials, whether or not such dismantling or storage with a view to the disposal or re-use of such scrap.

"Service industry" - a use which, in the opinion of the local authority, is a small scale industrial activity related to the needs of the local community and the retail trade and which, in the opinion of the local authority, will not harm with the amenity of the surrounding properties or cause a nuisance as a result of noise, appearance, smell or activities or for any other reason whatsoever, but excludes a "Public garage" and "Filling station".

"Shop" - land used or a building designed or used for the purposes of carrying on retail trade and the necessary accompanying storage and packaging, and includes any accompanying use on the same site which is related and subordinate to the conduct of the retail business: Provided that such accompanying storage and packaging and accompanying use shall not give rise to any disturbance or nuisance. The following uses shall not be considered as incidental to a "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 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.

"Slab block" - a building or that part of a building erected upon a podium of which one axis is longer than the other and may include a projecting service core sited approximately at the middle of the longer side; or, with the consent of the local authority, in any other position.

"Social hall" - a building designed for use as or used for social assemblies, gatherings, meetings and recreation and includes a freemansons lodge and a club not intended for residential purposes but not a "place of amusement".

"Special consent" - the written consent of the local authority granted in terms of the provisions of clause 31 (Application for special consent) 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 in the Scheme.

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

"Warehouse" - a building or use of land for the exclusive purpose 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 subservient to the main use, but excludes any retail trade on the site 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 retailers.

"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 to indicate the restrictions on the use of land and the erection and use of buildings and the expressions "Density Zone", "Use Zone" and "Height Zone" mean zones which respectively indicate restrictions regarding density, use and height of buildings.

3. AREA OF SCHEME

The area to which this Scheme applies, shall be shown on the Map by the following notation:



The area which abuts the straight edge of the notation is the area within the Scheme whilst the area which abuts the semi-circular edge of the notation is not within the Scheme.

4. RESPONSIBLE AUTHORITY

The local authority shall be the authority responsible for enforcing and carrying into effect 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 upon which is inscribed the number of such annexure, a description of the property to which it applies, the special rights, conditions and restrictions applying 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 accord with the layout shown on the Map.
- (4) The number of the relevant annexure shall be inscribed in a double circle within or next to the figure of the relevant property on Map 3 and if it be inscribed next to such figure, it shall be joined to the figure by means of a line.


6. PROTECTION OF EXISTING BUILDINGS

Except that 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 partitioning, safes and toilets inside an existing building, or repair work inside or outside a building shall conform to the provisions of the Scheme, existing buildings, other than existing buildings in terms of the Ordinance, shall not be affected by the provisions of the Scheme which would otherwise make such buildings illegal: 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

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

7. LINES OF NO ACCESS

Entrance to and exit from a property from or to a public street or road where it is prohibited across any boundary line, shall be shown on the Map by the following symbol: 

Provided that the local authority may, on receipt of a written application, relax the access 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 other than boundary walls, swimming pools, fences or temporary buildings 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 that 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) 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	BUILDING LINE IN METRES		
	on street bounda- ries	on rear bounda- ries	on other bounda- ries
(1)	(2)	(3)	(4)
Residential 1 and 2	5		2
Residential 3 and 4	8		2
Business 1, 2, 3 and 4	5		-
Industrial 1, 2 and 3	6		-
Commercial	6		-
Public Garage	8	5	5
Agricultural	10	5	5
All other Use Zones	5	5	5

Provided that -

- (a) 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	Street, portion of street or erf number	Building line in metres
(1)	(2)	(3)
<u>Duncanville Ufibr. 1</u>		
Erf 658	Leeuwkuil Drive	12m
	Langenhoven Street	10m
		In title (not necessary)
<u>Duncanville</u>		
Erf 892	Senator Rood Avenue	11m
	Delville Street	11m
		Erf now cons. (not necessary)
<u>Duncanville 598IQ</u>		
Portion of	Van Riebeeck Avenue	16m
Remainder	Generaal Smuts Avenue	9m
		NOW DUNC x2 Tship (not necessary)

- (b) 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".

- (c) no building lines shall be applicable on erven in the central area.

(Now to page 14 (as in afrikaans text))

Roshnee	all streets	3m
Rust-ter, Ooal	" "	"
" " " Exl	" "	"

Table C

Description of property (1)	Applicable position (2)	Building line in metres (3)
<u>Annaton L.H.</u>		
Holdings 16 and 17	P162/1	15,74
<u>Bedworth Park</u>		
- Erven 1 tot 20, 188 to 216 and 599 to 627	- P156/ 1 2 P12-1	- 16,00 16,00
- Erven 576 to 581, 583 to 589, 591 tot 598, 737, 739 to 753, 919 and 920		
<u>Dadaville</u>		
- Erven 134 to 138 and 142 to 148	P1/1	16,00
<u>Duncanville Ext. 2</u>		
Erven 907 and 908	P1/1	20,00
<u>Duncanville Ext. 3</u>		
Erven 934, 988 and 989	P167/1	16,00
<u>Duncanville 598 IQ</u>		
- Ptn. 2	P1/1	16,00
- Ptn. of Remainder	Road P156/2	20,00
<u>Falcon Ridge</u>		
- Erven 2 to 23, 534 to 551	P162/1 and <u>Langrand Avenue</u>	16,00
<u>Harmoniesrus</u>		
Holdings Portion 24	P162/1	15,74
<u>Helenasrust</u>		
- Ptn. 116 to 119	P162/1	91,45
<u>Houtkop 594 IQ</u>		
- Ptn. 24	P24/1	30,00
<u>Leeuwkuil 596 IQ</u>		
- Ptn. of Remainder	Road P156/2	95,00
- Ptn. 137 (a Ptn. of Ptn. 26)	Road P88/1	35,00
<u>Risbiville Ext. 2</u>		
- Erven 839 to 857	P66	16,00

