

REGULATIONS

PART I

CLAUSE 1:

INTERPRETATION OF TERMS

In this Scheme unless the context otherwise requires:

"ADJACENT ERF OWNER" means the person registered in the Deeds Registry as the owner of the land abutting on or sharing a common point of intersection, with a certain property. The registered person also includes the liquidator of a company or legal representative acting with the authority conferred upon him by law.

"AGRICULTURAL BUILDING" means a building designed and/or use in connection with, and which would ordinarily be incidental to, or reasonably necessary in connection with the use of the site as agricultural land and includes one dwelling house.

"AGRICULTURAL LAND" means arable, meadow or pasture land, market gardens, poultry farms, pig farms, land used for bee-keeping, nursery gardens, plantations and orchards, or similar uses, but does not include:

- (a) Land occupied as a park together with a house thereon; or
- (b) Land used as a garden other than as aforesaid; or
- (c) Land kept or reserved for the purpose of sports, athletics or recreation or used as a racecourse.

"AQUACULTURE" or aquafarming is the cultivation of aquatic or marine organisms in ponds or in the open ocean, an enclosed section of the ocean, or in tanks, ponds or raceways which are filled with seawater, under controlled conditions and include algaculture (the production of kelp/seaweed and other algae) and farming with fish, prawns, oysters, shrimps, shellfish and the growing of cultured pearls and which is registered in terms of the Aquaculture Act 2002 (Act No.18 of 2002) and the Agricultural Bank of Namibia Act 2003 (Act No.5 of 2003).

"AUTHORITY" refers to the Government of the Republic of Namibia at the given time as elected by the people of Namibia according to the Constitution of Namibia.

"BASEMENT" means that portion of a building, the finished floor level of which is at least 2m below the mean level of the ground along the perimeter of the building (Figure 1)

Figure 1

"BEACH ACTIVITIES" means such activities which are conducted above the high water mark and surveyed by a Land Surveyor in terms of the Land Survey Act and shall include those activities relating to sun bathing, swimming, strolling, loitering, pre-arranged sporting activities within prior demarcated areas, such as beach volley ball, cricket, beach rugby, soccer, soft- and baseball, ring tennis, badminton, tennis, jukskei and shall exclude access by private petrol-, diesel or animal driven vehicles or machinery on the demarcated beach area. Activities relating to the walking of domestic pets shall be restricted to contain such domestic pets on leashes by competent handlers or owners thereof. Beach angling and barbeque functions shall be restricted to special demarcated areas determined from time to time.

"BEACH AREA" means any land which has been reserved in terms of this scheme for use of the public for beach activities. Any building related to beach activities may only be constructed with the consent of the Council. The Beach Area will be regarded as a "public place" as defined in the Local Authorities Act 23 of 1992 and will be subject to the closure procedures in terms of Section 50 of the same Act.

"BLOCK OF FLATS" means a building containing two or more dwelling units.

"BUILDING" means any temporary or permanent structure or erection irrespective of its size or appearance.

"BUILDING YARD" means any land, together with ancillary and subordinate buildings on the same land, used for the storage of building materials or other similar used goods or preparation for re-sale of any used material.

"BULK FACTOR" means the ratio of the total floor area to the area of the erf concerned.

"BUSINESS BUILDING" means a building used for business purposes and includes offices, a shop, a restaurant, a bank, professional chambers and buildings designed for similar uses, but does not include a place of assembly, a place of entertainment, an institution, service station, industrial building, noxious industry, a vegetable or animal market or pet shop.

"CONSENT USE" means the same as "SPECIAL CONSENT" as defined.

"CONSERVATION AREA" means any area of natural beauty, importance or sensitivity, which in the opinion of the Council or the Minister, whose decision shall be final, is worthy of preservation.

"COMPETENT AUTHORITY" means the Minister of Regional and Local Government, Housing and Rural Development.

"COUNCIL" means the Town Council of Henties Bay.

"COVERAGE" means the total percentage of the site area that may be covered by:

- (a) a veranda, terrace, stairs or similar structure, and
- (b) buildings measured over the outside wall and covered by a roof or projection, provided that the area covered by a maximum eaves projection of 1m shall be excluded for the purposes of determining the maximum permissible coverage.

"DATE OF PROCLAMATION" means date on which the Minister in terms of Section 26(2) of Ordinance 18 of 1954 (as amended) published the proclamation of the Scheme in the Government Gazette.

"DENSITY ZONING" refers to an area indicated on a specific map designating a portion of land for the purpose of indicating the restrictions imposed by this Scheme on the erection of buildings and the use of land i.t.o. restrictions relating to density i.e. the minimum erf sizes permitted per dwelling unit.

"DRIVE-IN CAFÉ" means any land or building used for a café or restaurant from which food and refreshments are served to patrons who remain seated in motorcars parked in the vicinity of such café or restaurant.

"DUPLEX FLATS" means two or more dwelling units where the dividing line between dwelling units is vertical with a maximum height of two storeys.

"DWELLING HOUSE" means a dwelling consisting of one primary unit with or without an outbuilding or an entertainment area, where the primary unit consists of mutually adjacent rooms with a kitchen and with at least a bathroom with toilet facilities and where the said primary unit is designed for occupation by a single household, and may, subject to the provisions of this Scheme or any other law or regulation, be with or without a supplementary dwelling unit, provided that in this context:

an **"Outbuilding"** means, rooms with a total floor area not exceeding 120 m² being separate or detached from the main building (or primary unit) and designed or destined to be used for one or more of the following purposes:

- (a) parking places (a maximum of four independent covered parking places to 80 m² maximum)
- (b) servant's room (maximum 20 m²);
- (c) a servant's bathroom (toilet, wash basin and shower to a maximum of 5 m²);
- (d) a store for use in reasonable connection with the dwelling (limited to a maximum floor area of 15 m²);

Such outbuilding being owned together with the said primary unit as a single indivisible property unit and which shall for the purpose of the Scheme be considered an integral part of the dwelling house with which it is owned.

a **"supplementary dwelling unit"** means a dwelling, designed for occupation by a single household, which shall not exceed half the floor area of the main building (or primary unit) or 120m², whichever is the lesser, which is auxiliary to the said primary unit and is owned therewith as a single indivisible property unit by one and the same owner and which shall, for the purpose of this Scheme, be considered an integral part of the dwelling house with which it is owned and an **"entertainment area"** means a covered or roofed area which may be adjacent to the main building but without an internal connection (door) or physically detached from the main building with a total floor area not exceeding 60 m² and designed or destined to be used for entertainment purposes only, and may include one toilet;

Provided that, subject to approval by the council, an "outbuilding" and "entertainment area" may exceed these restrictions.

"DWELLING UNIT" means a self-contained interleading¹ group of rooms used only for the living accommodation and housing of a single family together with such outbuildings as are ordinarily used therewith.

"ERECTION" in relation to a building also includes:

- (a) the alteration, subdivision or conversion of, or addition to a building, and
- (b) the re-erection or repair of a building which has been completely or partially destroyed or demolished, and "erect" has a corresponding meaning.

"EXISTING USE" means in relation to any building or land, a continuous use of that building or land for any lawful purpose for which it was being used at the material date or, in the case of a new building erected before such date, provided that the interruption of such existing use of a building or land for a period of eighteen consecutive months, after the material date shall be deemed a cessation of the continuous use.

"FLOOR AREA" means the total maximum floor of all the floors and basements of all the buildings which may be erected on an erf, measured across the external walls and may in no instance exceed the floor area ratio as defined in this Scheme: Provided that

- (a) any floor area, which included the basement floor area, used by the residents of the residential accommodation for purposes of parking shall be excluded for the purposes of determining the maximum floor area of the building, and
- (b) the area of all balconies, veranda or staircases above the ground floor, when covered by a roof, slab or any other covering shall be included: Provided that where such balconies or veranda are provided for the benefit of, and which are freely accessible to the public and the occupants of the building, the area shall be excluded.

"FUNERAL PARLOUR" means a building designed for the reception of human corpses prior to burial or cremation and may include a funeral chapel, but does not include a workshop for the manufacture of coffins or other funeral furniture.

"GAMBLING HOUSE" A building or room which is exclusively used for entertainment and gambling purposes and which is registered in terms of the Gambling Act, Act 12/1995, as proclaimed in Government Gazette issue No. 1118.

"GARAGE" means a building or room which is exclusively used for the storage of motor vehicles and is excluded from the definition of a main building or outbuilding.

"GENERAL INDUSTRIAL" means a building or land used where any person or persons performs work in connection with:

- (a) the large scale manufacturing of any article or part of any article,
- (b) the altering, repairing, renovating, testing, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing, or breaking up of any article,
- (c) the sorting, assembling or packing (including washing or filling bottles or other containers) of articles,
- (d) the construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out),

¹ "Interleading" refers to direct access between two or more rooms within the same dwelling unit. Direct access from a dwelling to a different usage in the same building such as a passageway between two or more dwelling units or direct access between two dwelling units will not be considered as interleading.

