SCHEDULE 1
Scheme clauses for Umzimkulu
(Section 4(1)(b))

Definitions

1. In this Schedule, unless the context indicates otherwise –

"agricultural building" means a building used in relation to agricultural land;

"agricultural land" means land used for the cultivation of crops and rearing of farm animals;

"building" means –
(a) any structure attached to the soil;
(b) any building which is in the process of being erected;
(c) any prefabricated building not attached to the soil; and
(d) a part of a building,

excluding
(i) any fence;
(ii) post;
(iii) steps;
(iv) pier;
(v) ramp;
(vi) fountain;
(vii) statue;
(viii) fish-pond; or
(ix) other garden ornamentation;

"building line" means a line defined in respect of a boundary of a lot and forming an area between such line and boundary within which building is restricted as contemplated in item 5;

"business" means a use of a building or land for offices, showrooms, restaurants or other business or commercial purposes but does not include a place of instruction, a shop, a public garage, an industry, a noxious industry, a builder's
yard or a scrapyard;

"coverage" means the area of a property covered by buildings measured over the external walls as seen vertically from above and expressed as a percentage of the area of a property;

"dwelling unit" means an interconnected suite of rooms, designed for living accommodation, whether such dwelling unit –

(a) forms a single building;
(b) forms part of a building containing –
   (i) more than one dwelling unit; or
   (ii) rooms used for purposes other than residential purposes;

"floor area" means the sum of the areas covered by the building at the floor level of each storey;

"industry" means an activity on any premises amounting to the use of the premises as a factory;

"institution" means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private;

"noxious industry" includes any industry or trade that by virtue of noise or effluents is dangerous or harmful to the health and welfare of the general public, such as the smelting ores and minerals, works for the production of sulphur dyes, or the sintering of sulphur-bearing materials;

"occupant" in relation to building or land, includes a person occupying such building or land or legally entitled to occupy it, or anybody in charge or management thereof, and includes the agent of such a person;

"owner" means the registered owner of the land including –

(a) the registered holder of a leasehold, deed of grant, or any other land
tenure right in terms of any law;
(b) the successor in title to such land or any remainder thereof; and
(c) the legal representative of the owner;

"parking garage" means a building or land or part thereof used solely for parking motor vehicles;

"place of instruction" means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other functional centre, and includes a crèche, a convent or monastery, a public library, an art gallery, a museum and a gymnasium;

"place of public worship" means a building primarily used as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion, but does not include a funeral chapel which must be treated as a building used for "special purposes";

"open space" means land used a park, garden, playground, recreational park or square;

"property" means any portion of land registered as a separate unit in a deeds registry;

"public garage" means a building or land used primarily for the maintenance, repair or fuelling of vehicles and ancillary purposes;

"public open space" means land used by the public as an open space, and includes a park, garden, playground, recreational park or square;

"residential building" means a building used primarily for human habitation or the uses permitted in terms of item 3;

"shop" means a building or land used primarily for retail trade and ancillary
purposes including storage and packaging;

"social hall" means a building used primarily for social assemblies, gatherings, meetings or recreational purposes;

"storey" means a room or set of rooms at one level, including a room, the floor of which is split into two or more levels and has the following implications –
(a) a pitched roof containing a habitable room or any other style of roofing which contains a habitable room constitutes a storey;
(b) if a storey is higher than 4.5 metres, each of the 4.5 metres or part thereof constitutes a storey; and
(c) a basement wholly below the level of the adjoining ground does not constitute a storey;

"warehouse" means a building or land used exclusively for the storage of goods which are not dangerous or noxious;

"zone" means an area shown on the scheme map in which specific rights, obligations and restrictions have been imposed in accordance with the provisions of this Schedule.

Application of Schedule to existing buildings
2. The provisions of this Schedule do not render unlawful any existing building that has been lawfully erected in accordance with approved building plans before 12 September 1986, but apply to alterations, other than minor alterations, or a change of use of such a building.

Erection and use of building or use of land
3. The purposes for which buildings and land in each of the zones specified in column 1 of Table A may –
   (a) be erected and used;
(b) be erected and used with special consent contemplated in section 67bis of the
Ordinance; or
(c) not be erected or used,
are shown in the second, third and fourth columns of Table A respectively.
### TABLE A
**USES**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>2 (Item 3(a))</th>
<th>3 (Item 3(b))</th>
<th>4 (Item 3(c))</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Residential</td>
<td>Place of public worship, place of instruction, social hall, institutions</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commercial</td>
<td>Residential building, public garage, light industrial</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Industrial</td>
<td>Noxious industry</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Education</td>
<td>Dwelling house, residential building, institution</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Administration</td>
<td>Government purposes</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Agriculture</td>
<td>Agricultural building, agricultural land</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Public open space</td>
<td>Public open space, open space, dwelling unit for supervising personnel</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New and widened road</td>
<td>Proposed new street and street widening</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cemetery</td>
<td>Burial, crematorium and incidental buildings</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Worship</td>
<td>Place of public worship</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
</tbody>
</table>

**Side and rear space**

4.(1) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on property may be
erected without a space, free of any building, between it and one of the side boundaries and also between the building and the rear boundary of the property.

(2) The side and rear spaces must be in accordance with Table B.