Vlakfontein 546 IQ

Table C		
Description of property (1)	Applicable position (2)	Building line in metres (3)
<u>Three Rivers East</u>		
- Erven 29 to 44, 125 to 127, 227 to 241 and 624 to 628	P167/1	13,00
<u>Unitas Park Ext. 1</u>		
- Erven 80 to 82, 85 to 99, 100, 114 178, 208 to 218, 227 and 390	P24/1	13,00
<u>Unitas Park A.H.</u>		
- Holdings 220 to 224, 223, 237, 238, 241, 242, 245, 246 and 250	P24/1	30,48
<u>Unitas Park A.H. Ext. 1</u>		
- Holdings 1 to 3, and 6 to 11	P24/1	30,48
<u>Unitas Park Ext. 2</u>		
- Holdings 57 and 58	P24/1	30,48
<u>Vaalkop</u>		
- Ptn. 144, 151, 152 and 154	Road P162/1	16,00
<u>Vandermerweskroon</u>		
- Holdings 2, 3, 4, 7, 8, 13, 15 and 16	Road P162/1	16,00
<u>Vandermerweskroon A.H. Ext. 1</u>		
- Holdings 37, 38, 40, 41 and 43	Road P162/1	16,00
<u>Waldrif</u>		
- Ptn. 8 Erf 630	P1/1	16,00

REMOVE.

Vlaakfontein 546 TO (Vaalkop)

(C) No buildings - - - - - SEE P. 12

See 9(d)

RELAXATION OF BUILDING LINE REQUIREMENTS

(f)

The local authority may on written application by the owner -

(1) subject to the provisions of provision (b) to clause 8(3) -

(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 or other special circumstances as determined by the local authority, compliance with the building line requirements will hamper the development of the property to an unreasonable extent;

- (b) relax the building restriction area for erven zoned Residential 2, 3, 4 and 5 on consideration of the site development plan, if such relaxation would, in its opinion, result in an improvement in the development of the erf;
- (c) permit the erection of a tennis court within the building restriction area; and
- (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.

PART 3

USE OF LAND AND BUILDINGS AND CONDITIONS APPLICABLE THERETO

10. 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 11, 30, 31 and 35 (erection and use of buildings or use of land, parking spaces, application for special consent, advertisement and objections, 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 having 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 under this clause to the applicant.

11. 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 may in each of use zones specified in Table "D":
 - (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 and fifth columns of the said Table.
- (b) For the purpose of this clause the expression "the erection and use of a building" includes the use of land.

Table D

Use Zone	Notation as shown on A Series of the Map	Buildings which may be erected and purposes for which they may be used	Buildings which may be erected and for which they used only with the special consent of the local authority	Buildings which may not be used or erected
(1)	(2)	(3)	(4)	(5)
1. Residen- tial 1		Dwelling houses	Places of public worship, places of instruction, social halls, institutions, special uses, and parking garages	Buildings not in columns (3) and (4)
2. Residen- tial 2		Dwelling units	Places of public worship, places of instruction, social halls, institutions, special uses and parking garages	Buildings not in columns (3) and (4)
3. Residen- tial 3		Dwelling units	Special uses, hotels, social halls, places of public worship and parking garages	Buildings not in columns (3) and (4)
4. Residen- tial 4		Dwelling units Residential buildings	Hotels excluding an off-sales, places of public worship, places of instruc- tion, social halls, institutions, special uses, places of refreshment and parking garages	Buildings not in columns (3) and (4)





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Table D (Continued)

Use Zone	Notation as shown on A Series of the Map	Buildings which may be erected and purposes for which they may be used	Buildings which may be erected and for which they used only with the special consent of the local authority	Buildings which may not be used or erected
(1)	(2)	(3)	(4)	(5)
5. Residen- tial 5		Mobile dwelling units; not more than one dwelling unit which need not be a mobile dwelling unit, for occupation by a caretaker; and such other buildings or structures as may, in the opinion of the local authority, be necessary for the administra- tion and proper functioning of the development of the property	Place of public worship, place of instruction, social halls, institutions and special uses	Buildings not in columns (3) and (4)
6. Busi- ness 1		Places of refresh- ment, shops, hotels, dwelling units, residential buildings, places of public worship, places of instruc- tion, social halls, public garages, dry-cleaners and offices, fish monger drive-in restaurants	Buildings not in columns (3) and (5)	Noxious industries




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Table D (Continued)

Use Zone	Notation as shown on A Series of the Map	Buildings which may be erected and purposes for which they may be used	Buildings which may be erected and for which they used only with the special consent of the local authority	Buildings which may not be used or erected
(1)	(2)	(3)	(4)	(5)
7. Business 2		Places of refreshment, shops, dwelling units, dwelling houses, dry-cleaners and offices	Buildings not in columns (3) and (5)	Noxious industries, industries (excluding dry-cleaners), warehouses and public garages
8. Business 3		Places of refreshment, shops, offices and dry-cleaners	Laundrettes, places of instruction, social halls, places of amusement, places of public worship, dwelling houses, special uses, confectioners and fish fryers and parking garages	Buildings not in columns (3) and (4)
9. Business 4		Offices, pharmacies	Special uses and parking garages	Buildings not in columns (3) and (4)
10. Special		As shown on relevant Annexure	As shown on relevant Annexure	Buildings not in columns (3) and (4)


Continue

Table D (Continued)

Use Zone	Notation as shown on A Series of the Map	Buildings which may be erected and purposes for which they may be used	Buildings which may be erected and for which they used only with the special consent of the local authority	Buildings which may not be used or erected
(1)	(2)	(3)	(4)	(5)
11. Indus- trial 1		Industries, (exclu- ding noxious industries) public garages, places of refreshment for own employees only, and warehouses	Buildings not in columns (3) and (5)	Noxious industries, dwelling units, residential build- ings and hotels
12. Indus- trial 2		Industries, noxious industries and places of refresh- ment for own employees only, and warehouses	Buildings not in columns (3) and (5)	Dwelling units, hotels and residential buildings
13. Indus- trial 3		Industrial or com- mercial purposes (excluding noxious industries) as the local authority may approve in writing, places of refreshment for own employees only, offices and other uses supplementary	Special uses, dwelling houses	Buildings not in columns (3) and (4)