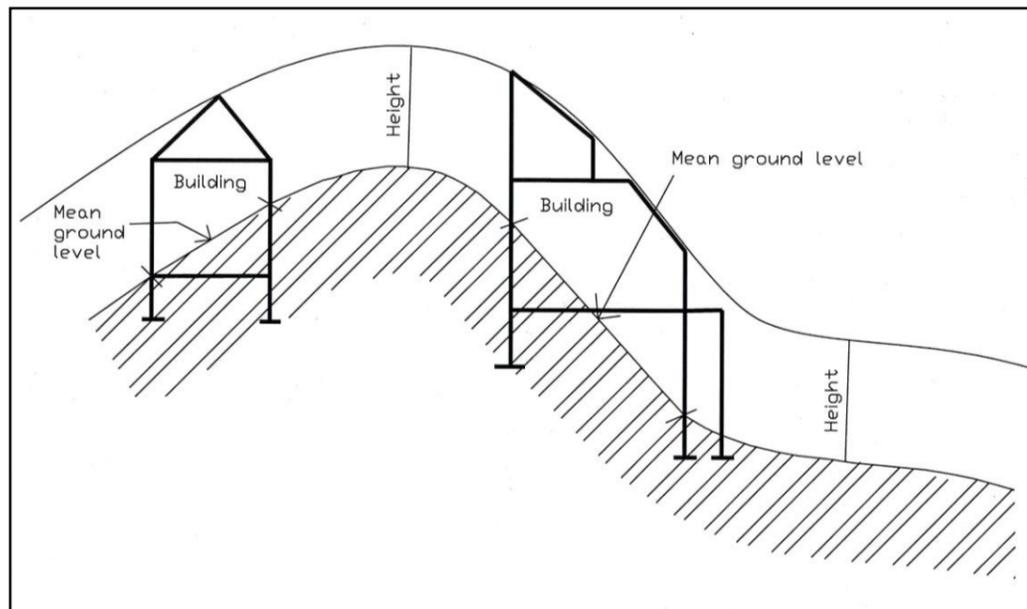
- (e) the production and storage of gas in a holder of more than five hundred cubic metre storage capacity, or any other industrial use (noxious industries excluded) not included in the definition of a light industrial use: Provided that the provision of a dwelling unit and the sale of goods manufactured and produced on site or which are related to the main use may be permitted by the special consent of the Council.

"GENERAL RELAXATION" The Council may relax building lines in certain areas, in order to minimize the applications received for building line relaxations by several individual erf owners.

"GROUND FLOOR" means the lowest floor of a building not being a basement.

"HEIGHT" means the height of a building measured from the mean level of the land of the earth to the highest point of the roof (Figure 2), subject to the relative zone restrictions in terms of Clause 8 hereof.

Figure 2



"INDUSTRIAL BUILDING" means the use of a building such as a factory, other than a service industry or light industry, provided that the provision of housing on the site and the sale of goods manufactured and/or produced or which are related to the main use of the site may be permitted with the special consent of the Council.

"INSTITUTIONAL BUILDING" means a building or portion of a building used or intended to be used as a old age home, crèche, public or private school, community hall, religious or charitable institution and/or the administration thereof, and includes a hospital, clinic or dispensary, whether private or public, used in connection therewith, but does not include:

- (a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases, or
- (b) premises for the detention of mentally disordered persons, or
- (c) a mental hospital.

"LAND" also means land covered by water and any right in or on the land. Any reference to land is restricted to land within the area of jurisdiction of this Town Planning Scheme.

"LICENSED HOTEL" means a building designed to provide adequate accommodation for paying guests which is registered in accordance with the Ordinance on Accommodation Institutions and Tourism 1973 (Ord. 20 of 1973), Namibia Tourism Board Act 21 of 2000 and licensed in terms off the Liquor Act, Act No 6 of 1998 and includes an off-sales for the sale of liquor from the site.

"LIGHT INDUSTRY" means the use of land or a building designed or used for such purposes as distribution centres, wholesale trade, storage, computer centres, warehouses, cartage and transport services and laboratories and may also include offices such as are usually ancillary to or reasonable necessary in connection with the main use. The provision of a dwelling unit and the sale of goods manufactured and produced on site or which are related to the main use may be permitted by the special consent of the Council.

"LOCAL AUTHORITY" means the Local Authority Council of Henties Bay.

"MAIN BUILDING" means the building erected on the site for the specific purpose for which the erf has been zoned on the map.

"MAIN ROAD" means the major traffic route having a street reserve of 25 metres or more.

"MATERIAL DATE" means the date on which the decision to draw up a scheme in terms of clause 16 of Ordinance 18 of 1954 (as amended) comes into force.

"MAXIMUM BULK" means the relationship between the floor area ratio prescribed for a specific zone in these Regulations and the net area of the site, or the net area of the portion of the site on which the ratio is applicable: Provided that where a site falls in an area where two or more ratios are applicable, the permissible floor area ratio of the whole erf shall be the sum of the floor area ratio for each portion of the site within the specific zone.

"MAP" means a scheme map as mentioned in Regulation 4 of the Town Planning Regulations, 1974, as amended by any approved amendment scheme.

"METRE" is the standard international metre.

"MINISTER" means the Minister of Regional and Local Government, Housing and Rural Development.

"MOTOR VEHICLE" means any vehicle designed or intended for propulsion by other than human or animal power and includes a motor cycle and a trailer or caravan but does not include a vehicle moving exclusively on rails.

"NOXIOUS INDUSTRY" means a building designed and/or used for the purpose of carrying on any noxious or offensive trade or occupation and, without prejudice to the generality of the foregoing, includes the following:

Chemical works, paint works, breweries and distilleries, sugar mills and sugar refineries, manure-, superphosphate- or fertiliser works; or premises used for the storing or mixing of manure, superphosphate or fertilisers or the premises for the storing, drying, preserving or other treatment of bones, horns or hoofs, premises used for the storing, sorting or treatment of hides and skins, other than in a dry and inoffensive condition, abattoirs, glue or size factories, entrails scraping and tripe boiling works; soap or candle works, fat dripping works and any other similar works where meat, bones, blood, offal or other animal organic matter is handled or processed, wool scouring or wool washing works, rock lobster or fish processing works, fish pickling or rock lobster and fish canning trades, whaling stations, premises or trades used for the storing or handling and processing of material originating from fish, whales and seals, paper-mills or paper factories, wattle bark grinding or extract factories, destructors, depositing sites or other sites for the disposer processing of domestic refuse, trade refuse, street refuse,

sewage or night-soil, lead melting works, oil refineries and other trades in connection with the processing of by-products or petroleum refining, paint and varnish works, quarries, asbestos cement-, bricks- and lime-works, metallurgical works, reduction and reprocessing works or any other works or trade which the Competent Authority may declare as such by notice in the Government Gazette: Provided that upon production of a certificate by the Medical Officer of Health, in consultation with the Inspector of Factories, that the process to be used in the conduct of any of the said industries or factories listed above will eliminate nuisance or danger to health in neighbouring premises arising from:

- (a) vapour or effluvia;
- (b) liquid waste matters discharging from the premises, and if land treatment of such matters is proposed, the nature, slope and area of the land and its position in relation to buildings used for human habitation, streams or water courses;
- (c) solid waste matters;

the Council may consent to the erection and use of buildings for such industries in accordance with Table B, Zone G, in the defined industrial zone.

"OFFICE" means a building, room or suite of rooms used for administrative work and planning and may include a place for related subordinate draughting work.

"OUTBUILDING" refer to the definition under "Dwelling House" in Clause 1.

"OWNER" means the person registered in the Deeds Registry as the owner of the land and includes the liquidator of a company or a legal representative acting with the authority conferred upon him by law.

"PUBLIC PARKING GARAGE" means a building or any land designed or adapted to be used for the purpose of parking, but does not include a building, any part of which is designed or adapted for use as a workshop for the repair of motor vehicles or the selling of petrol, oil and accessories; provided that entrance to a parking garage is limited to one entrance and one exit; provided further that facilities for washing, lubricating and servicing of motor vehicles may be provided and which do not require the attention of more than one qualified motor mechanic or other qualified artisan.

"PENSION" means a building designed and/or used as an accommodation establishment complying with the requirements of the Advisory Board, as constituted by the Accommodation Establishment and Tourism Ordinance, 1973 (Ordinance 20 of 1973) and the Namibia Tourism Board Act 21 of 2000 as amended.

"PLACE OF AMUSEMENT" means any building or land where persons congregate for amusement or for social, recreational or sporting purposes and where an admission fee is generally levied and includes a night-club restaurant where entertainment is provided, but excludes a casino and a gambling house.

"PLACE OF INSTRUCTION" means a school, crèche, college, technical institute, academic lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children.

"PLACE OF PUBLIC WORSHIP" means a church, synagogue, chapel or other place of public devotion, and includes any building incidental thereto but excludes funeral parlours together with any chapel forming part thereof.

"PLACE OF ASSEMBLY" means:

- (a) a public hall, social hall, theatre, cinema, music hall, concert hall, dance hall, exhibition hall;
- (b) a sports ground or amusement park, sports arena or similar amenities open to the public.
- (c) a billiard saloon or skating rink;
- (d) a non-residential club and
- (e) any other place of assembly (including a funeral parlour) whether used for purposes of gain or not, which does not fall within the scope of the definitions of place of public worship, place of instruction, or institutional building.

"PRIVATE OPEN SPACE" means any land reserved in terms of this Scheme for use as private ground for the pursuit of sport, games, rest and recreation or as an ornamental garden or recreational resort.

"PUBLIC OPEN SPACE" means any land used or reserved in this Scheme for use by the public as an open space, park, garden, playground, recreation ground or square.

"REAR BOUNDARY" of a site or erf means every boundary thereof (other than a street boundary), which is parallel to, or is within 45° of being parallel to every street boundary of such site or erf, and which does not intersect a street boundary or does not border on an open space.

"RESIDENT OCCUPATION" means an occupation carried out by a person in his or her own home and may, with the consent of Council, include the employment of other persons not resident in the home; the nature of the activities shall be such that they do not adversely interfere with the amenities of the neighbourhood nor alter the essential nature of the erf involved; furthermore, for the purpose of this Scheme, a resident occupation shall be a consent use as indicated on Table B of this Scheme.