<table>
<thead>
<tr>
<th>TABLE B</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIDE AND REAR SPACES</td>
</tr>
<tr>
<td>Zone</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>Commercial</td>
</tr>
<tr>
<td>Industrial</td>
</tr>
<tr>
<td>Education</td>
</tr>
<tr>
<td>Worship</td>
</tr>
</tbody>
</table>

Relaxation of side and rear space

5.(1) A municipality may permit the erection of a building within the side or rear space upon receipt of a written application.

(2) Permission granted in terms of sub-item (1) is valid for the life of the building concerned.

Provision of parking

6.(1) Parking space must be provided in accordance with the parking requirements set out in Table C.

(2) The layout of the parking space must be approved by the municipality.

(3) The municipality may, on written application by the owner of the relevant property, grant permission for a relaxation of the parking requirements set out in Table C.

<table>
<thead>
<tr>
<th>TABLE C</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARKING</td>
</tr>
<tr>
<td>Zone</td>
</tr>
<tr>
<td>Residential buildings</td>
</tr>
<tr>
<td>Commercial</td>
</tr>
<tr>
<td>Worship</td>
</tr>
</tbody>
</table>
Restrictions on height of buildings

7. (1) Buildings erected on properties in residential zones may not exceed two storeys without the written consent of the municipality.

(2) Buildings erected on properties in zones other than residential zones may not exceed three storeys without the written consent of the municipality.

(3) The number of storeys contemplated in this item includes the storey at ground level but does not include basement storeys that are below ground level.

Restrictions on coverage of buildings

8. (1) Buildings may not exceed the coverage specified in Table D.

(2) The municipality may, on written application by the owner of the relevant property, grant permission for a maximum of 10% additional coverage.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Permissible coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>50%</td>
</tr>
<tr>
<td>Commercial</td>
<td>75%</td>
</tr>
<tr>
<td>Industrial</td>
<td>75%</td>
</tr>
<tr>
<td>Educational</td>
<td>50%</td>
</tr>
</tbody>
</table>
SCHEDULE 2

Conditions for township establishment approved in terms of Regulation 23 of Regulation R. 1897 of 1986
(Section 24(2)(b))

Definitions

1. In this Schedule, unless the context indicates otherwise –

"building" means –

(a) any structure attached to the soil;
(b) any building which is in the process of being erected;
(c) any prefabricated building not attached to the soil; and
(d) a part of a building;

excluding

(i) any fence;
(ii) post;
(iii) steps;
(iv) pier;
(v) ramp;
(vi) fountain;
(vii) statue;
(viii) fish-pond; or
(ix) other garden ornamentation;

"building line" means a line defined in respect of a boundary of a lot and forming an area between such line and boundary within which building is restricted as contemplated in item 5;

"business purposes" means a use of a building or land for offices, showrooms, restaurants or other business or commercial purposes but does not include a place of instruction, a shop, a public garage, an industry, a noxious industry, a builder's yard or a scrapyard;

"coverage" means the area of a property covered by buildings measured over the
external walls as seen vertically from above and expressed as a percentage of the area of a property;

"dwelling unit" means an interconnected suite of rooms, designed for living accommodation, whether such dwelling unit –

(a) forms a single building;

(b) forms part of a building containing –

(i) more than one dwelling unit; or

(ii) rooms used for purposes other than residential purposes;

"floor area" means the sum of the areas covered by the building at the floor level of each storey;

"industry" means an activity on any premises amounting to the use of the premises as a factory;

"institution" means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or any other institution, whether public or private;

"noxious industry" includes any industry or trade that by virtue of noise or effluents is dangerous or harmful to the health and welfare of the general public, such as the smelting ores and minerals, works for the production of sulphur dyes, or the sintering of sulphur-bearing materials;

"occupant" in relation to building or land, includes a person occupying such building or land or legally entitled to occupy it, or anybody in charge or management thereof, and includes the agent of such a person;

"owner" means the registered owner of the land including –

(a) the registered holder of a leasehold, deed of grant, or any other land tenure right in terms of any law;

(b) the successor in title to such land or any remainder thereof; and
(c) the legal representative of the owner;

"place of instruction" means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other functional centre, and includes a crèche, a convent or monastery, a public library, an art gallery, a museum and a gymnasium;

"place of public worship" means a building primarily used as a church, chapel, oratory, house of worship, synagogue, mosque or other place of public devotion, but does not include a funeral chapel which must be treated as a building used for "special purposes";

"property" means any portion of land registered as a separate unit in a deeds registry;

"public garage" means a building or land used primarily for the maintenance, repair or fuelling of vehicles and ancillary purposes;

"residential building" means a building used primarily for human habitation or the uses permitted in terms of item 3;

"shop" means a building or land used primarily for retail trade and ancillary purposes including storage and packaging;

"social hall" means a building used primarily for social assemblies, gatherings, meetings or recreational purposes;

"special purposes" means purposes for which land or buildings may be used that are not specified in this Schedule;

"storey" means a room or set of rooms at one level, including a room, the floor of which is split into two or more levels and has the following implications –

(a) a pitched roof containing a habitable room or any other style of roofing which contains a habitable room constitutes a storey;
(b) if a storey is higher than 4.5 metres, each of the 4.5 metres or part thereof constitutes a storey;
(c) a basement wholly below the level of the adjoining ground does not constitute a storey;

"zone" means an area shown on the scheme map in which specific rights, obligations and restrictions have been imposed in accordance with the provisions of this Schedule.