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Table D (Continued)

Use Zone	Notation as shown on A Series of the Map	Buildings which may be erected and purposes for which they may be used	Buildings which may be erected and for which they used only with the special consent of the local authority	Buildings which may not be used or erected
(1)	(2)	(3)	(4)	(5)
		to and directly related to and subservient to the main use, retail trade in goods which are entirely or partially manu- factured, processed or assembled on the property, or any other goods which although not manu- factured, processed or assembled on the property form part of or are connected to the sale of or are used in or together with goods which are entirely or partially manu- factured, processed or assembled on the property		
14. Commer- cial		Commercial uses, places of refresh- ment for own em- ployees only and with the written consent of the local authority Retail trade and industries which are directly related to and subordinate to the main commercial use	Special uses	Buildings not in columns (3) and (4)





Continue

Table D (Continued)

Use Zone	Notation as shown on A Series of the Map	Buildings which may be erected and purposes for which they may be used	Buildings which may be erected and for which they used only with the special consent of the local authority	Buildings which may not be used or erected
(1)	(2)	(3)	(4)	(5)
15. Institu- tional		Institutions, places of public worship and places of in- struction	Social halls, spe- cial uses, dwelling units, residential buildings related to the main use set out in column (3)	Buildings not in columns (3) and (4)
16. Educa- tional		Places of instruc- tion, social halls and places of public worship	Dwelling units, institutions and special uses	Buildings not in columns (3) and (4)
17. Amuse- ment		Places of amuse- ment and social halls	Places of instruc- tion, special uses and places of refreshment	Buildings not in columns (3) and (4)
18. Muni- cipal		Municipal pur- poses, agricultu- ral buildings agricultural land		Buildings not in column (3)
19. Agri- cultural		Agricultural buil- dings and agricul- tural land	Social halls, places of instruction, places of public worship and special uses.	Buildings not in column (3) <i>a vel</i> (4)









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Table D (Continued)

Use Zone	Notation as shown on A Series of the Map	Buildings which may be erected and purposes for which they may be used	Buildings which may be erected and for which they used only with the special consent of the local authority	Buildings which may not be used or erected
(1)	(2)	(3)	(4)	(5)
20. Public garage		Public garage	Places of refreshment, dwelling unit for caretaker, special uses, panel-beating and spray-painting workshops (except in an area which, in the opinion of the local authority is a residential area)	Buildings not in columns (3) and (4)
21. Parking		Parking garage	Rest rooms and public conveniences	Buildings not in columns (3) and (4)
22. Public Open Space		Parks, public sport and recreation grounds, public open space gardens, play parks and squares	-	Buildings not in column (3)
23. Private Open Space		Private open space private clubs and only one dwelling unit for a caretaker	Agricultural buildings, agricultural land, nurseries and special uses	Buildings not in columns (3) and (4)

Continue

Table D (Continued)

Use Zone	Notation as shown on A Series of the Map	Buildings which may be erected and purposes for which they may be used	Buildings which may be erected and for which they used only with the special consent of the local authority	Buildings which may not be used or erected
(1)	(2)	(3)	(4)	(5)
24. Cemetery		Cemetery	Special uses	Buildings not in columns (3) and (4)
25. Sewage farm		Sewage farm	Agricultural build- ings and agricul- tural land	Buildings not in columns (3) and (4)
26. Aerodrome		Aerodrome and buildings neces- sary for the use of the aerodrome	Dwelling units for key personnel, places of refresh- ment, shops, com- mercial and special uses which are sub- servient and rela- ted to the uses mentioned in column (3)	Buildings not in columns (3) and (4)
27. Govern- ment		State purposes	-	-
28. S.A.R.		Railway purposes	-	Buildings not in column (3)
29. Reservoir		Reservoir and buildings in con- nection therewith	-	Buildings not in column (3)
30. Existing public roads		Street or road	-	-
31. Proposed new roads and wide- nings		Proposed new roads and wide- nings	-	-

12. CONDITIONS APPLICABLE TO DRY-CLEANERS

- (1) A dry-cleaner practising his trade in Use Zones 6, 7 or 8 shall be subject to the following conditions:
 - (a) Only chemicals of a non-flamable 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.

13. CONDITIONS APPLICABLE TO FISH MONGER OR FISH FRYER

- (1) A fish monger or 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.

14. TEMPORARY USES

Notwithstanding anything to the contrary contained in this scheme, it shall be competent for the local authority to consent to the temporary use of any land or building within any use zone, for any of the following:

- (1) The erection and use of temporary buildings or the use of existing buildings for purposes of site offices, storerooms, workshops or such other uses as are, in the opinion of the local authority necessary during the construction of any permanent building or structure on the land: Provided that such consent shall ipso facto lapse upon completion of the permanent building or structure.
- (2) The ad hoc use of land or buildings for concerts, fairs, circuses, bazaars, flea markets or public gatherings.
- (3) The use of the land or buildings thereon for State or municipal purposes:

Provided that any such consent shall be for a period not exceeding 12 months which period may be extended by the local authority for further periods not exceeding 12 months subject thereto that the total of such periods shall not exceed 5 years.

15. USE OF BUILDINGS FOR A CERTAIN PURPOSE

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 therefore.

16. SPECIAL CONSENT

Subject to the provisions of clause 31 (Application for special consent) hereof, the local authority may, where any application is made to it for its special consent to the erection and use of a building in a use zone in which a building of the type proposed may be erected and used only with the local authority's special consent, 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: Provided that consideration shall be given to the question whether the use for which the building is intended or designed might possibly cause injury to the amenity of the neighbourhood.