"RESIDENTIAL BUILDING" means a building (other than a dwelling house, block of flats or licensed hotel) used for human habitation, together with such outbuildings as are ordinarily used in connection therewith and includes tenements, residential clubs, pensions and hostels, but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" and "institutional building".

"SCHEME" means Amendment Scheme of the Henties Bay Town Planning Scheme adopted by the Council in terms of Section 16 of Ordinance No. 18 of 1954, and as amended from time to time.

"SCRAP YARD" means any land, together with ancillary and subordinate buildings on the same land, used for the storage of used cars or car parts, parts of used machinery, scrap metals, used pipes or other similar used goods or for the dismantling or breaking up of vehicles or machinery or any used waste material for re-cycling.

"SERVICE INDUSTRY" means use of land or a building which in the opinion of the Council is a small-scale industry incidental to the needs of the local community and the retail trade and which in the opinion of the Council will not interfere with the amenities of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever but excludes a service station. This use also provides for one dwelling unit as primary use and more dwelling units with the special consent of the Council.

"SERVICE STATION" means a building used for the purpose of profit or gain for one of the following purposes, namely to maintain or repair motorbikes, motor boats and motor vehicles or to supply fuel and for related purposes which also includes the parking or storage of motor vehicles, the sale of parts, accessories, fuel and lubrications for motorbikes, motor boats and motor vehicles but does not include panel beating, spray painting and the dismantling of motorbikes, motor boats and motor vehicles (except for minor repair works).

"SHOP" means a building designed and/or used for retail trade other than a service station and a liquor store.

"SIDE BOUNDARY" of a site or erf means a boundary other than a street boundary or a rear boundary.

"SIDE WALK" means that portion of the road reserve adjoining the street boundary of an erf that is not usually used for vehicular traffic, but is designed for pedestrian use.

"SITE AREA" means the surveyed area of the erf.

"SPECIAL CONSENT" means the Council's written consent with regard to an application requiring the procedure laid down in Clause 7 of this Scheme and refers to the purposes as specified in Table B shown under column 4, for which land may be used and buildings may be erected and used with the consent of the council only, subject to the provision of Clause 7 hereof.

"SPECIAL USE" means where the Council approved a subordinate use on land which is zoned for a different primary use. Special uses in terms of this town planning scheme will remain a use to be exercised by the land owner unless the consent use lapsed or was withdrawn by the Council in terms of Clause 5.4.

"STREET" or **"ROAD"** includes the whole or any portion of any street, road, bridge, subway, avenue, lane, sanitary lane or thoroughfare shown on the general plan of the town where a right-of-way is registered in the favour of the general public or where the public has a right-of-way by prescription.

"STREET BOUNDARY" means the boundary of an erf or site which forms the boundary of a street.

"TOURISM" means the provision of recreational activities and includes the business of providing services for people on holiday.

"TOURISM BUILDING" means the use of any building for recreational activities, or services provided for people on holiday.

"TOWNHOUSE" means two or more simplex residential units where the dividing line between dwellings is vertical.

"TRUCK PORT" A truck port which will mainly be used by heavy vehicles, must provide amongst others the following facilities: safe and secure parking areas for heavy vehicles, toilet and ablution blocks, food preparation areas (fire places) for the drivers, public telephone facilities, overnight facilities, workshop for light maintenance work on heavy vehicles, a fuel point, a wash bay for heavy vehicles and a refreshment kiosk.

"UNAUTHORISED BUILDING" means the use of any land or building or the erection of a building which is contrary to the provisions of Ordinance 18 of 1954 (as amended) or the provisions of this Scheme.

"WAREHOUSE" means a building for the storage and distribution of goods and may include the transaction of wholesale business related to such goods.

"ZONE" means a portion of the area shown on the map in a distinctive manner for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings and the use of land; and the terms "density zone", "use zone" and "bulk zone" mean zones indicating restrictions as to density, use and bulk factor of buildings respectively.

CLAUSE 2:**AREA AND PURPOSE OF SCHEME**

The area to which this Scheme applies is the area as indicated on the scheme maps and corresponds with the Townlands Diagram for Henties Bay Town and Townlands No. 133 (Diagram No. A 199/69). The general purpose of the Scheme is the co-ordinated and harmonious development of the area of Henties Bay including where necessary the redevelopment of any part thereof which has already been subdivided and built upon, in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare as well as efficiency and economy and conservation of the existing character of the town, in the process of such development.

CLAUSE 3:**CONFLICT OF LAWS AND EVASION OF THE PURPOSE OF THE SCHEME**

1. Nothing in the Scheme or in terms thereof shall be deemed to detract from any rights the Council possesses by virtue of any servitude, contract or agreement.
2. Except where the contrary is specifically stated in the scheme, nothing in any provision of the Scheme shall be deemed to override or absolve compliance with any other provisions of the Scheme.
3. The Council shall not consent to anything which in its opinion constitutes or facilitates an evasion of the intent and purpose of the Scheme or of any of its provisions.

PART II**CLAUSE 4:****RESERVATION OF LAND**

1. The several parcels of land specified in column 1 of Table "A" are reserved for the respective purposes indicated in column 2, of the Table A and except as hereinafter provided, shall not be used for any other purpose whatsoever.

TABLE A

	Map Reference (1)	Use for which land is reserved (2)
a.	Red hatch	New streets and proposed street widening
b.	Red cross hatch	Street closures
c.	Green hatch	Private Open Space
d.	Green fill	Public Open Space
e.	Crosses	Cemetery
f.	Brown fill	Local Authority purposes
g.	Pink fill	Government
h.	Blue fill	Educational Purposes
i.	Uncoloured	Existing Streets
j.	Green circles	Beach Area
k.	Grey	Transport and Communication, Electricity Supply Authorities and other parastatals
l.	Black 45° Hatch	Conservation Area

- 2 (a) No person shall erect a building or execute works or make excavations on land reserved under Clause 4.1 hereof other than buildings, works, or excavations required for or incidental to the purpose for which the land is reserved.
- (b) Save as provided in sub-clause 2(a) above no person shall spoil or waste the surface of land reserved in terms of Clause 4.1 hereof so as to destroy or impair its use for the purpose for which it is reserved: Provided that the Council may consent to the deposit on such land of land fill materials of a non-hazardous nature.
- (c) Where any piece of land which was previously a street or a public space vested in or owned by the Council is closed and transferred to an abutting owner, such piece of land shall be deemed to fall into the same use zone and sub-zone as those into which the abutting land owned by such owner falls.
- (d) Subject to the provisions of any other law, nothing in this Clause shall be construed as prohibiting the reasonable fencing of the land.

(e) Any building erected on land reserved under Table "A" shall comply in all respects with the provisions of the Scheme relating to that type of building.

(f) In giving its consent under this clause the Council may impose such regulations as it deems fit.

3. The new streets specified in Table A shall not be deemed to be public streets until they or any portion of them fall within any township which may be established on the land traversed by such streets, or they are proclaimed as public roads, or become vested in the Council for the purpose under any law.

4. Where the Council has acquired, either by agreement or expropriation, any such land (together with buildings, structures or any other erections thereon) reserved under Clause 4 hereof, it may execute thereon such works as in the opinion of the Council may be required for, or be incidental to, the purpose for which the land is reserved or for Local Authority purposes.

5. Where any land is reserved for a new street or a street widening in terms of Clause 4 of this Scheme, the building line shall be determined as if such street or street widening was in fact an existing street.

PART III**CLAUSE 5:****ERECTION AND USE OF BUILDINGS AND USE OF LAND**

1. The purposes for which land may be used and buildings may be erected or used, or land may be used or buildings may be erected and/or used with the special consent of the Council only in each of the use zones specified in Table "B" are shown in columns (3) and (4) of the Table, respectively. Any use not reflected in columns (3) and (4) may not be permitted in the relative zone. No land may be used for a purpose for which a building may not be erected or used on such land, provided that where a building may be erected and used for a particular purpose on land with the special consent of the Council, such land may be used for such purpose with such special consent.

TABLE B

	1	2	3	4
	ZONE	MAP REFERENCE	PURPOSES FOR WHICH LAND MAY BE USED	PURPOSES FOR WHICH LAND MAY BE USED AND BUILDINGS MAY BE ERECTED AND USED WITH THE SPECIAL CONSENT OF THE COUNCIL ONLY
A	Residential	Yellow fill	Dwelling house	Place of public worship, place of instruction, resident occupation, pensions
B	General Residential 1	Orange fill	Dwelling house/s, blocks of flats, residential buildings, duplex flats, townhouses	Place of instruction, place of worship, institutional buildings, pensions, licensed hotels
C	General Residential 2	Orange cross-hatch	Dwelling house/s, duplex flats, townhouses, blocks of flats,	Residential buildings, place of public worship, pensions
D	General Business	Blue fill	Shops, business buildings, parking garages, licensed hotels, blocks of flats, residential buildings, office	Service stations, service industry, laundrettes, dry-cleanettes, place of assembly, place of amusement, gambling house, institutional buildings, drive-in cafés, funeral parlours and chapels, warehouses, liquor stores, pensions

E	Local Business	Blue hatch	Shop, business building, dwelling house, office	Place of public worship, place of instruction, institutional building, office, blocks of flats, residential building, place of assembly, place of amusement, service stations, drive-in cafés, duplex flats, pensions, laundrettes and dry-cleaners
F	Light Industrial	Red purple fill	Light industrial, warehouse, dry cleanette, laundrette, service industry, dwelling unit	Public parking garages, petrol service stations, business buildings, funeral parlour and chapel, special use, building yard, panel beater, place of amusement, gambling house
G	General Industrial	Red- purple cross-hatch	Industrial building, scrap yard, warehouse, building yard, dry cleanette, laundrette, light industry	Service stations, business building, place of instruction, noxious industry, gambling house
H	Institutional	Brown hatch	Institutional	Special sse
I	Undetermined	Brown dots on white		Any other use which the Council may permit
J	Special	Black Hatch and numbered in red	See Table C	Table C
K	Agriculture	Green dots on white	Agricultural building	Tourism

2. Subject to the provisions of Clause 7 hereof where any application is made to the Council for its consent to use land or the erection and use of a building in a zone in which a use of the kind proposed may be exercised only with the Council's special consent, the Council may give or withhold its consent and shall in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building. In considering such applications regard shall be given to the question whether the use of the land or the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood for instance in the case of an industrial building, injury due to the emission of smoke or fumes or dust, noise or smell.