Application of Schedule to existing buildings
2. The provisions of this Schedule do not render unlawful any existing building that has been lawfully erected in accordance with approved building plans before 12 September 1986, but apply to alterations, other than minor alterations, or a change of use of such a building.

Erection and use of building or use of land
3. The purposes for which buildings and land in each of the zones specified in column 1 of Table A may –
   (a) be erected and used;
   (b) be erected and used with special consent contemplated in section 67bis of the Ordinance; or
   (c) not be erected or used,
are shown in the second, third and fourth columns of Table A respectively.

<table>
<thead>
<tr>
<th>TABLE A</th>
</tr>
</thead>
<tbody>
<tr>
<td>USES</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>(Item 3)</td>
</tr>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>(Item 3(a))</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>(Item 3(b))</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>(Item 3(c))</td>
</tr>
<tr>
<td>Category</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>Business</td>
</tr>
<tr>
<td>Industrial</td>
</tr>
<tr>
<td>Community facility</td>
</tr>
<tr>
<td>Municipal</td>
</tr>
<tr>
<td>Undetermined</td>
</tr>
<tr>
<td>Public open space</td>
</tr>
</tbody>
</table>
**Additional uses permitted in respect of residential properties**

4.(1) The number of dwelling units and the size of a residential building that may be erected on a property is limited only by the height and coverage provisions of this Schedule and by health and building laws.

(2) The occupants of a residential building may practice, *inter alia*, their social and religious activities and their occupations, professions, or trades, including retail trade, or the property on which the residential building is erected provided that –

(a) the dominant use of the property shall remain residential;
(b) the occupation, trade or profession or other activity shall not be noxious; and
(c) the occupation, trade or profession does not interfere with the amenity of the neighbourhood.

**Side and rear space**

5.(1) No building other than boundary walls, fences or temporary buildings that are required in connection with building operations being conducted on property may be erected without a space, free of any building, between it and one of the side boundaries and also between the building and the rear boundary of the property.

(2) The space at the side of the building must be a minimum of one metre wide.

(3) The space at the rear of the building must be a minimum of one metre wide.

**Relaxation of side and rear space**

6.(1) A municipality may permit the erection of a building within the side or rear space upon receipt of a written application.

(2) Permission granted in terms of sub-item (1) is valid for the life of the building concerned.
Provision of parking

7. (1) Parking space must be provided in accordance with the parking requirements set out in Table B.

(2) The layout of the parking space must be approved by the municipality.
(3) The municipality may, on written application by the owner of the relevant property, grant permission for a relaxation of the parking requirements set out in Table B.

**TABLE B**

<table>
<thead>
<tr>
<th>Use</th>
<th>Site Area</th>
<th>Minimum parking requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential buildings</td>
<td>Less than 2000m²</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>2000m² and over</td>
<td>1 Space per dwelling unit</td>
</tr>
<tr>
<td>Shops</td>
<td>Less than 2000m²</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>2000 to 2999m²</td>
<td>3 spaces per 100m² of shopping floor area</td>
</tr>
<tr>
<td></td>
<td>3000m² and over</td>
<td>4 spaces per 100m² of shopping floor area</td>
</tr>
<tr>
<td>Offices</td>
<td>Less than 2000m²</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>2000m² and over</td>
<td>2 spaces per 100m² of office floor area</td>
</tr>
<tr>
<td>Industry and business purposes</td>
<td>Less than 2000m²</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>2000m² and over</td>
<td>1 space per 100m² of floor area</td>
</tr>
</tbody>
</table>

Restrictions on height of buildings

8. (1) Buildings erected on properties in residential zones may not exceed two storeys without the written consent of the municipality.

(2) Buildings erected on properties in zones other than residential zones may not exceed three storeys without the written consent of the municipality.

(3) The number of storeys contemplated in this item includes the storey at ground level but does not include basement storeys that are below ground level.
Restrictions on coverage of buildings

9.(1) Buildings may not exceed the coverage specified in Table C.

(2) The municipality may, on written application by the owner of the relevant property, grant permission for a maximum of 10% additional coverage.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Permissible coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>60%</td>
</tr>
<tr>
<td>Business</td>
<td>70%</td>
</tr>
<tr>
<td>Industrial</td>
<td>70%</td>
</tr>
<tr>
<td>Community facility</td>
<td>70%</td>
</tr>
<tr>
<td>Municipal</td>
<td>To the satisfaction of the municipality</td>
</tr>
<tr>
<td>Public open space</td>
<td>To the satisfaction of the municipality</td>
</tr>
<tr>
<td>Undetermined</td>
<td>To the satisfaction of the municipality</td>
</tr>
</tbody>
</table>
SCHEDULE 3

Scheme clauses for land that was as set apart as a town under section 30(1) of the Black Administration Act, 1927
(Section 29(1)(b))

Definitions

1. Unless the context otherwise indicates –

"agricultural purposes" means purposes normally associated with or reasonably necessary in connection with the use of buildings and land for agricultural purposes and includes dwelling units necessary for the agricultural use of the property;

"building" means –

(a) any structure attached to the soil;
(b) any building which is in the process of being erected;
(c) any prefabricated building not attached to the soil; and
(d) a part of a building;

excluding

(i) any fence;
(ii) post;
(iii) steps;
(iv) pier;
(v) ramp;
(vi) fountain;
(vii) statue;
(viii) fish-pond; or
(ix) other garden ornamentation;