17. DEFINITION OF EXPRESSION "THE ERECTION AND USE"

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.

18. BYLAWS STAY IN FORCE

Nothing herein contained shall be deemed to grant exemption from any of the local authority's by-laws not inconsistent herewith.

19. PROTECTION OF LAND IN CERTAIN USE ZONES

No person shall spoil or waste land in Use Zones 22, 23, 24, 25, 29 and 31 so as to destroy or impair its use for the purpose for which it is zoned.

20. STATUS OF "NEW ROADS AND WIDENINGS"

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.

21. PROVISIONS OF THE SCHEME IN CONFLICT WITH CONDITIONS OF TITLE

Notwithstanding anything contained in this Scheme, which may be in conflict with any condition of title of any land in use zone 19 which provides that the Administrator may grant the right to use the land for any trade, business industry or other uses and where the Administrator has granted such right, then such trade, business or industry or other uses may be exercised on such land subject to such conditions as the Administrator may impose.

22. PROHIBITION ON THE USE OF LAND FOR CERTAIN PURPOSES

No land in any use zone, shall be used for dumping of waste, sewerage, motor scrap yard, scrap yard or cemetery without the consent of the local authority.

23. PROHIBITION ON PARKING OF CERTAIN EQUIPMENT AND VEHICLES

Except with the written consent of the local authority, no land in a "Residential 1" zone shall be used for the parking of any mobile type agriculture- or industrial equipment or machinery, or any motor vehicles of which the mass exceeds 3500kg, or a bus or goods vehicle of which the gross vehicle mass exceeds 3500kg.

24. CONDITIONS APPLICABLE TO ALL ERVEN

- (1) Except with the written consent 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 erf for building purposes, to excavate any material therefrom;
 - (b) sink any wells or boreholes thereon or abstract any subterranean water therefrom; or
 - (c) make, or permit to be made on the property for any purpose whatsoever, any titles or earthenware pipes or other articles of a like nature. (This condition shall not apply to erven in Use Zones 11, 12 and 13 (Industrial 1, 2 and 3).)
- (2) Where, in the opinion of the local authority, it is impracticable for stormwater to be drained from higher-lying erven direct to a public street the owner of the lowerlying erf shall be obliged to accept and permit the passage over the erf of such stormwater: Provided that the owners of any higher lying erven, the stormwater from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.
- (3) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the local authority.

- (4) The main building, which shall be a completed building and not one 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 erf to the satisfaction of the local authority, unless the local authority has provided loading facilities in the streetreserve. (This condition shall not apply to erven in Use Zones Residential 1, and Residential 2 (if subdivision into separate dwelling units has taken place).
- (6) No material of goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying out of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such a boundary this condition may be relaxed by the local authority and subject to such conditions as may be determined by it.
- (7) A screen wall or walls shall be erected and maintained to the satisfaction of the local authority as and when required by it.
- (8) If the property is fenced such fence, and the maintenance thereof shall be to the satisfaction of the local authority.
- (9) 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 cost of the registered owner.

25. 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.
- (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 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 approved site 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, vehicular and pedestrian traffic systems;
 - (h) the elevational and architectural treatment of all buildings and structures; and
 - (i) the grouping of the dwelling units and the programming of the development of the property if it is not proposed to develop the whole property simultaneously.
- (3) The local authority shall not approve any building plan which does not comply with the proposals in the approved site development plan with particular reference to the elevational and architectural treatment of the proposed building or structure.
 - (4) Buildings may be sited contrary to any provision of the by-laws, ^{it} if is in accordance with an approved site development plan. [^]

26. CONDITIONS APPLICABLE TO RESIDENTIAL 3 AND 4 ERVEN

- (1) In Use Zones 3 and 4 where development takes place at a density not greater than 20 dwelling units per hectare the provisions of clause ~~48~~ ²⁵ shall apply.
- (2) Where the development takes place at a density greater than 20 dwelling units per hectare the following conditions shall apply:
 - (a) The registered owner of the erf shall make available and accessible, to the satisfaction of the local authority, at least 250m² of the erf as children's play area which area may include paved areas and lawns. 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, provided that the local authority may relax any conditions described in this sub-clause.
 - (b) 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 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 approved site development plan. Such site development plan shall show at least the following:

- (i) The siting, height, floor areas, floor area ratio and coverage of buildings and structures and the number of dwelling units per hectare;
- (ii) open spaces, children's playground and landscaping;
- (iii) entrances to and exits from the erf, internal roads and parking areas;
- (iv) entrances to buildings and parking areas;
- (v) building restriction areas;
- (vi) parking areas and, where required by the local authority, the vehicular and pedestrian traffic systems;
- (vii) the elevational treatment of all buildings and structures; and
- (viii) the proposed subdivisional lines, if the erf is to be subdivided.

27. CONDITIONS APPLICABLE TO RESIDENTIAL 5 ERVEN

- (1) No mobile dwelling unit shall be located elsewhere than on the parking slab provided for such purpose within the mobile dwelling unit's site.
- (2) The density of mobile dwelling units shall not exceed 16 mobile dwelling units per hectare.
- (3) No building shall exceed two storeys in height.
- (4) The internal roads on the erf shall be constructed and maintained by the registered owner to the satisfaction of the local authority.
- (5) The siting of buildings, including outbuildings, hereafter erected on the erf, and mobile dwelling units sites as well as entrances to and exits from the erf shall be to the satisfaction of the local authority.
- (6) 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 building plans or the siting of any mobile dwelling unit. No building or mobile dwelling unit shall be erected or sited 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 amendments or additions to buildings or mobile dwelling units 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 approved site development plan: Provided further that the plan may, from time to time, be amended with the written consent of the local authority. Such site development plan shall indicated at least the following:

- (a) The siting, height and coverage of all buildings and structures and number of mobile dwelling units per hectare;
 - (b) open spaces, children's playgrounds, as well as landscaping;
 - (c) vehicular entrances to and exits from the erf;
 - (d) entrances to buildings and parking areas;
 - (e) building restriction areas (if any);
 - (f) parking areas in which parking spaces and manoeuvring areas and, if required by the local authority, the vehicular and pedestrian traffic systems, are shown;
 - (g) the elevational treatment of all buildings and structures except mobile dwelling units;
 - (h) the grouping of the mobile dwelling units and the programming of the development of the erf;
 - (i) the number and siting of all mobile dwelling unit sites, as well as the siting, height and material of screen walls or other fencing; and
 - (j) the siting and nature of all fire-fighting equipment and service connecting points.
- (7) A mobile dwelling unit site shall be at least 400m^2 in extent and the longest side of the mobile dwelling unit's parking slab must front within 30 of true north.
- (8) Where storage space is provided such shall be at least 3m^2 and at the most 6m^2 in extent per mobile dwelling unit site and shall be located to the satisfaction of the local authority within 30m of the site which it serves.
- (9) Before any mobile dwelling unit will be permitted on the erf the following conditions shall be complied with:
- (a) A private outdoor living space having a minimum area of 30m^2 ~~5m~~ shall be provided and screened on each mobile dwelling unit site to the satisfaction of the local authority.

- (b) Communal laundry facilities shall be provided to the satisfaction of the local authority. These facilities shall include at least the following:
 - (i) A building designed and equipped for the washing and ironing of clothes.
 - (ii) A communal yard having an area which, in the opinion of the local authority, shall be sufficient to cater for the needs of the occupants of the mobile dwelling units which may be sited on the erf but which shall not be less than $1,5m^2$ for each mobile dwelling unit site, shall be provided on the erf for the drying of washing. Such communal yard shall be screened to the satisfaction of the local authority.
- (c) Toilet facilities for the use of the occupants of the erf shall be provided for each sex in the ratio of one toilet to 25 or less mobile dwelling unit sites on the erf at each service building.
- (d) Fire-fighting equipment shall be provided to the satisfaction of the local authority.
- (e) The following facilities for servants shall be provided to the satisfaction of the local authority:
 - (i) A cloakroom with toilets for females in the ratio of one toilet to 25 or less mobile dwelling unit sites and a cloakroom with toilets for males in the ratio of two toilets to 50 or less mobile dwelling unit sites: Provided that in the case of the cloakroom for males a urinal unit instead of one of the two toilets may be provided. One washbasin shall be provided for each toilet.
 - (ii) Shower and bath facilities for each sex.
 - (iii) A dining hall.
- (f) A mobile dwelling unit parking slab and permanent service connecting points for electricity, water, and sewage shall be provided on each mobile dwelling unit site to the satisfaction of the local authority.
- (g) The erf shall be landscaped to the satisfaction of the local authority.
- (10) The space underneath any mobile dwelling unit shall be screened and maintained to the satisfaction of the local authority and under no circumstances shall any material or goods of whatsoever nature be stored or placed in such space.
- (11) No fencing shall be erected around a mobile dwelling unit site without the written consent of the local authority.
- (12) Additional structures, except the storage space, referred to in subclause (8), shall at most overlap the sides of a mobile dwelling unit by 4 metres.

- (13) Except with the written consent of the local authority and subject to such conditions as it may determine, no outdoor-apparatus for the drying of washing shall be installed on the mobile dwelling unit site.
- (14) The provision, siting and screening of rubbish removal containers shall be to the satisfaction of the local authority.
- (15) The total coverage of all structures and buildings including the mobile dwelling unit on a mobile dwelling unit site shall not exceed 30 per cent of the area of such site.
- (16) Service points which are not connected shall be sealed and screened to the satisfaction of the local authority.

28. CONDITIONS APPLICABLE TO PUBLIC GARAGE ERVEN

- (1) No material or equipment of any nature whatsoever shall be stored or stacked to a height greater than the height of the screen wall: Provided that the local authority may relax this condition where the erf is situated within, adjacent to or surrounded by industrial uses.
- (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 shall 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.

29. CONDITIONS APPLICABLE TO TOWNSHIPS OR ERVEN IN DOLOMITE AREAS OR ON LAND WITH DETRIMENTAL SOIL CONDITIONS

In addition to any condition specified in column (3) of Table "E" in respect of any specified erf or township, such erf or, if no erf in a township is specified, all erven in such township shall be 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 150 mm, 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 E

Township (1)	Erf description (2)	Conditions (3)
Arcon Park X4	All erven	a-f
Dadaville	All erven	a-f No abstraction of subterranean water
Bessville X2	" "	a-f
Falcon Ridge	All erven	a-f
Roshasia	All erven	a-f ditto

30. PARKING

- (1) Effective and paved parking spaces as set out in Table "F" together with the necessary manoeuvring area, shall be provided on the property to the satisfaction of 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 purpose to the satisfaction of the local authority.
- (3) The levying of a parking fee for the hire of parking spaces provided in terms of this clause, shall not be regarded as a business.