TABLE C: SPECIAL USES

The following erven designated in column (1) shall only be used for the purpose as indicated under column (2). Every use designated under column (2) is subject to the special consent of the Local Authority and the conditions they may impose.

Number on map	Number of erf zoned "special"	Uses permitted with the special consent of the local authority
1	Ptn 68, Jakkalsputz	Caravan park, camping and tourism related activities
2	Ptn 15, Aquaculture	Aquaculture and mariculture related activities
3	Erven 2006, 2166 Ext 7.	Caravan park, camping and tourism related activities
4	Area marked as No.4	For exclusive usage as a Golf Course
5		
6		
7		
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3. Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's Regulations.
4. (i) Any consent use which has not been exercised on any land or buildings which is in conflict with the provisions of these regulations lapses on the applicable date .
- (ii) The continued use of any land or building which is in conflict with the conditions of the Town Planning Scheme shall subject to the conditions in sub-clause (iii) lapse without the payment of compensation upon the termination of a period of fifteen (15) years from the date of proclamation of the Scheme in terms of Article 26 (2) of the Ordinance.
- (iii) The Council may, after receiving an application from the owner, before the expiry of the period mentioned in sub-clause (ii) above consider the extension for a further period or periods of five (5) years with a maximum of fifteen (15) years: Provided that after the expiry of the period mentioned in sub-clause (ii) above, the Council may issue a written notice requesting the owner/occupier of the land or building to bring the use into

compliance with the Town Planning Scheme without compensation.

- (iv) An applicant who is aggrieved by the Council's decision has the right to appeal to the Minister.
5. The special consent granted by the Council for the use of land or erection of a building, shall lapse if such use or buildings are not proceeded with within a period of one and a half years from the date of the Council's special consent: Provided that in the case of the erection of a building being delayed as a result of any Government policy or legislation in respect of building control, the consent use shall not lapse and the Council may then extend the term at will.
6. A building, the use of which is in conflict with the provisions of the Scheme, may be expanded with the permission of the Council, provided that any rebuilding of or addition to a building shall further be in accordance with the provisions of the Scheme for that type of building.

CLAUSE 6

SPECIAL PROVISIONS

1. Without prejudice to any powers of the Council derived from any other law, ordinance or regulation, nothing in this Scheme shall be construed as prohibiting or restricting or enabling the Council to prohibit or restrict:
 - (a) The recovery of minerals by underground or surface mining on any land which is not included in a proclaimed township;
 - (b) the letting, subject to the Council's Regulations relating to lodging and boarding- houses, of any part of a dwelling house other than as a tenement to a maximum of four persons;
 - (c) the occasional use of a place of public worship, place of instruction or institutional building as a place of assembly;
 - (d) the use subject to the Council's consent of a dwelling house or residential unit in a residential zone by the occupier for the purpose of carrying out his/her profession, domestic enterprise or occupation (resident occupation) which does not include the following:
 - i) the use of a building as a shop or as a building for an industrial undertaking;
 - ii) the display of goods to the public whether in a display window or otherwise displayed;
 - iii) the display of any advertisement board or sign other than a board or sign which indicates the profession or enterprise of the occupier;
 - iv) any use detracting from the amenities of the neighbourhood.
 - (e) Notwithstanding the conditions in sub-paragraph (d) (i) to (iv), the Council may permit resident occupations within zones as determined in Table B.
2. No building in the residential zone shall be so erected that the number of dwelling houses and dwelling units on an erf exceeds the number specified in Table D for the density zone in which the erf is situated.

TABLE D

DENSITY ZONING

DENSITY ZONE	DENSITY
1:100	One dwelling unit or dwelling house per 100m ²
1:250	One dwelling unit or dwelling house per 250m ²
1:300	One dwelling unit or dwelling house per 300m ²
1:450	One dwelling unit or dwelling house per 450m ²
1:600	One dwelling unit or dwelling house per 600m ²
1:750	One dwelling unit or dwelling house per 750m ²
1:900	One dwelling unit or dwelling house per 900m ²
1:ERF	One dwelling unit or dwelling house per erf

- (a) No consolidation or subdivision of land shall be made without the consent of the Council and the Competent Authority.
 - (b) Not more than one dwelling house or residential building may be erected on any erf without the consent of the Council.
3. Where an existing dwelling house has been built in the Residential Zone and it appears to the Council, with due consideration to the nature of the vicinity, that the dwelling is too extensive for further occupation by a single family only, the Council may consent to the modification of the dwelling house into not more than two dwelling units, on condition that the consent may not be issued unless:
 - (a) the dwelling house and additions were erected before the Material date;
 - (b) the compliance with density zoning of Table D;
 - (c) provision can be made on the erf for the under roof parking of at least 2 motor vehicles; and
 - (d) permission has not already been granted in terms of paragraph 8.

4. No shop or other building in a business zone shall be erected unless the Council is satisfied that such shop or building will constitute an integral option of a comprehensive and coordinated development of the business zone in question, but that the Council may, having regard to the economic and physical life of an existing shop or building in such zone permitted alterations to such shop or building subject to such alterations being refused if it is deemed to have been erected otherwise than in conformity with the provisions of this Scheme.
5. The Council may permit any one or more of the following shops or activities viz:
- Hairdressing saloon
 - Book shop or news agent
 - Florist
 - Curio shop
 - Theatre booking agent
 - Travel agency and motor car rental service
 - Pharmacy
- to be established:
- (a) in any hotel which has been classified and graded under Ordinance 20 of 1973, and
 (b) by special consent in any hotel other than those referred to in sub-paragraph (a) hereof,
- provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.
6. Notwithstanding any other provisions of this Scheme the occupier and/or owner of a dwelling house, block of flats or residential building may not park or cause or allow to park on the site of such dwelling house, block of flats or residential building more than one public vehicle used for business purposes or financial gain: Provided that public vehicles may be parked for the purposes of loading or unloading goods normally required for attendance to a dwelling house, block of flats or residential building.
7. No person shall park any commercial vehicle in a public street within the Local Authority Area of Hentiesbaai for longer than 10 hours per week, provided that parking during the period 08h00 to 19h00 excluding Saturdays and Sundays shall not be taken into account.
8. In a residential zone, after the Council has taken into account the character of the neighbourhood and the health requirement, where an existing outbuilding is no longer required for the purpose for which it was designed, the Council may give its special consent for the conversion of such outbuilding into one separate unit of accommodation. Provided that the floor area of such unit shall not exceed 35% of the main building; provided further that permission has not already been granted in terms of paragraph 3 above.
9. Except where specified elsewhere in the scheme, when a building is to be erected on a site the owner thereof shall construct and maintain, at his own expense and to the satisfaction of the Council, parking spaces on the site as set out in Table E.

TABLE E: PARKING REQUIREMENTS

USE ZONE	USE	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED
Residential	Dwelling Houses	As determined by Council provided Clause 8:A/1/c is adhered to.
	Places of Worship and Instruction	1 parking bay per 10 seats or per 10 members; Min: 15 bays for funeral chapels; 8 bays for other uses
General Residential 1 and 2	Dwelling Houses	As determined by Council provided Clause 8:A/1/c is adhered to.
	Other Residential buildings	1 per dwelling unit
	Hotels	1 per 50m ² of floor area
	Youth Organisation Erven	1 per 10 members/residents; min: 4 bays
	All other uses	As determined by Council
General Business, Office and Local Business	Residential buildings	1 per dwelling unit
	Hotels	1 per 50m ² of floor area
	Shops and Offices	1 per 50m ² of floor area, or as arranged with Council according to Clause 8:D/7/2
	Places of Worship and Instruction	1 parking bay per 10 seats or per 10 members; Min: 15 bays for funeral chapels; 8 bays for other uses
	Institutional	1 per 2 beds or as determined by Council
	Service Stations	An area of 120m ² excluding showrooms or workshops per grease bay or wash bay
Light and General Industry	All other uses	1 per 50m ² of floor area
	All uses	1 per 66,66m ² of floor area Loading and Off-loading: as specified in Clause 8: F &G/2
Institutional, Undetermined	Institutional	1 per 2 beds or as determined by Council
	All other uses	As determined by Council
Special	Accommodation Establishments	Minimum of 2, 1.5 per room
	All other uses	As determined by Council

Provided that:

- (i) The Council may relax or restrict the provisions of this Clause further, if deemed necessary.
 - (ii) The leasing of parking spaces shall not be deemed to be a business for the purpose of this Scheme.
 - (iii) The access to and the position and dimensions of a parking place shall conform to the requirements of the Council.
 - (iv) The parking requirements, subject to the specified use zoning, shall be calculated as set out in column (3) of Table E and that the number of parking bays thus obtained, shall be rounded off to the nearest integer.
10. Notwithstanding the provisions of sub-paragraphs (i) to (iv) hereof, the Council may relax the provision of Table E and enter into a written agreement with the owner of the site concerned whereby the owner shall:
- (a) pay an amount to the Council which in the opinion of the Council is sufficient to enable it to provide and maintain the same number of parking spaces within reasonable walking distance from the erf as are required in terms of Table E; or
 - (b) transfer a suitable site to the Council and pay an amount to the Council which will in the opinion of the Council be sufficient to enable it to construct and maintain the number of parking spaces required in terms of Table E on the said site; or
 - (c) construct and maintain the number of parking spaces required in terms of Table E on any other property which is considered to be suitable by the Council.
11. With the consent of the Council or the Competent Authority a building (with opening windows overlooking the neighbouring property) can be erected on a common border with a Public Open Space.
12. Notwithstanding any other conditions in this Scheme no land may be used as a drive-in theatre without the special consent of the Council.

