



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

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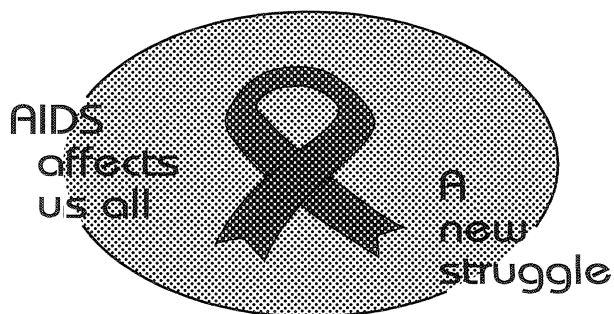
Vol. 6

PIETERMARITZBURG,

9 NOVEMBER 2012
9 KULWEZI 2012

No. 851

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DEPARTMENT OF HEALTH

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PROVINCIAL NOTICES—PROVINSIALE KENNISGEWINGS—IZAZISO ZESIFUNDAZWE

No. 129**9 November 2012****DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****DEVELOPMENT FACILITATION ACT, 1995: PORTION 16 (OF 1) OF THE FARM HEARTSEASE NO. 3291, CATHKIN PARK, OKHAHLAMBA MUNICIPALITY**

In terms of section 33(4) of the Development Facilitation Act, 1995 (Act No. 67 of 1995), the Development Tribunal approved the development of 9 chalets on Portion 16 (of 1) of the farm Heartsease No. 3291, Registration Division FS, Cathkin Park, Okhahlamba Municipality, subject to the following conditions of establishment relating to land use management and the application of laws –

(a) the amendment of the Cathkin Park Town Planning Scheme –

(i) by the inclusion of the following definition under land use definitions –

“**Country Club**” means a cohesive development designed for recreational purposes and holiday accommodation and shall include attached and detached rooms and chalets used for holiday occupancy in combination with a central recreational and administration building which may contain a restaurant, administration offices, entertainment area, bar facility, recreation boma and conference room, together with a main dwelling, a manager’s cottage and staff accommodation;”;

(ii) by the inclusion of “**Country Club**” as an expressly permitted land use under the Rural Residential 1 Zone only for Portion 16 (of 1) of the farm Heartsease No. 3291; and

(iii) by the layout and zoning of the land development area in accordance with Layout Plan No. Lay02/Ver2, dated October 2010;

(b) the cancellation of notarial deed in restraint of free alienation (K539/88S) registered against Portion 16 (of 1) of the farm Heartsease No. 3291 and Portion 17 (of 1) of the farm Heartsease No. 3291;

(c) sections 40(1), 62(1) and 23(1) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008) do not apply to the land development area for the purpose of the development thereof in accordance with the conditions of approval of application 2009/526; and

(d) the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and any other law that governs the erection of buildings within the land development area are applicable to the land development area.

MA DE LANGE, Designated Officer

Date: 12 October 2012

File reference: 2009/526

No. 130

9 November 2012

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

LESS FORMAL TOWNSHIP ESTABLISHMENT ACT, 1991: DESIGNATION OF LAND FOR LESS FORMAL SETTLEMENT, PORTION 305 (OF 6), REMAINDER OF PORTION 111 (OF 6) AND PORTION 166 (OF 111), ALL OF THE FARM SPITZKOP NO. 1129, COOL AIR HOUSING DEVELOPMENT, REGISTRATION DIVISION FT, UMSHWATHI MUNICIPALITY

In terms of sections 3(1)(b), (5)(h), (6)(a) and 4(1)(b) of the Less Formal Township Establishment Act, 1991 (Act No. 113 of 1991), I designate Erf 715 Cool Air (being a consolidation of Portion 305 (of 6), Remainder of Portion 111 (of 6) and Portion 166 (of 111) all of the farm Spitzkop No. 1129), Cool Air Housing Development, as a less formal settlement subject to conditions of establishment relating to land use management and application of laws –