"building line" means a line defined in respect of a boundary of a property and forming an area between such line and boundary within which building is restricted as contemplated in item 5;

"business purposes" means use of a building or land for an office, including a professional suite, medical consulting rooms, bank or building society, shop,
showroom, warehouse, restaurant or other business or commercial purposes other than for a place of instruction, public garage, industry, noxious industry, builder's yard or scrapyard;

"coverage" means the area of a property or site covered by building, measured over the external walls as seen vertically from above and expressed as a percentage of the area of the land;

"dwelling unit" means an interconnected suite of rooms, designed for living accommodation, whether such dwelling unit –

(a) forms a single building;
(b) forms part of a building containing –
   (i) more than one dwelling unit; or
   (ii) rooms used for purposes other than residential purposes;

"floor area" means floor area capable of occupancy by a tenant measured from –

(a) the exterior of an outside wall; and
(b) the centre of a partition wall;

"industry" means use of a building or land for the manufacturing, assembly or processing of a product or the breaking up of a product or raw materials, but does not include noxious industry;

"institution" means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or other institution, whether public or private;

"noxious industry" means an industry or trade that, by virtue of noise or effluents, is dangerous or harmful to the health and welfare of the general public, such as but not limited to –

(a) smelting of ores and minerals;
(b) production of sulphur dyes; and
(c) sintering of sulphur-bearing materials;
"occupant" means a person actually occupying a building or land, without reference to the title under which he or she occupies the land;

"parking area" means a building or land or part thereof used for the parking of motor vehicles;

"place of instruction" means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other educational centre, crèche, convent, monastery, public library, art gallery, museum, gymnasium or similar centre;

"place of public worship" means a building designed for use or primarily used as a church, chapel, oratory, house of worship, other place of public devotion or place of religious instruction, and an institution on the same site associated with such building and intended to be used for social intercourse and recreation, but does not include a funeral chapel;

"property" means any portion of land registered as a separate unit in a deeds registry;

"public garage" means land primarily used or a building designed for the maintenance, repair or fuelling of vehicles and ancillary purposes;

"public open space" means land zoned public open space for the use by the public as an open space, park, garden, playground, recreational ground or square;

"restaurant" means a building designed for use or used for the preparation, service and consumption on the site of food or liquid refreshments;

"shop" means a building or land used primarily for retail trade and ancillary purposes including storage and packaging;
"social hall" means a building designed for use or primarily used for social assembly, gathering, meeting or recreational purposes;

"special purpose" means a use other than a use contemplated in this Schedule; and

"storey" means a room or set of rooms at one level, including a room, the floor of which is split into two or more levels and shall have the following implications –

(a) a pitched roof containing a habitable room or any other style of roofing which contains a habitable room constitutes a storey;
(b) if a storey is higher than 4.5 metres, each of the 4.5 metres or part thereof constitutes a storey;
(c) a basement wholly below the level of the adjoining ground does not constitute a storey;

"zone" means an area shown on the scheme map in which specific rights, obligations and restrictions have been imposed in accordance with the provisions of this Schedule.

Application of Schedule to existing buildings

2. The provisions of this Schedule do not render unlawful any existing building that has been lawfully erected in accordance with approved building plans before 10 August 1990, but apply to alterations, other than minor alterations, or a change of use of such a building.

Erection and use of building or use of land

3.(1) The purposes for which buildings and land in each of the zones specified in column 1 of Table A may –

(a) be erected and used;
(b) be erected and used with special consent contemplated in section 67bis of the Ordinance; or
(c) not be erected or used,

are shown in the second, third and fourth columns of Table A respectively.

(2) The municipality must consider whether the use or building is likely to cause injury to the amenity of the area including increased traffic, parking difficulties, the emission of smoke or the creation of noise and any other relevant factor, when it considers an application contemplated in sub-item (1).

(3) Rights obtained by virtue of special consent contemplated in sub-item (1)(b) which are not exercised within a period of 24 months will lapse after notice by the municipality to the holder of the special consent, unless a condition subject to which the special consent was granted provides otherwise.

(4) The municipality may on good cause shown extend the period contemplated in sub-item (3).
<table>
<thead>
<tr>
<th>1 (Item 3(1))</th>
<th>2 (Item 3(1)(a))</th>
<th>3 (Item 3(1)(b))</th>
<th>4 (Item 3(1)(c))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Dwelling units</td>
<td>Places of public worship, place of instruction, social halls, sports and recreational purposes, institutions</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td>Business</td>
<td>Business purposes, dwelling units, places of public worship, places of instruction, social halls, sports and recreational purposes, institutions</td>
<td>Uses not contemplated in columns 2 or 4</td>
<td>Noxious industries</td>
</tr>
<tr>
<td>Industrial</td>
<td>Industry, business purposes, public garages, scrapyards, parking areas</td>
<td>Noxious industries, special purposes</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td>Community facility</td>
<td>Places of public worship, places of instruction, social halls, sports and recreational purposes, institutions</td>
<td>Dwelling units, parking areas, special purposes</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td>Municipal</td>
<td>Municipal purposes</td>
<td>Dwelling units, government purposes, special purposes</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td>Agricultural</td>
<td>Agricultural purposes</td>
<td>None</td>
<td>Uses not contemplated in column 2 or 3</td>
</tr>
<tr>
<td>Public open space</td>
<td>Parks, sports and recreational purposes and buildings used in connection therewith</td>
<td>Parking areas, special purposes</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td>Parking</td>
<td>Parking areas</td>
<td>Uses not contemplated in columns 2 or 4</td>
<td>Noxious industries</td>
</tr>
<tr>
<td>Government</td>
<td>Government purposes, railway purposes</td>
<td>Dwelling units, municipal purposes, special purposes</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
<tr>
<td>Special</td>
<td>Uses shown in an annexure</td>
<td>Uses shown in an annexure</td>
<td>Uses not contemplated in columns 2 or 3</td>
</tr>
</tbody>
</table>
Extended residential use