CLAUSE 7

ADVERTISEMENT AND APPEAL IN CERTAIN CASES

1. Any person intending to make application to the Council for its special consent to the erection and use of a building or to the use of land in Zone (A) to (L) in Table "B", whether wholly or partially for any purpose requiring the Council's special consent, or the relaxation of building lines and height restrictions as specified in the various zones, shall before making such application, publish at his own expense once a week for two consecutive weeks in two newspapers circulating in the area in the official language, a notice of his intention to make such application, and shall post and maintain conspicuously for twenty-eight (28) days such notice on some part of the building or land visible to the public, and shall with such application lodge with the Council proof of such publication and posting. The notice shall state that any person having any objections to the erection and use of the proposed building or to the proposed use of the land may lodge such objection with the Council and also with the applicant in writing within fourteen (14) days after the date of the last advertisement, and shall further state where the plans, if any, may be inspected.
2. The Council shall take into consideration all objections received within the said period of sixty (60) days and shall notify the applicant and the person from whom the objections were received of the Council's decision.
3. Any decision of the Council given in terms of this section shall be by special resolution of the Council.
4. Notwithstanding any conditions in sub-clause 1 to 3 above, the Council may advertise any application and recover the cost of such advertisement from the applicant.
5.
 - (a) Any objector and/or applicant that feels aggrieved by the decision of the Council, in terms of an application made under this Scheme, may appeal to the Competent Authority.
 - (b) If the decision is one of which the Council is required to give upon the application of any person or upon the submission by any person of plans or proposals, an appeal shall, in addition, lie against a refusal of the Council to give, or unreasonable delay on its part in giving a decision, as if it were an appeal against a decision of the Council.
 - (c) Written notice of an appeal shall be given to the Competent Authority and to Council. If the appeal is against a decision of the Council, the notice shall be given within twenty eight (28) days from of the service on the appellant of the notice of the Council's decision.
 - (d) The Competent Authority may, on the application of any person desiring to appeal, extend by not more than twenty eight (28) days the time for making the appeal specified in the last preceding paragraph, whether or not the time specified for making the appeal has expired.

PART IV

CLAUSE 8

CONTROL MEASURES

The following restrictions shall apply in the relative zones:

A. RESIDENTIAL ZONE

1. Dwelling Houses

- (a) No building, permanent structure or portion thereof, except for boundary walls and fences, may be erected on the site within:
- (i) 3 metres from any street boundary;
 - (ii) 1.5 metres from any rear boundary;
 - (iii) 1.5 metres from any side boundary; and
 - (iv) 5 metres in the case of a garage, when the garage door is facing any street boundary; or 3 metres from the street boundary when garage is placed parallel to the street.
- (b) (i) Subject to the conditions of paragraph 1 (d), the Council may approve that garages on a side and/or rear boundary be erected, subject to the stipulations of paragraph 1.(a)(iv); provided further that a building may only be erected on any such side and/or rear boundary if no windows or doors are incorporated in the walls on such boundary;
- (ii) Furthermore the walls on such boundary shall be 230 mm thick and built 300 mm above roof level of such building and properly plastered on the side of the adjacent owners to the satisfaction of the Council.
- (iii) A garage and/or any other building may further be built, with the written consent of the adjacent erf owners and the Council, on a rear or side boundary and also be connected to the main building provided that the building lines on the other boundaries are adhered to.
- (c) The parking to be provided will be in accordance with the requirements as set out in Table E; That the maximum number of garages be restricted to four (4) with a total floor area of 95m². Further the area of such outbuilding, garages excluded, may not exceed 35% of the total floor area of the main building (excluding garages) and may be erected separately from the main building.
- (d) The Council may relax the requirements of sub-clause (a) if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result and taking into account:
- (i) the location of the subdivision or site concerned in relation to streets and other subdivision or sites in the immediate vicinity or
 - (ii) the height of a subdivision or erf on the adjoining land or

- (iii) the shape or size of the subdivision or site or
- (iv) the siting of existing buildings on or in the vicinity of the subdivision or site
- (v) the acquisition of a portion or the subdivision or site by the Council for street improvements.

The development of a particular property or portion thereof in accordance with the building line requirements of this clause would be unreasonably difficult or would be less harmonious or uniform with the adjoining properties, than would be the case if the building line is relaxed.

Any person intending to apply with the Council for the relaxation of building lines in "Residential" zone may do so provided that:

- (i) building plans indicating the intended encroachment of the building lines; and
 - (ii) written comments of the adjacent erf owners is obtained; prior to submission of such an application to Council.
- (e) No dwelling house shall exceed a height of two (2) storeys or a height of 8 m whichever is the most restrictive.
- (f) An outbuilding may with the consent of the Council be two (2) storeys high provided that the second storey is more than 3 m or half of the height of the building from any boundary, whichever is the most restrictive.
- (g) In the case of erven smaller than 400 m² the Council may permit a general relaxation of building lines in the residential zone.

2. Places of instruction and places of public worship

Except for boundary walls, and except with the special consent of the Council, no building may be erected or used for these purposes closer than 5 metres to any boundary of the site.

3. Places of public worship

The provisions relating to minimum parking for places of public worship in the general business zone shall be applicable in this zone. Table E.

4. The maximum coverage for all buildings in this zone is 55%.

B. GENERAL RESIDENTIAL 1 ZONE

The restrictions applying to blocks of flats, duplex flats, townhouses, licensed hotels, residential buildings and institutional buildings in this zone is as follows:

1. Density control

	Blocks of Flats	Licensed Hotels	Residential buildings, duplex flats, townhouses and institutions
a. minimum size of site	1 500m ²	1 500m ²	1 000m ²
b. maximum coverage	60%	50%	60 %
c. maximum bulk	1.0	1.0	0.8
d. Parking Requirements: .See Table E			

Parking may be provided in basements and/or on certain floors in blocks of flats and is excluded from the maximum floor area.

2. Height control

- a. No building in this use zone shall be erected to exceed a height of 3 habitable storeys or 10 metres, whichever is the most restrictive.
- b. Notwithstanding any provisions applicable to this zone in respect of maximum height, no portion of any building or structure shall extend above or beyond a line drawn at 45° to the horizontal towards the site on which the building is located from any point on the street boundary opposite the street boundary or the building under consideration and such line shall be directed at right angles to the street boundary of the erf under consideration.
- c. Where an erf fronts onto streets having varying widths, the height as calculated for the wider of the two streets shall apply for a distance of 15 metres from the corner along the narrower street.

3. Building Lines

- a. No building or structure, except boundary walls and fences, shall be erected nearer than 5 metres from the street boundary in the case of main roads, or 3 metres from the street boundary in the case of other streets.
 - b. No building or structure except boundary walls and fences may be erected nearer to the Side and rear boundaries than 5m or half the height of the building, whichever is the greater: Provided that the provisions in Clause 8.A.1(a) shall apply in the case of dwelling houses. Provided that except with the permission of the Council, outbuildings may not be built closer than 3m to the side and rear boundaries and is subject to the requirement that no outbuilding may be built within 10 metres of the street boundary. In addition to the area of the outbuildings (excluding garages) shall not exceed 35% of the area of the main structure and may be erected separate from the main structure.
 - c. The Council may relax the provisions of sub-clause (a) and (b) above, provided it complies with the conditions mentioned in clause 8 A 1 (d).
4. The requirements in respect of minimum on-site parking prescribed for flats, licensed hotels and residential buildings in the General Business Zone, shall be complied with in all respects. See Table E.
 5. Except with the consent of the Council no building in this zone may be erected, except if:
 - (i) the erf borders on a street of at least 12 metres in width and such a street links with a further street or streets not less than 15 metres in width, and
 - (ii) all boundary walls or fences must be erected at a distance of not less than 7 metres from the centre line of the adjoining street or streets; the area between the legal street boundary is made available as parts of the street.
 6. The requirements prescribed for dwelling houses and places of instructions and public worship in a residential zone, including the provision of on-site parking, shall apply to such buildings in this zone; Provided that the stipulations of Clause 8. D7 1a2(i) and (ii) will be applicable to places of instruction and public worship.

C. GENERAL RESIDENTIAL 2 ZONE

The restrictions applicable to duplex flats, townhouses, residential buildings and blocks of flats in this zone are as follows:

1. Size of site, coverage and maximum floor area ratio

	Duplex flats, townhouses	Residential buildings and blocks of flats
a. minimum area of site	900m ²	1 000m ²
b. maximum coverage	60%	60%
c. maximum floor area ratio	1,0	1,0
d. parking requirements:	See Table E	

Parking may be provided in basements or erected elsewhere on the site and is excluded in the calculation of the maximum floor area, but in the case where garages are erected outside the buildings, the area is included in the calculation of the coverage.