Table F

Use zone/Use (1)	Minimum parking requirement (2)
Residential 2 and in other use zones except in Residential 1 where dwelling units at a density of 20 dwelling units per hectare, or less are erected	<p>(i) 1 Covered parking space per dwelling unit; and</p> <p>(ii) 1 Uncovered parking space per dwelling unit if so required by the local authority</p>
Residential 3 and in other use zones except in Residential 1 where dwelling units at a density greater than 20 dwelling units per hectare, are erected	<p>(i) 1 Covered parking space per dwelling unit of 3 living rooms or less;</p> <p>(ii) 1 Covered and 1 uncovered parking space per dwelling unit with 4 or more living rooms; and</p> <p>(iii) 1 Uncovered parking space per 3 dwelling units for visitors</p>
Residential 5	<p>1 Parking space per mobile dwelling unit site; and</p> <p>1 Parking space per mobile dwelling unit site if required by the local authority. (The parking spaces shall be provided on a site or sites of which each shall have at least five (5) parking spaces to the satisfaction of the local authority).</p>
Shops, excluding shops in Use Zone 6	6 Parking spaces per 100m ² gross leasable shop floor area
Shops in Use Zone 6	2 Parking spaces per 100m ² gross leasable shop floor area
Use Zones Industrial 1, 2 and 3	<p>(i) 1 Parking space per 100m² gross leasable industrial floor area; and</p> <p>(ii) 2 Parking spaces per 100m² gross leasable office and commercial floor area</p>
Industries in any other use zone than Industrial 1, 2 and 3	2 Parking spaces per 100m ² gross leasable industrial floor area

Continue

Table F (Continued)

Use zone/Use (1)	Minimum parking requirement (2)
Use Zone Commercial and Offices in Use Zones Business 1, 2 3 and 4	2 Parking spaces per 100m ² leasable floor area
Places of Public Worship	1 Parking space per 6 seats
Places of Amusement	1 Parking space per 4 seats
Hotels	1 Parking space per bedroom or suite plus 6 parking spaces per 100m public room floor area
Hospitals and Nur- sing Homes	0,7 Parking spaces per bed
Public Garages	40 Per cent of the area of the site including the area around fuel pump islands, but excluding workshops, show rooms, work areas, lubrica- ting and washing areas
Medical suites and doctors rooms	6 parking spaces per 100m ² leasable floor area
Any other uses 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 "F" 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 waiving the applicant shall pay a cash contribution to the local authority as determined by the local authority in lieu of the provision of such 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.

31. APPLICATION FOR SPECIAL CONSENT

- (1) (a) Any person (hereinafter called "the applicant") intending to apply to the local authority for special consent to the erection and use of a building or to the use of land in any use zone whether wholly or partially for any purpose requiring the local authority's special consent shall submit such application to the local authority in writing.
- (b) The applicant shall -
- (i) publish at his own expence, a notice containing full particulars of the consent for which he is applying, and the land to which it relates once per week for two consecutive weeks in a newspaper as contemplated in section 91 of the Constitution of the Republic of South Africa Act, 1983 (Act 110 of 1983) which circulates in the area; and
- (ii) post and maintain a similar notice in a conspicuous place on each separate portion of the land or building to which such consent applies for a period of not less than 14 consecutive days calculated from the date of the first notice in the newspaper mentioned in subclause (i) above.
- (c) The notices mentioned -
- (i) in subclauses (b)(i) and (ii) shall contain the name and address of the applicant and shall state that any objection or representation in connection with such application shall be submitted in writing simultaneously to the local authority and the applicant within 28 days calculated from the date of the first notice in the newspaper, ~~and any~~ *objection not so lodged shall be invalid; and.*
- (ii) in subclause (b)(ii) shall not be smaller than 594 mm by 420 mm and any letter thereon shall be at least 6 mm in height.
- (d) The applicant shall, simultaneously with the submission of the application, submit a certificate that the notice referred to in subclause (b)(ii) was properly posted and maintained.
- (2) The local authority shall take into consideration any objection or representation received within the said period of twenty-eight (28) days and shall notify the applicant and any person from whom any objection or representation was received of its decision.


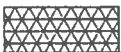

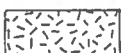
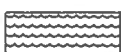




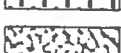
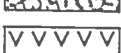



(5) ~~Any approvals or consents given under the provisions of this~~ *4/1/15*
Clause ~~any part of this Scheme shall be valid for a period of one~~
year only from the date of approval or consent, after which
date the approval or consent shall be null and void unless
development in accordance with the ~~approval or consent~~ has
been substantially undertaken, provided that the ~~council~~ shall
have the discretion to ~~renew~~ such ~~approval or~~ consent for
periods not exceeding 12 months upon written application only
of the owner, subject to such application being lodged prior
to the date of the expiry of the original approval or any exten-
ded approval previously given in terms of this Clause.

32. CERTAIN USES NOT PROHIBITED OR RESTRICTED BY THE PROVISIONS OF THE SCHEME

- (1) Without prejudice to any power of the local authority derived from any law, or to 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 ~~worship~~ *workings*
 - (b) The use of land or the erection of buildings required for the purposes of a recreation or sportsground not being a recreation or sportsground 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.
 - (e) The practise, subject to the provisions of any applicable by-laws, in or from any dwelling unit, dwelling house or residential building of a profession or occupation by a person who, with his family permanently occupies such dwelling unit, dwelling house or residential building for residential purposes: Provided that such practise shall not involve the following:
 - (i) The use of the building as an "industry" or "Noxious activity".
 - (ii) The public display of goods whether in a window or otherwise.
 - (iii) The exhibition of any notice or sign board, other than a notice or sign board ordinarily exhibited on a dwelling house or dwelling unit to indicate the name and profession or occupation of the occupant.
 - (iv) Interference with the amenities of the neighbourhood.
 - (v) The partnership taking and employment of more than two persons.

33. NUMBER OF DWELLING HOUSES WHICH MAY BE ERECTED AND SUBDIVISIONS

- (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 "G" for the density zone in which the existing erf is situated.