4. (1) Subject to sub-items (2) and (3), a property used for residential purposes may be used also for—
   (a) social and religious Act activities;
   (b) the carrying on of any occupations, including the rendering of services; and
   (c) a profession or trade, including retail.

   (2) The dominant use of a property contemplated in sub-item (1) must remain residential.

   (3) No activity, occupation, profession or trade contemplated in sub-item (1) may be—
       (a) noisome or noxious;
       (b) interfere with the amenity of the neighbourhood.

Building lines

5. (1) Subject to sub-item (2) the building line application to a property is shown in Table B.

   (2) A municipality may in addition to a building line contemplated in sub-item (1) impose a building line at a fixed distance from a street boundary of a property if engineering services have been installed in the building restriction area defined by the imposed line.

   (3) No building other than a boundary fence, garden wall, fence, garden ornament or temporary building required for building operations may be erected between a building line and the boundary to which it relates subject to sub-item (4).
(4) The municipality may consent to the erection of a building in the building restriction area concerned.

(5) A consent contemplated in sub-item (4) may be valid for –
(a) the life of the building; or
(b) any shorter or longer period specified by the municipality.

(6) The municipality must consider the following matters when it considers an application for consent contemplated in sub-item (4) –
(a) the possibility of future street improvements;
(b) the slope of the land;
(c) the location of other buildings;
(d) the arrangement of the buildings on the erf; and
(e) any other relevant factor.

### TABLE B

**BUILDING LINES**

<table>
<thead>
<tr>
<th>Purposes for which building may be erected and used</th>
<th>Location on site of building restriction areas</th>
<th>Minimum distance between building line and site boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of instruction, places of public worship, social halls, sports and recreational purposes, institutions</td>
<td>Rear and both sides</td>
<td>3m</td>
</tr>
<tr>
<td>All other uses</td>
<td>Rear and one side</td>
<td>1m</td>
</tr>
</tbody>
</table>

**Number of dwelling units**

6. The number of dwelling units that may be erected on a property is limited only by the height and coverage provisions of the scheme.

**Number of storeys**

7.(1) No building may exceed three storeys, excluding a basement storey, subject to the provisions of sub-item (2).

(2) The municipality may grant consent to a building containing more than three storeys.
(3) The municipality must consider the effect of the additional storeys on the surrounding area, including the possible obstruction of view, overshadowing or breaking of the natural skyline and any other relevant factor, when it considers an application contemplated in sub-item (2).

(4) The municipality may grant its consent contemplated in sub-item (3) subject to a condition imposing a building line or coverage requirement other than as contemplated in this Schedule.

Coverage

8. (1) No building, including a basement storey, may be erected to cover a greater proportion of its erf than the maximum permissible coverage specified in Table C, subject to sub-item (2).

(2) The municipality may grant consent to the increase of coverage beyond the maximum permitted in terms of sub-item (1).

(3) The municipality must consider the following matters when it considers an application contemplated in sub-item (2) –
   (a) possible future road improvements;
   (b) the location of essential services; and
   (c) any other relevant factor.

<table>
<thead>
<tr>
<th>TABLE C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COVERAGE</strong></td>
</tr>
<tr>
<td><strong>Purposes for which building may be erected or used</strong></td>
</tr>
<tr>
<td>Dwelling units, places of instruction, places of public worship, social halls, sports and recreational purposes</td>
</tr>
<tr>
<td>All other purposes</td>
</tr>
</tbody>
</table>

Parking and loading

9. (1) The parking and loading spaces specified in Table D must be provided.
(2) The municipality may grant consent to the provision of fewer spaces than specified in sub-item (1).

(3) The municipality must consider the likelihood of a reduction in parking provision causing injury to the amenity of the area including increased traffic and parking difficulties, and any other relevant factor, when it considers an application contemplated in sub-item (2).

(4) The municipality may grant consent to the provision of the required number of parking spaces elsewhere than on the erf concerned as an alternative to the provision of parking spaces on a property.
TABLE D

PARKING

<table>
<thead>
<tr>
<th>Use</th>
<th>Site area</th>
<th>Minimum parking requirements</th>
<th>Minimum loading requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than one dwelling unit</td>
<td>One space per two</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business purposes –</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shops, banks, building societies,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>medical consulting rooms and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>restaurants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 500m²</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>500m² to 2999m²</td>
<td>Three spaces per</td>
<td></td>
<td>One space per 100m² of floor</td>
</tr>
<tr>
<td></td>
<td>100m² of floor area</td>
<td></td>
<td>area</td>
</tr>
<tr>
<td>3000m² and over</td>
<td>Four spaces per</td>
<td></td>
<td>One space per 100m² of floor</td>
</tr>
<tr>
<td></td>
<td>100m² of floor area</td>
<td></td>
<td>area</td>
</tr>
<tr>
<td>Business purposes – other</td>
<td></td>
<td>Two spaces per 100m² of floor area</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>One space per 100m² of floor area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social halls, sports and recreational</td>
<td>One space per 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>purposes, places of public worship</td>
<td>seats or per 100m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>of floor area,</td>
<td></td>
<td>whichever is the greater</td>
</tr>
<tr>
<td></td>
<td>whichever is the</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>greater</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Access

10. (1) There may not be any access between a property and a public street or road across a boundary line where such an access is prohibited.