Save with the consent of the Council even smaller than 900 m² may be used for the erection of townhouses and duplexes within Omdel.

2. Height control

Except with the special consent of the Council no building in this zone may exceed a height of 2 habitable storeys or a height of 8 metres, whichever is the most restrictive.

3. Building lines

The conditions prescribed in the General Residential 1 Zone shall apply in this zone: Provided that the relaxation of building lines may be permitted as prescribed in Clause 8A. 1(d).

4. Parking

The requirements prescribed for dwelling houses, places of public worship in the Single Residential Zone, including the provision of on-site parking, shall apply to such buildings in this zone in accordance with Table E.

5. Notwithstanding the conditions in sub-paragraph 1 (a) above the Council may in certain cases, beyond the control of the applicant, give its special consent for the erection of a block of flats, residential building or duplex flats on an erf smaller than the prescribed area in sub-paragraph 1(a) above.

D. GENERAL BUSINESS AND OFFICE ZONE1. Coverage

In this zone the area at the respective floor levels of all the buildings on any erf in relation to the erf area shall not exceed the following percentages:

Blocks of flats above ground floor	50%
Licensed hotels and residential buildings	60%
Shops, offices	70%
Business buildings	70%
Places of instruction, public worship and places of assembly	50%
Institutional buildings	60%
Parking garages	80%
Service stations, service industries and warehouses	60%

2. Bulk (Floor Area Ratio)

No building shall be erected, altered or extended so as to exceed the floor area ratio applicable for that type of building provided that the total floor area ratio shall not exceed 2,0.

Blocks of flats above the ground floor	0.6
Licensed hotels and residential buildings	1.0
Shops, offices	1.4
Business buildings	1.4
Places of instruction, places of public worship and places of assembly	1.0
Institutional buildings	0.6
Service stations and light industrial buildings	1.2

3. Height control

No building in this zone shall be erected so as to exceed a height of 3 habitable storeys or 10 metres, whichever is the greater.

4. Building lines

I. Street boundary

All buildings, except service stations, may be erected on the street boundary.

II. Side boundaries

Buildings may be erected on the Side boundary for a distance of 13 metres back from the street boundary, and thereafter shall be set back a distance of 5 metres or half the height of the building, whichever is the greater: Provided that a building comprising shops and/or offices may be erected on the Side boundary for the first two storeys.

III. Rear boundaries

(i) Buildings on the ground floor may not be erected nearer than 5 metres to the rear boundary: Provided that the first two storeys of a building comprising of shops, offices and/or business buildings, warehouses and/or parking garages may be erected on the rear boundary.

(ii) Buildings above the ground floor or in the case of shops and business buildings, warehouses and parking garages above the first floor, buildings shall not be erected closer than 5 metres or half the height of the building whichever is the greater from the rear boundary.

IV. In the event of the common boundary between two erven forming the boundary between this zone and a residential zone, the side or rear space as the case may be applicable to the latter zone, shall apply on both sides of the boundary in so far as it is more restrictive.

V. Notwithstanding the provisions of sub-paragraph I to III above the Council may subject to the provisions of Clause 7, relax the building line restrictions and prescribe side or rear building lines as it may deem fit if the building forms part of a comprehensive project.

5. Basements

Where a basement is below ground level the building line requirements need not be complied with.

6. Projections

(a) In this zone projections over streets and building lines, excluding advertising signs approved by the Council in accordance with the provisions of any other law, shall be limited to minor architectural features and one cantilevered open canopy which may be erected to within 1.0 metre of the pavement edge or 3.0 metres from the front of the building whichever dimension is the lesser, provided that no portion of any projection shall be less than 3.0 metres above the pavement level and there shall be no access from the building to the canopy.

(b) The following conditions, excluding advertising signs and cantilever slab projections approved by the Council in accordance with the provisions of any other law, shall apply to all other projections over building lines applicable in this zone:

- (i) Projections shall not protrude more than 1 metre over the street boundary;
- (ii) balconies may extend in length up to 60% of the total length of the façade (per floor) from which they project if no other projections are planned for that façade;
- (iii) the total length of bay windows shall not be more than 30% of the length of the wall from where it protrudes and no single bay window shall be larger than 3 metres;
- (iv) balconies shall only be enclosed by a dwarf wall, railing or similar structure not exceeding 1,5 metres in height above the floor level of the balcony, and
- (v) any projection, roof or hood over the balcony shall be cantilevered.

7. Provision for on-site parking

I. In this zone minimum provision shall be made on the site for parking and garaging of vehicles on the following basis:

a. Shops and office buildings

- 1. Parking is to be provided in accordance with Table E.
- 2. The access to and the position and dimension of a parking place shall conform to the requirements of the Council.

b. Block of flats, Residential Building and Licensed Hotel

Parking is to be provided in accordance with Table E.

c. Places of assembly and places of public worship

A minimum area must be provided on the basis of one parking space for every 10 seats in the building or 10 members of an association or organisation whichever is applicable, subject to a minimum of fifteen (15) spaces for every funeral chapel and eight (8) parking spaces for any other place of assembly or place of public worship.

d. Service stations

An area of 120m² excluding show rooms or workshops should be provided for every grease bay or wash bay.

e. Institutional buildings

See Table E

- II. a. No parking area in the case of the general residential zones where this restriction also applies by reason of Clause 8 B 4 and 8 C 4 shall be laid out within 5 metres of any street boundary.
- b. Parking facilities including ingress and egress to the site shall be situated, designed, constructed, marked and maintained to the satisfaction of the Council: Provided that in the case of public garages and petrol service stations the provisions of Clause 10 shall apply.
- c. The manner in which it is intended that vehicles shall park on such parking areas and the means of gaining ingress and egress shall be shown on a plan to be submitted to the Council who may approve or impose such conditions as it may deem fit.
- d. The site to be provided for parking in terms of this clause shall not be used for the purpose of exhibition, sale, repair or maintenance of vehicles or for any purpose other than the parking of vehicles.

8. Non-Conforming Uses on Premises

Before a registration certificate or licence of the Council is issued in respect of any premises for which there is no current licence at the date of coming into force of these provisions, or when additions or alterations are made to any building in this zone all the buildings on the site which a licence is being issued for or which are altered, shall be made to comply with the provisions of this Scheme, the regulations of the Council and any other laws which may be applicable.

9. Combined buildings

In the case of multiple uses, the provisions shall be calculated in respect of each floor for the use to which such floor is to be put, and the sum of the provisions so arrived at applied to the whole building. Where it is intended to use any one floor or space of a building for more than one use, the more restrictive provisions shall apply.

10. Erection of Blocks of Flats and Residential Buildings

Except with the special consent of the Council blocks of flats and residential buildings other than a licensed hotel in this zone may only be erected above the ground floor.

11. Side Streets

No shop, office building, public parking garage, service station or place of assembly shall be erected on any street unless a building line of 9 metres from the centre line of such street is adhered to.

E. LOCAL BUSINESS ZONE

1. Coverage

In this zone the floor area of the respective storeys of all the buildings on any site in relation to the site area shall not exceed the following percentages:

Shops and business premises, Blocks of flats	50%
Places of instruction, public worship, assembly, institutional buildings and petrol filling station	40%

2. Bulk (Floor Area Ratio)

No building shall be erected, altered or extended so as to exceed the bulk (floor area ratio) applicable for that type of building as stated below, nor shall any building exceed a maximum bulk of 1,0.

Shops and business premises	1,0
Residential buildings, public worship, places of instruction, assembly and institutional buildings, blocks of flats, townhouses and duplex flats	0,6

3. Building lines

I. Street boundaries

Except with the consent of the Council all buildings shall be set back a distance of 5 metres from the street boundary.

II. Side boundaries

All buildings may be erected on the side boundary for a maximum distance of 12 metres measured from the street building line, and thereafter shall be set back a distance of 3 metres or half the height of the building whichever is the greater.

III. Rear boundaries

Buildings shall not be erected nearer than 3 metres or half the height of the building whichever is the greater, from the rear boundary of an erf, provided that out-buildings and garages may be erected on the rear boundary as defined under single residential zone.

- IV. Where the common boundary between two sites forms the boundary between this zone and a residential zone, the stipulations regarding rear and side boundaries shall apply on both sides of the boundary only in so far as they are more restrictive.

The provisions applying to dwelling houses in the single residential zone shall apply in this zone.

4. Basements and projections

The provisions applying to the General Business Zone shall apply in this zone.

5. Height

No building in this zone may exceed a height of 3 storeys or 10 metres, whichever is the most restrictive.

6. Parking

Parking is to be provided in accordance with Table E.

F & G LIGHT AND GENERAL INDUSTRIAL ZONE

1. Coverage

In these zones the respective floor levels of all buildings on any site in relation to the site area shall not exceed the following percentages:

Industrial buildings	80%
Public garages, service industries warehouses in <u>light industrial</u> zones	80%
Warehouses, scrap- and building yards, light industry in <u>general industrial</u> zones	80%
Service stations, Dry cleanette, launderette, business premises and places of instruction	70%

2. Loading and Off-loading

For the purposes of loading or off-loading of vehicles provision shall be made on the following basis:

Total floor area	No. off-loading of building bays required
0 m ² - 499 m ²	1
500 m ² - 1 499 m ²	2
1 500 m ² -	3 + 1 bay for every additional 1 000 m ² of floor area

Vehicular access to the loading bays shall be laid out to the satisfaction of the Council, each bay having a minimum width of 5 metres.