Table G		
DENSITY ZONES		
Notation as shown on the "B"- series of the Map	Number of dwelling houses per existing erf	Minimum area of site required per dwelling house in square metres
(1)	(2)	(3)
	1	
	1	100
	1	200
	1	300
	1	400
	1	500
	1	700
	1	1000
	1	1250
	1	1500
	1	2000
	1	2500
	1	3000
	1	4000

Provided that -

- (a) in those areas in which in terms of Table "G" 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 "H" 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 "G" 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 of less than such minimum. The local authority may, however, consent to the subdivision of land into portions smaller than such minimum, provided that no such smaller portion shall be used as a site for a dwelling house.
- (3) All erven shown on a general plan approved before 1 September 1970, shall be entitled to a relaxation of the density provisions in terms of Table "G" 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 provision in this Scheme the local authority may consent to the erection of a second dwelling unit on erven in Use Zone 1 (Residential 1) within the area of the Scheme, subject to the following conditions:
 - (a) Except with the written consent of the local authority the area of the property on which the second dwelling unit is to be erected shall not be less than 750m².
 - (b) Except with the written consent of the local authority the floor area of the second dwelling unit shall not exceed 90m².
 - (c) Where a portion of an existing 2- or more storey dwelling house is converted for a second dwelling unit, the floor area of the second dwelling unit shall not exceed 90m² or the floor area of one of the storeys of the existing dwelling house, whichever is the larger: Provided that the local authority may grant permission that the floor area of such second dwelling unit may exceed 90m² where it already existed prior to or on 1 April 1991.
 - (d) Except with the written consent of the local authority the second dwelling unit shall be attached to the main dwelling house to the satisfaction of the local authority. The second dwelling unit shall fit in architecturally with the existing main dwelling house to the satisfaction of the local authority.

- (e) At least one parking space for use by inhabitants of the second dwelling unit shall be provided on the property to the satisfaction of the local authority.
- (f) A sketch plan indicating the proposed second dwelling unit and at least the following shall accompany an application to erect a second dwelling unit:
 - (aa) All existing and proposed buildings and structures, entrances to and exits from the property and parking.
 - (bb) The location of the existing and proposed sewer pipes, water pipes and electrical cables.
 - (cc) entrances to buildings.
 - (dd) The elevational treatment of existing and proposed buildings and structures.
 - (ee) Side and rear building lines.
- (g) The local authority shall upon consideration of the application satisfy itself that the proposed second dwelling unit will not be detrimental to the development on the erf or the residential amenity of the neighbourhood.
- (h) The local authority shall consider the application within a reasonable time and shall approve or refuse it.
- (i) The local authority may impose such further conditions that it may regard as necessary or relax or amend any of the abovementioned conditions if it will in its opinion result in an improvement of the development on the property.

34. ALLOWANCE FOR SPLAYING OF CORNERS

- (1) In calculating the area of a corner erf the portion thereof cut off by the splay shall be included in the area of the erf for the purpose of Table "G".
- (2) Upon the subdivision of any land, where any portion of such land is physically separated by the execution or proposed execution of public works, and provided that such portion does not fall below 75 per cent of the minimum area as laid down in column (3) of Table "G" for the said land, the portion so separated may be regarded as an existing erf.

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

- (1) Table "H" 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 "H" on the B-series of the Map.

Table H

HEIGHT ZONE	NOTATION	HEIGHT	COVERAGE (%)	F.A.R.	Number of dwelling units per hectare for Resi- dential 2 only
	as shown on the B-series of the Map	(Storeys) Height in different height zones and where the uses or use zones are not specifically men- tioned, the height is applicable to all uses	Coverage in diffe- rent height zones and where the uses or use zones are not specifically mentioned, the coverage is appli- cable to all uses, except Residential 2	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	
(1)	(2)	(3)	(4)	(5)	(6)
0	Area not bordered	Dwelling house 4	Dwelling house 50%	Dwelling house	0,5
		Residential building 6	Residential building 50%	Residential building	1,5
		Hotels, Institutions, Places of Instruction 4	Hotels, Institutions Places of Instruction 50%	Hotels, Institutions Places of Instruction	1,5
		Use zones 11, 12 12a-21 no re- striction ⓧ	Use zones 11, 12 12a-21 no re- striction ⓧ	Use zones 11, 12 12a-21 no re- striction ⓧ	no re- striction
		Other 4	Other 50%	Other	1,5

Continue

ⓧ Industries, Noxious industrial
warehouses & parking garages

Table H (Continued)

HEIGHT ZONE	NOTATION	HEIGHT	COVERAGE (%)	F.A.R.	Number of dwelling units per hectare for Resi- dential 2 only
	as shown on the B-series of the Map	(Storeys) Height in different height zones and where the uses or use zones are not specifically men- tioned, the height is applicable to all uses	Coverage in diffe- rent height zones and where the uses or use zones are not specifically mentioned, the coverage is appli- cable to all uses, except Residential 2	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	(6)
(1)	(2)	(3)	(4)	(5)	(6)
1	(H1) ★ ★ ★ ★ ★	Dwelling House	8	Dwelling house	1,4
		Residential buildings Places of Instruction Institutions, Hotels	8	Residential buildings Places of Instruction Institutions, Hotels	2,7
		Offices	8	Offices	4
		Other	8	Other	4

Continue

Table H (Continued)

HEIGHT ZONE	NOTATION	HEIGHT	COVERAGE.(%)	F.A.R.	Number of dwelling units per hectare for Resi- dential 2 only
	as shown on the B-series of the Map	(Storeys) Height in different height zones and where the uses or use zones are not specifically men- tioned, the height is applicable to all uses	Coverage in diffe- rent height zones and where the uses or use zones are not specifically mentioned, the coverage is appli- cable to all uses, except Residential 2	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	
(1)	(2)	(3)	(4)	(5)	(6)
2	★ ★ ★ ★ ★ (H2)	Dwelling houses	6	Dwelling house	1,0
		Residential buildings Places of Instruction Institutions Hotels	6	Residential buildings Places of Instruction Institutions Hotels	2,0
		Offices	6	Offices	3,0
		Other	6	Other	3,0

Continued

Tabel H (vervolg)