(2) The municipality may grant consent to the relaxation of an access restriction.

(3) The municipality must consider unreasonable interference by the access restriction with the development of the erf and any other relevant factor when it considers an application contemplated in sub-item (2).

(4) The municipality may not grant consent to the relaxation of an access restriction between a property and a provincial road without the approval of the provincial department responsible for transport.
(5) The municipality may not grant consent to the relaxation of an access restriction between a property and a national road without the approval of the national department responsible for transport.
SCHEDULE 4

Scheme clauses for towns proclaimed in terms of Proclamation R293 of 1962
(Section 42(1)(b))

Definitions

1. In this Schedule, unless the context indicates otherwise –

   "building" means –
   (a) any structure attached to the soil;
   (b) any building which is in the process of being erected;
   (c) any prefabricated building not attached to the soil; and
   (d) a part of a building;

   excluding
   (i) any fence;
   (ii) post;
   (iii) steps;
   (iv) pier;
   (v) ramp;
   (vi) fountain;
   (vii) statue;
   (viii) fish-pond; or
   (ix) other garden ornamentation;

"building line" means a line defined in respect of a boundary of an erf and forming an area between such line and boundary within which building is restricted as provided in item 5;

"business purposes" means the use of a building or land for offices, showrooms, restaurants or other business or commercial purposes but does not include a place of instruction, a shop, a public garage, an industry, a noxious industry, a builder's yard or a scappyard;

"coverage" means the area of a property covered by buildings measured over the external walls as seen vertically from above and expressed as a percentage of the area of a property;
"floor area" means the sum of the areas covered by the building at the floor level of each storey;

"ground storey" means a floor –
(a) at ground level; and
(b) with its entrance directly accessible from ground level by means of a ramp, stairway or similar structure;

"industry" means use of a building or land for the manufacture, assembly or processing of a product or the breaking up of a product or raw materials, but does not include noxious industry;

"institution" means a building designed or primarily used as a charitable institution, hospital, nursing home, sanatorium, clinic or other institution, whether public or private;

"noxious industry" means an industry or trade that, by virtue of noise or effluents, is dangerous or harmful to the health and welfare of the general public, such as, but not limited to, the –
(a) smelting of ores and minerals;
(b) production of sulphur dyes; or
(c) sintering of sulphur-bearing materials;

"occupant" means a person in actual occupation of a building or land, without reference to the title under which the person occupies the land;

"parking area" means a building or land or part thereof used for the parking of motor vehicles;

"place of instruction" means land used or a building designed or primarily used as a school, technical college, lecture hall, institute or other educational centre, crèche, convent, monastery, public library, art gallery, museum, gymnasium or
similar centre;

"place of public worship" means a building designed for use or primarily used as a church, chapel, oratory, house of worship, other place of public devotion or place of religious instruction, and an institution on the same site associated with such building and intended to be used for social intercourse and recreation, but does not include a funeral chapel;

"public garage" means land primarily used or a building designed for the maintenance, repair or fuelling of vehicles and ancillary purposes;

"public open space" means land zoned public open space for the use by the public as an open space, park, garden, playground, recreational ground or square;

"residential unit" means an interconnected suite of rooms, designed for living accommodation, whether such unit –

(a) forms a single building;
(b) forms part of a building containing –
   (i) more than one dwelling unit; or
   (ii) rooms used for purposes other than residential purposes;

"restaurant" means a building designed for use or used for the preparation, service and consumption on the site of food or liquid refreshments;

"service industry" means use of a building for industry catering for the local customer, and includes a builder's yard, laundry, bakery, drycleaners or other use which can be carried on in a residential area without causing a nuisance to other erven by reason of noise, vibration, fumes, smoke or smell;

"shop" means a building or land used primarily for retail trade and ancillary purposes including storage and packaging;

"social hall" means a building used primarily for social assemblies, gatherings,
meetings or recreational purposes;

"special purposes" means purposes for which land or buildings may be used that are not specified in this Schedule;

"storey" means a room or set of rooms at one level, including a room, the floor of which is split into two or more levels and shall have the following implications—
   (a) a pitched roof containing a habitable room or any other style of roofing which contains a habitable room constitutes a storey;
   (b) if a storey is higher than 4.5 metres, each of the 4.5 metres or part thereof constitutes a storey;
   (c) a basement wholly below the level of the adjoining ground does not constitute a storey;

"zone" means an area shown on the scheme map in which specific rights, obligations and restrictions have been imposed in accordance with the provisions of this Schedule.

Application of Schedule to existing buildings
2. This Schedule does not render unlawful any existing building that has been lawfully erected in accordance with approved building plans, before 31 March 1994, but it applies to the alteration of an existing building, including the extension thereof.