3. Parking

- (i) Parking is to be provided in accordance with Table E.
- (ii) Parking spaces provided in accordance with this sub-clause shall not be used for the display, sale, repair or maintenance of motor vehicles or any other purposes whatsoever except for the parking of motor vehicles.

4. Building lines

- (i) All street boundary walls or fences of the site shall be erected at a distance of not less than 8 metres from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary shall be made up as part of such street.
- (ii) No building or any portion thereof except boundary walls and fences shall be erected nearer than 3 metres from any street boundary of the site

(vide definition of "street boundary") or the new street boundary as defined in the preceding sub-clause (i), whichever is the more restrictive on the site and 3 metre from any side or rear boundary: Provided that the Council may relax this provision and allow buildings up to the boundary after taking into account the nature of the building/buildings if any on the adjoining site and after taking further account of the full utilization of coverage, no other solution is possible. In such a case the boundary and/or divisional walls must comply with the provisions of Chapter 14 of the Standard Building Regulations in connection with fire protection. Such relaxation should in no way hinder the opportune development of the adjoining erf and this is also applicable in connection with spaces between buildings. In addition such relaxation shall also depend on the provisions of Clause 7 of these Scheme regulations.

- (iii) Where the boundary of a site forms the common boundary between this zone and any residential or business zone, the building lines which are the most restrictive will be applicable in such residential or business zone on both sides of such common boundary.

5. Height

No building in the Light and General Industrial Zone may exceed a height of three storeys or 12 metres whichever is the most restrictive; Provided that the Council may, subject to the provisions of Clause 7, relax this restriction.

6. General amenity

- (i) Except if provision is made in Table B of Clause 5 of these Regulations, no industry which can be classified as an offensive trade nor any industry which is likely to cause smoke, smell, fumes, noise or dust in any quantity, nor any industry whose effluent the Council will not accept in its sewers, shall be permitted.
- (ii) Only electricity, solar energy, gas or oil shall be used for power.
- (iii) Any scrap- or building yard or other use of land or buildings which would in the opinion of the Council distract from the visual character of the area shall be screened by the provisions of a wall having a minimum height of 2.0 metres above the height of the street and constructed to the satisfaction of the Council.

H. INSTITUTIONAL ZONE

The provisions applying to places of public worship and places of instruction in the Single Residential Zone shall apply in this zone.

The provisions in respect of institutional buildings in the General Business Zone shall also apply in this zone.

Parking is to be provided in accordance with Table E.

I. UNDETERMINED

Except with the special consent of the Council no building in this zone shall be erected or used or land used for a purpose other than the purpose for which it was being used on the material date. Similarly no building shall be altered or extended without such special consent of the Council.

J. SPECIAL

Details of uses allowed on erven with a special zoning are listed in Table C.

K. AGRICULTURE

In this zone, except with the special consent of the Council, only one residential dwelling, together with such buildings which are normally used in connection with agriculture, may be erected on each farm portion or agricultural holding.

1. Building Lines

No building may be erected nearer than:

- a) 10 metres from any street, including a Right of Way;
- b) 15 metres from any other boundary.

No building for agricultural purposes may be erected within a distance of 10 metres from any dwelling house except with the consent of the Council.

L. AQUACULTURE AND MARICULTURE

In this zone, except with the special consent of the Council, only one dwelling unit, together with such buildings which are normally used in connection with aquaculture and mariculture, may be erected on each portion identified under Clause 5 in Table C of this Scheme.

1. Building Lines

No building may be erected nearer than:

- a) 10 metres from any street, including a Right of Way;
- b) 15 metres from any other boundary.

No building for aquaculture and mariculture purposes may be erected within a distance of 10 metres from any dwelling house except with the consent of the Council. No building may be erected closer than 100 m from the high water mark in coastal zone areas, to ensure public access along the beach.

PART V - MISCELLANEOUS PROVISIONS

CLAUSE 9:

NUMBER OF BUILDINGS PER ERF

- a. Except in the case of places of instruction, public worship and for residential purposes where the density zone (Table D) is applicable, not more than one building together with such outbuildings and garages as are ordinarily used in connection therewith, shall be erected on any erf.
- b. The Council may, with special consent, allow the following on an erf exceeding 2 000m² in extent:
 - (i) In the General Residential Zones more than one building of the type referred to in column 3 of Table "B" of the relevant zone, may be erected, and
 - (ii) in the General Business Zone more than one building of the type referred to in column 3 of Table "B" of the relevant zone, may be erected.

CLAUSE 10:

SERVICE STATIONS

The following additional provisions shall apply:

1. For the purposes of this clause:

"BOUNDARY" means in relation to a road, the boundary of the width of a road as fixed by or under any law;

"INTERSECTION" means the area embraced within the prolongation of the side boundaries of the two public roads which join each other at, or approximately at right angles, or the area within which traffic travelling on different roads joining at any other angle may come into conflict;

"TRAFFIC ISLAND" means any raised area in a roadway intended for the physical separation of traffic or for the exclusive use of pedestrians or for both.
2. Notwithstanding any other provisions of this Scheme no person shall erect a service station which does not conform to the requirements hereafter set forth, except where the Council on good cause authorises otherwise.
3. No engineering work which causes objectionable noise or in the course of which obnoxious or harmful gasses, fumes or odours are released, no spray painting and no panel-beating shall be carried on at a service station unless such garage is situated on land which is reserved for industrial purposes.
4. No fuel pump for motor vehicles shall be erected within four metres from the road boundary, measured from the nearest edge of the base of island on which the fuel pump is erected.
5. The vehicular access and exit ways to and from the premises of a public garage or petrol service station shall where they cross the road boundary, be at an angle of 45° and be not more than 10 metres wide. A wall at least 10cm thick and 20cm high shall be erected on the street boundary between the points of access and exit must be continued along the particular boundary of the erf unless the erf is enclosed in some manner. The vehicular access and exit ways to and from motor vehicle fuel pumps at a public garage, shall be restricted to one for every continuous frontage of 20 metres which the premises whereon such pumps are erected have on the boundary of a public street or streets. A minimum of two access ways are required.

- 5.1 In an urban area the vehicular access and exit ways to and from the premises of a public garage, where they cross the road boundary, shall:
- (i) not be less than 30 metres from the nearest point of:
 - a. the intersection of a declared road, proclaimed road, prospective main road or any other road with any other road of like status, and
 - b. the intersection where traffic is controlled or is proposed that it be controlled by robot or traffic island.
 - (ii) not be less than 5 metres from the side boundary of the premises.
 - (iii) in the case of an intersection other than the one referred to in sub-clause (i) hereof:
 - a. if the corner of the intersection is not splayed, not be less than 10 metres from such corner, or
 - b. if the corner at the intersection is splayed, not be less than 10 metres from such corner or 5 metres from the point where the line of splay meets the road boundary, whichever is the greater distance from the corner.
- 5.2 In sub-paragraph 1(iii) "corner" means the corner formed by the road boundaries or the prolongation of the road boundaries bordering the premises of a public garage or petrol service station.
6. Any part of the premises of a public garage or petrol service station which is used for the storage of disused motor vehicles or parts of motor vehicles, any other scrap whatsoever, or empty containers such as oil drums and packing cases, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least 3 metres high, be enclosed with a wall at least 2,5 metres high above street height.
7. At every public garage provision shall be made on the premises for an easily accessible and usable parking area, exclusive of showroom and workshop areas, to the extent of at least 120m² for every grease bay or wash bay.

CLAUSE 11:

DRY CLEANETTES AND LAUNDERETTES

Dry cleanettes and launderettes may with the special consent of the Council, be established in the General Business Zone, provided that they comply with the following provisions:

- a. The floor area of the shop for receiving and returning clothes, the workshop and a space for clothes racks together shall not exceed 275m².
- b. The minimum distance between the boundaries of any two dry cleanettes or launderettes unless situated on opposite sides of a street, shall be 60m.
- c. Only gas, solar energy, electricity or illuminating paraffin shall be used for the production of steam or hot water.
- d. The solution used in the cleaning process shall be non- inflammable.
- e. The combined capacity of the dry cleaning machines that may be installed shall not exceed 30kg dry weight of clothing or other articles per cleaning operation.
- f. The combined capacity of the washing machines that may be installed shall not exceed 30kg weight of clothing or other articles per washing operation.
- g. Each individual application for the establishment of a launderette or a dry cleanette in the General Business Zone shall be submitted to the Council for its special consent and the Council shall be furnished with full information as to the maximum and minimum capacities of the machines to be operated, the number of employees and the floor space to be occupied.

CLAUSE 12:**FUNERAL PARLOURS WITH CHAPELS**

The following additional provisions shall apply:

- a. For the purpose of these provisions, "intersection" and "traffic island" shall have the meanings assigned thereto in Clause 10, relating to service stations.
- b. No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 12 metres in width.
- c. No funeral parlour with a chapel shall be permitted nearer than 90 metres from:
 - i. the intersection of a declared road, proclaimed road, prospective main road, or any other street;
 - ii. any road whether existing or proposed, and
 - iii. any intersection where traffic is controlled, or is proposed to be controlled by a traffic island in future.

CLAUSE 13:**MINIMUM VALUE OF NEW BUILDINGS**

In cases where new buildings are erected on an erf the minimum value of the main building shall be in accordance with the minimum municipal building value stipulated by Council within the area.