HOOGTE- SONE	NOTASIE	HOOGTE	DEKING (%)	V.O.V.	
(1)	(2)	(3)	(4)	(5)	(6)
	soos op die "B" reeks van die Kaart aangetoon	(Verdiepings) Hoogte in verskillende hoogtesones en, waar die gebruik of gebruiksones nie spesifiek vermeld is nie, is die hoogte van toepassing op alle ge- bruik (3)	Dekking in ver- skillende hoog- te sones, en waar die gebruik of gebruiksones nie spesifiek vermeld is nie, is die dekking van toepassing op alle gebruik behalwe Residen- sieel 2 (4)	Vloeroppervlakte- verhouding in verskillende hoog- tesones en waar die gebruik of gebruiksones nie spesifiek vermeld is nie is die vloeroppervlakte- verhouding van toepassing op alle gebruik <i>De hoiw Res 2</i> (5)	Aantal wooneenhede per hektaar slegs vir Residen- sieel 2 (6)
3	★ ★ ★ ★ ★ (H3)	2	-	-	10
4	★ ★ ★ ★ ★ (H4)	2	30	0,4	15
5	★ ★ ★ ★ ★ (H5)	2	30	0,6	20
6	★ ★ ★ ★ ★ (H6)	3	40	0,6	-
Vervolg					

Table H (continued)

HEIGHT ZONE	NOTATION	HEIGHT (Storeys) Height in different height zones and where the uses or use zones are not specifically men- tioned, the height is applicable to all uses	COVERAGE (%)	F.A.R.	Number of dwelling units per hectare for Resi- dential 2 only
(1)	(2)	(3)	(4)	(5)	(6)
3	(H3) ★ ★ ★ ★ ★	2	-	-	10
4	(H4) ★ ★ ★ ★ ★	2	30	0,4	15
5	(H5) ★ ★ ★ ★ ★	2	30	0,6	20
6	(H6) ★ ★ ★ ★ ★	3	40	0,6	-
7	(H7) ★ ★ ★ ★ ★	2	30	0,35	25
Continue					

Table H (continued)

HEIGHT ZONE	NOTATION	HEIGHT (Storeys)	COVERAGE (%)	F.A.R.	Number of dwelling units per hectare for Resi- dential 2 only
	as shown on the B-series of the Map	Height in different height zones and where the uses or use zones are not specifically men- tioned, the height is applicable to all uses	Coverage in diffe- rent height zones and where the uses or use zones are not specifically mentioned, the coverage is appli- cable to all uses, except Residential 2	Floor area ratio in different height zones and where the uses or use zones are not specifically mentioned, is the floor area ratio applicable to all uses, except Residential 2	(6)
(1)	(2)	(3)	(4)	(5)	(6)
8	(H8) ★ ★ ★ ★ ★	2	40	0,8	30
9	(H9) ★ ★ ★ ★ ★	2	60	1,0	-
10	(H10) ★ ★ ★ ★ ★	2	60	1,2	-
11	(H11) ★ ★ ★ ★ ★	3	70	1,4	-
12	(H12) ★ ★ ★ ★ ★	4	70	1,5	-

36. RESTRICTION ON HEIGHT OF BUILDINGS

No building shall be higher than the number of storeys set out in column (3) of Table "H" or on the applicable Annexure:

Provided that -

- (1) the local authority may permit the number of storeys prescribed in any height zone to be increased 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 taken into account;
- (3) where 75 per cent or more of a floor is used for the parking of vehicles, it shall not be counted as a storey;
- (4) in Use Zones 22 (Public open space) and 23 (Private open space) buildings may not exceed one (1) storey in height unless otherwise permitted in the Scheme;
- (5) for the purposes of this clause basements shall not be included in height, provided further that the floor area ratio has as determined in the Scheme is not exceeded; and
- (6) for the purposes of this clause the maximum height of a storey shall not exceed 6 m in respect of the ground storey and 4,5 m in respect of any other storey.

37. RESTRICTION ON COVERAGE OF BUILDINGS

- (1) No building shall be erected with a greater coverage than that set out in column (4) of Table "H" 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 "H" for the predominant use of the particular storey; and
 - (b) in Use Zones 6 and 7, the local authority may if a mechanical or electrical air conditioning system is installed, consent to a maximum coverage of 97 per cent on ground floor of buildings or corner erven and 95 per cent on ground floor of buildings of other erven: Provided that in the case of a building erected or used for banking purposes, such consent may be given in respect of ground and first floors.
- (2) For the purposes of this clause -

- (a) a building includes fire escapes and all outbuildings on the same site;
- (b) the space occupied by sky-lights, parapets, pitched-roofing or similar projections and chimneys shall count as unoccupied space; and
- (c) all structures which are not covered by a roof shall not be taken into account in the calculation of coverage.

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

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

PART 4

GENERAL AMENITY

39. REMOVAL OF INJURIOUS CONDITIONS

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

PART 5

MISCELLANEOUS

40. 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 granted in terms of the Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of the Scheme and shall be regarded as though they were part of this Scheme.

41. ENTRY AND INSPECTION OF PROPERTIES

- (1) The local authority shall have the power, through duly authorised officers and after giving not less than forty-eight (48) hours notice to the owner or occupant of any property within the area, to enter into and upon such property at any time between 09:00 and 16:00 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.

42. SERVING OF NOTICES

- (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 or other 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 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 address which may be his last known abode, place of business or employment, or post office box number; and
- (d) if such person to be served has chosen a domucilium 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.

43. CONFLICT BETWEEN SCHEME, TITLE CONDITIONS AND TOWNSHIPS CONDITIONS

No consent of the local authority given under the provisions of this Scheme shall be construed as conferring any person the right to use any land or to erect or use a 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.

44. TITLE

This Scheme shall be known as the VEREENIGING TOWN PLANNING SCHEME, 1992.