Erection and use of building or use of land
3. The purposes for which buildings and land in each of the zones specified in column 1 of Table A—
   (a) may be erected and used;
   (b) may be erected and used with the municipality's consent;
   (c) may not be erected or used,
are shown in the second, third and fourth columns of Table A respectively.
<table>
<thead>
<tr>
<th>Zone</th>
<th>Permitted uses</th>
<th>Uses permitted only with the consent of the municipality or development approval</th>
<th>Purposes for which buildings may not be erected and used or for which the land may not be used without rezoning the land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Residential units</td>
<td>Places of public worship, places of instruction, service industry, social halls, sports and recreational purposes, institutions, medical suites, special purposes.</td>
<td>Uses not under column (2) or (3)</td>
</tr>
<tr>
<td>Business</td>
<td>Business purposes, shops, units, places of public worship, places of instruction, social halls, sports and recreational purposes, institutions</td>
<td>Uses not under column (2) of (4)</td>
<td>Noxious industries</td>
</tr>
<tr>
<td>Industrial</td>
<td>Industry, business purposes, public garages, scrapyards, parking areas</td>
<td>Noxious industries, special purposes</td>
<td>Uses not under column (2) or (3)</td>
</tr>
<tr>
<td>Special</td>
<td>Uses shown in Annexure</td>
<td>Uses shown in Annexure</td>
<td>Uses not under column (2) or (3)</td>
</tr>
<tr>
<td>Community facility</td>
<td>Places of public worship, places of instruction, social halls, sports and recreational purposes, institutions</td>
<td>Residential units, parking areas, special purposes</td>
<td>Uses not under column (2) or (3)</td>
</tr>
<tr>
<td>Government</td>
<td>Government purposes, railway purposes</td>
<td>Residential units, municipal purposes, special purposes</td>
<td>Uses not under column (2) or (3)</td>
</tr>
<tr>
<td>Municipal</td>
<td>Municipal purposes</td>
<td>Residential units, government purposes, special purposes</td>
<td>Uses not under column (2) or (3)</td>
</tr>
<tr>
<td>Parking</td>
<td>Parking areas</td>
<td>Uses not under column (2) of (4)</td>
<td>Noxious industries</td>
</tr>
<tr>
<td>Zone</td>
<td>Permitted uses</td>
<td>Uses permitted only with the consent of the municipality or development approval</td>
<td>Purposes for which buildings may not be erected and used or for which the land may not be used without rezoning the land</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Public open space</td>
<td>Parks, sports and recreational purposes and buildings used in connection therewith</td>
<td>Parking areas, special purposes</td>
<td>Uses not under column (2) or (3)</td>
</tr>
<tr>
<td>Road</td>
<td>Public thoroughfare</td>
<td>Parking areas</td>
<td>Uses not under column (2) or (3)</td>
</tr>
</tbody>
</table>

Procedure for consent

4.(1) The procedures of the scheme for the approval of applications for consent must be followed for applications in terms of item 3(b).

(2) Where the scheme does not contain a procedure for the approval of applications for consent, the application must be treated as an application for development in terms of section 45.

Additional uses permitted in respect of residential properties

5.(1) The number of residential units and the size of a residential building that may be erected on a property is limited only by the height and coverage provisions of this Schedule and by health and building laws.

(2) The occupants of a residential building may practise their social and religious activities and their occupations, professions, or trades, including retail trade, on the property on which the residential building is erected if –

(a) the dominant use of the property remains residential;

(b) the occupation, trade or profession or other activity shall not be a nuisance;

and
(c) the occupation, trade or profession does not interfere with the amenity of the neighbourhood.

Building lines

6.(1) The building line application to an erf is shown in Table B subject to sub-item (2).

<table>
<thead>
<tr>
<th>Purposes for which building may be erected and used</th>
<th>Location on site of building restriction areas</th>
<th>Minimum distance between building line and site boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of instruction, places of public worship, social halls, sports and recreational purposes, institutions</td>
<td>Rear and both sides</td>
<td>3m</td>
</tr>
<tr>
<td>All other uses</td>
<td>Rear and one side</td>
<td>1m</td>
</tr>
</tbody>
</table>

(2) A municipality may in addition to a building line referred to in this item impose a building line at a fixed distance from a street boundary of an erf if engineering services have been installed in the building restriction area defined by the imposed line.

(3) No building other than a boundary fence, garden wall, fence, garden ornament or temporary building required for building operations may be erected between a building line and the boundary to which it relates subject to sub-item (4).

(4) The municipality may consent to the erection of a building in the building restriction area concerned.

(5) A consent referred to in sub-item (4) may be valid for –
(a) the life of the building; or
(b) any shorter or longer period specified by the municipality.

(6) A municipality must when considering an application for consent referred to in sub-item (4) must consider –
(a) the possibility of future street improvements;
(b) the slope of the land;
(c) the location of other buildings;
(d) the arrangement of the buildings on the erf; and
(e) any other relevant factor.

Number of residential units
7. The number of residential units that may be erected on an erf is limited only by the height and coverage provisions of the scheme.

Number of storeys
8.(1) No building may exceed three storeys, excluding a basement storey, subject to the provisions of sub-item (2).

(2) The municipality may grant consent to a building containing more than three storeys.