CLAUSE 14:**STORAGE OF MATERIAL ON VACANT ERVEN**

1. The owner of the erf may not store any building material, equipment, tools or vehicle or erect a builders shed on the erf prior to submission and approval of building plans for a main building: Provided that following such approval building material, equipment and tools (or erection of a builders shed) may only be stored on the site for a period not exceeding 30 (thirty) days prior to the physical commencement of the erection of the building.
2. The Town Council reserves the right at the expiry of the 30 (thirty) days period to instruct the owner of the erf to remove the material, equipment, tools or builders shed from the site within a specified period failing which the Town Council shall remove same at the cost of the owner of the erf.

CLAUSE 15**EXTERNAL APPEARANCE OF BUILDINGS**

Any person intending to erect any building shall furnish the Council for its consideration if it so requires (in addition to any plans and particulars required to be submitted under any of the Council's Regulations) with drawings or other sufficient indication of the external appearance of the proposed building, including such description of the materials to be used for that purpose. The drawings shall be upon suitable and durable material to a scale of not less than 1 in 100 except that where the building is so extensive as to render a smaller scale necessary the drawings may be to a scale of not less than 1 in 200. The Council may require such alteration of the external appearance and building material as it may deem necessary.

The erection of any building will be subject to this scheme, as well as to the health and building bylaws.

CLAUSE 16**GENERAL AMENITY AND APPEARANCE**

1. Where the amenity of any vicinity is injured by the condition of any building, structure, yard or garden or adjacent side walk in the area the Council may serve a notice on the owner or occupier of the premises on which the injurious conditions exist requiring him within a stated period, not being less than twenty eight (28) days from the date of service of the notice, as may be specified in the notice to take such action as may be necessary to abate the injurious conditions, failing which the Council may undertake such actions themselves at the cost of the particular owner.
2. Any person on whom a notice was served in terms of this clause, may appeal with the Minister, or request from the Council for an extension of time, as determined by the Council.

CLAUSE 17**PROVISION FOR LOADING AND OFF LOADING**

1. With the exception of the Light Industrial Zone, the Council may with the purpose of preventing obstruction of traffic in any street or proposed street onto which a building will front or be erected adjacent to, require from the owner that he submit proposals for the Council's approval of provision of suitable and adequate space on the site for the loading and off-loading of and supply of fuel to vehicles which in all likelihood will have a continuous relation to the use of the building.
2. No owner or utilizer of a building in respect of which such proposals have been required under this clause shall undertake or cause or allow the loading, off-loading and refuelling of vehicles contrary to the approved proposals.

CLAUSE 18

PUTTING COURSES AND DRIVE-IN CAFÉS, SPECIAL PROVISIONS

1. No putting course or drive-in café shall be permitted except in accordance with this clause.
2. No putting course or drive-in café together with the necessary parking area shall be allowed adjacent a street less than 16 metres wide. No ingress or egress for motor vehicles for this enterprise may be closer than 90 metres from a crossing as defined in Clause 10, (where two proclaimed roads meet or where traffic is controlled by robots and traffic islands).
3. Provision shall be made on the site of every putting course for a parking area on the basis of 2 parking bays to every two holes in the putting course, provided that where a putting course is adjacent to a drive-in restaurant and the parking area for the two undertakings is not clearly separated, a minimum of 20 bays must be provided for the drive-in restaurant in addition to the parking facilities prescribed for the putting course. The provisions of Clause 8 D 7.II shall be applicable mutatis mutandis² to any parking area required in terms of this clause.
4. The fence or boundary of a putting course shall be set back at least 3 metres from the statutory boundary of any street abutting the course to provide suitable standing room for spectators off the street and pavement.
5. Where the Council deems it necessary in interest of amenity, the site of every putting course and/or drive-in restaurant shall be screened and landscaped in a manner prescribed by the Council.
6. A putting course shall not be operated later than such closing hour as the Council may prescribe.
7. Any building or structure erected on the site of a putting course and/or drive-in restaurant shall fully comply with the provisions stipulated in the Scheme for the zone in which the site is located.
8. Any public address or sound system at a putting course and/or drive-in restaurant shall at all times be operated in such a manner that the Council is satisfied that no nuisance whatsoever is caused to the occupiers of nearby properties
9. In addition to the advertising of the proposed establishment of a putting course and/or a drive-in restaurant for purpose of the Council's special consent, the notice of surrounding owners shall be drawn in writing to the aforesaid advertisement.

² *Mutatis mutandis*: Means when the relevant changes have been made.

CLAUSE 19

BOUNDARY WALLS AND FENCES

- (a) Street boundaries
 - (i) Boundary walls
Boundary walls shall not exceed 1,8 m height. The Material for boundary walls must be to the satisfaction of the Council.
 - (ii) Boundary fences
Boundary fences shall not exceed 1,8 m height and must have a solid foundation wall of at least 500 mm above street level, while the fence must consist of non-corroding material (Excluding all wire meshing); Provided that, save with the consent of the Council, in the Industrial area alternative fencing methods may be used.
- (b) Side and rear boundaries shall be of a weather resistant material with a maximum height of 2,0 metres.
- (c) Any scrap- or building yard or other use of land or buildings which would in the opinion of the Council distract from the visual character of the area shall be screened by the provisions of a wall having a minimum height of 2,0 metres above the height of the street and constructed to the satisfaction of the Council.
- (d) Alternative fencing may be erected in the Agricultural zone.

CLAUSE 20

EXTENSIVE BUILDING PROJECTS

In case of extensive building projects within the business or industrial areas, the Council may, subject to the conditions of Clause 7, impose more or less restrictive conditions than those contained in the scheme regulations, provided that it shall rest upon the Council only to decide whether or not a certain project be considered as an extensive building project. The height restriction will however apply in all instances.

CLAUSE 21

CARAVANS AND/OR SIMILAR ACCOMMODATION

- (a) The erection of any tent or similar structure and the habitation of any caravan, mobile home, similar vehicle or tent, shall only be permitted with the prior written consent of the Council, subject to Clause 16.
- (b) The provisions in respect of the Single Residential Zone will apply for this use.

CLAUSE 22

GENERAL CONDITIONS

The following additional stipulations will be applicable to all erven:

1. No abattoir, stable, dairy or poultry house may be erected without the special consent of the Council.
2. Except with the special consent of the Council, no monkeys, cattle, baboons, goats, poultry, beasts of prey, sheep, draught animals or pigs may be kept.
3. No wells or boreholes may be sunk, or existing boreholes be exploited without the prior approval of the Council and the Authority in writing.
4. There shall be no obstruction or diversion of natural floodwater courses without the approval of the Council.
5. No land in any use zone may be used for the purpose of dumping refuse, sewage disposal, scrap yard, dumping ground or cemetery without the approval of the Council.
6. The owner of an erf shall, without compensation, be obliged to allow the laying of water pipelines, storm water drains, sewerage mains and overhead and underground electrical supply mains across the erf, if deemed necessary by the Council, and in such a manner and position as may from time to time be agreed upon, and to allow the temporary deposit on the land adjoining such works, of such material as may be excavated during the course of construction, maintenance and removal of any of the aforesaid. This shall include the right of access to the erf at any reasonable time for the aforesaid purpose or other works pertaining thereto, subject thereto that the Council shall compensate for any damage done in execution of any such works.
7. In the event where Council intends to build a new road within an established area or where a change in street level may require the reconstruction of the boundary walls/fences, the Council should be responsible for the costs incurred to stabilise/erect the walls/fences. The Council shall within three (3) months after written notice of intention so to lay and construct any such street, has been served upon the owner of the erf concerned, construct a retaining wall on the erf at any such boundary line of sufficient height and strength so as to effectively prevent any portion of the erf falling into the street or vice versa.
8. Any person who violates or deliberately allows the violation of any stipulation of this Scheme or the conditions of any order or notice issued thereunder, or conditions laid down by virtue of the stipulations of this Scheme, will be considered to be violating the stipulations of this Scheme and shall be guilty of an offence and liable on conviction with the penalties prescribed by section 48 of the Town Planning Ordinance 1954 (Ordinance 18 of 1954) as amended.
9. The display of any advertisement, nameplate, notice or sign, must be in accordance with the standards as set in the Advertising Policy, accepted by the Hentiesbaai Town Council.

PART VI

CLAUSE 23

PROCEDURE

1. Where permission to erect any building or execute any works or to use any building or land for any particular purpose or to do any other act or thing, is granted under this Scheme, and conditions may be imposed, the conditions shall have the same force and effect as if they were part of the Scheme.
2. The Council shall keep, so as to be available for inspection at all reasonable office times by any persons interested, records of approvals, consents, authorities or permissions granted by it, or an appeal from its decision under any provisions of this Scheme, and of any conditions imposed by the Cabinet or refusals by the Council or the Cabinet and from or through the applicant in connection therewith.
3. The Council shall permit any person to inspect at any reasonable office hours the Scheme and map deposited in the offices of the Council, provided that any information given in regard to the Scheme to any person shall only be valid if it is in writing signed by the official duly authorised thereto by the Council.
4. If permission is required in terms of the provisions of this Scheme, applications for such permission, approval or authorization have to be submitted in writing and sketch plans have to accompany these applications with dimensions of all the existing and/or proposed buildings on the site, if applicable.

CLAUSE 24

APPROVED TOWNSHIPS

Notwithstanding the foregoing provisions, the conditions relating to use, maximum coverage, height and building lines imposed by the Minister in the approval of townships, shall apply in so far as such conditions are more restrictive than the provisions of this Scheme.

More restrictive conditions can be amended to comply with the Scheme Regulations as set out in this document.

CLAUSE 25:

SHORT TITLE

This Scheme shall be known as the Amendment Scheme No.7 of Hentiesbaai.