(3) The municipality must consider –
(a) the effect of the additional storeys on the surrounding area, including the possible obstruction of view, overshadowing or breaking of the natural skyline; and
(b) any other relevant factor,
when it considers an application referred to in sub-item (2).

(4) The municipality may grant its consent referred to in sub-item (3) subject to a condition imposing a building line or coverage requirement other than as provided in this Schedule.
Coverage

9.(1) No building, including a basement storey, may be erected to cover a greater proportion of an erf than the maximum permissible coverage specified in Table C, subject to sub-item (2).

<table>
<thead>
<tr>
<th>Purposes for which building may be erected or used</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential units, places of instruction, places of public worship, social halls, sports and recreational purposes</td>
<td>60%</td>
</tr>
<tr>
<td>All other purposes</td>
<td>80%</td>
</tr>
</tbody>
</table>

(2) The municipality may grant consent to the increase of coverage beyond the maximum permitted in terms of sub-item (1).

(3) The municipality must consider –

(a) possible future road improvements;

(b) the location of essential services; and

(c) any other relevant factor,

when it considers an application referred to in sub-item (2).

Parking and loading

10.(1) The parking and loading spaces specified in Table D must be provided, subject to sub-item (2).
### TABLE D
### PARKING

<table>
<thead>
<tr>
<th>Use</th>
<th>Site area</th>
<th>Minimum parking requirements</th>
<th>Minimum loading requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than one residential unit</td>
<td></td>
<td>One space per two residential units</td>
<td></td>
</tr>
<tr>
<td>Business purposes</td>
<td>Less than 500m²</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>– Shops, banks, building societies,</td>
<td>500m² to 2999m²</td>
<td>Three spaces per 100 m² of floor area</td>
<td>One space per 100m² of floor area</td>
</tr>
<tr>
<td>medical consulting rooms and restaurants</td>
<td>3000m² and over</td>
<td>Four spaces per 100 square metres of floor area</td>
<td>One space per 100 m² of floor area</td>
</tr>
<tr>
<td>Business purposes</td>
<td>Two spaces per 100m² of floor area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>One space per 100m² of floor area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social halls, sports and recreational purposes,</td>
<td>One space per 10 seats or per 100m² of floor area, whichever is the greater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>places of public worship</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) The municipality may grant consent to the provision of fewer spaces than specified in sub-item (1).

(3) The municipality must consider —

(a) the likelihood of a reduction in parking provision causing injury to the amenity of the area including increased traffic and parking difficulties;

(b) any other relevant factor,

when it considers an application referred to in sub-item (2).
(4) The municipality may as an alternative to the provision of parking spaces on an erf grant consent to the provision of the required number of parking spaces elsewhere than on the erf concerned.

**Access**

11.(1) There may not be any access between an erf and a public street or road across a boundary line where such an access is prohibited, subject to sub-item (2).

(2) The municipality may grant consent to the relaxation of an access restriction.

(3) The municipality must consider –

(a) unreasonable interference by the access restriction with the development of the erf; and

(b) any other relevant factor,

when it considers an application for consent for access.

(4) The municipality may not grant consent for the relaxation of an access restriction between an erf and a provincial road without the approval of the provincial department responsible for transport.

(5) The municipality may not grant consent for the relaxation of an access restriction between an erf and a national road without the approval of the national department responsible for transport.
### SCHEDULE 5

**Repeal of laws**  
*(Section 52)*

<table>
<thead>
<tr>
<th>Number and year of law</th>
<th>Title</th>
<th>Extent of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance No. 33 of 1934</td>
<td>Townships Ordinance (Cape), 1934</td>
<td>The whole</td>
</tr>
<tr>
<td>Ordinance No. 15 of 1986</td>
<td>Town-Planning and Townships Ordinance (Transvaal), 1986</td>
<td>The whole</td>
</tr>
<tr>
<td>Regulation R. 1897 of 1986, promulgated in terms of section 66(1) of the Black Communities Development Act, 1984 (Act No. 4 of 1984)</td>
<td>Regulations Relating to Township Establishment and Land Use, 1986</td>
<td>The whole</td>
</tr>
<tr>
<td>Regulation R. 1886 of 1990, promulgated in terms of section 30(2) of the Black Administration Act, 1927 (Act No. 38 of 1927)</td>
<td>Township Development Regulations for Towns, 1990</td>
<td>The whole</td>
</tr>
<tr>
<td>Regulation R. 1888 of 1990, promulgated in terms of section 30(2) of the Black Administration Act, 1927 (Act No. 38 of 1927)</td>
<td>Land Use and Planning Regulations, 1990</td>
<td>The whole</td>
</tr>
<tr>
<td>Act No. 11 of 1992 (KwaZulu)</td>
<td>KwaZulu Land Affairs Act, 1992</td>
<td>Section 12 to 17 and sections 37(1)(e), (f), (h), (i) and (m)</td>
</tr>
<tr>
<td>KwaZulu Government Notice No. 29 of 1994 promulgated in terms of section 37(e) of the</td>
<td>KwaZulu Land Affairs (Township Establishment) Regulations, 1994</td>
<td>The whole</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>--------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>KwaZulu Government Notice No. 30 of 1994 promulgated in terms of section 37(1)(f) and (h) of the KwaZulu Land Affairs Act, 1992 (Act No. 11 of 1992)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>