- (a) the layout of the less formal settlement shall be in accordance with Layout 2351/3, 19 December 2011;
- (b) the conditions contemplated in Schedule 1 shall apply to the less formal settlement until a scheme is adopted for the less formal settlement in terms of any law;
- (c) the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), is applicable to the less formal settlement, except for the provisions of sections 23(1), 40(1), 75(1)(b) and (c) of the Act, which shall not apply to the establishment of the less formal settlement in accordance with the conditions of approval of application 2010/435; and
- (d) the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) and any other law regulating the approval of building plans shall be applicable to the less formal settlement.

MA DE LANGE, Senior Manager: Land Administration

Date: 12 October 2012

File reference: 2010/435

SCHEDULE

CONDITIONS OF LAND USE FOR ERF 715 COOL AIR

DEFINITIONS

1. In these conditions, unless the context indicates otherwise –

“**building**” means a structure with a roof that is permanently fixed to the land and includes a part of a building;

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

“**existing building**” means a building that was lawfully erected before the date of this notice;

“**existing use**” means the continued use of land for a purpose that it was lawfully used for before the date of this notice;

“**frontage**” means the length of the boundary of an erf which is coincident with the boundary of an existing or proposed street;

“**property**” means a subdivision of land or a leasehold site that has been approved by the Surveyor General in terms of the Land Survey Act, 1997 (Act No. 8 of 1997), including an erf, a sectional title unit, a farm or a portion of a farm (including a lot or a remainder);

“**rear space**” means a line parallel to a boundary of an erf which does not meet a street boundary;

“**side space**” means a line parallel to a boundary of an erf that meets a street boundary;

“**storey**” means –

- (a) a room or rooms at ground level;
- (b) a room or rooms above another room or rooms;
- (c) a habitable room or rooms in a basement; and
- (d) every three metres of space between the finished floor and the ceiling of a room;

“**street front space**” means a line parallel to any boundary of an erf which is contiguous with a street, public right of way or road reservation;

“**Use Zone**” means an area of land that is subject to the conditions of land use contained in this Schedule.

INTERPRETATION OF USE OF LAND AND BUILDINGS

2. In these conditions, unless the context indicates otherwise –

“**agriculture**” means the use of land for the keeping of game, animal husbandry, planting and harvesting of grain, vegetables, fruit, cotton and flowers;

“**ancillary residential unit**” means a second dwelling house that –

- (a) is not larger than 80 m²;
- (b) is architecturally compatible in both style and finishing with the main dwelling house; and
- (c) may be attached to the main dwelling house;

“**caretaker's residence**” means a building that is used by a caretaker of a property and the caretaker's household as a residence;

“**communications tower**” means a structure on which an antenna or dish is installed for the transmission, broadcasting or receiving of radio, television, radar or microwaves and similar types of devices;

“**daycare centre**” means a building used for the care of children during the day time in the absence of their parents or guardians;

“**dwelling house (single)**” means a single, freestanding building that is used by a single household as a residence;

“**educational building**” means a building used as a school, college, university, technical institute, academy, research laboratory, lecture hall, convent, monastery, gymnasium, public library, art gallery or a museum;

“**home activity**” means –

- (a) the practicing of an occupational activity in conjunction with a residence; or
- (b) running a shop in conjunction with a residence;

“**institution**” means a building used as a hospital, clinic, nursing home, sanatorium or home for the medical care of sick or injured persons or the care and accommodation of aged, mentally handicapped or physically handicapped persons, or children in the care of a charitable institution;

“**office**” means a building used for business, clerical, professional and government administration services;

“**place of public amusement**” means a building or land used for public entertainment and includes a cinema, theatre and amusement park;

“**place of public assembly**” means a building or land used for social meetings, gatherings, religious purposes or indoor recreation;

“**place of public worship**” means a building or land used as a church, chapel, oratory, synagogue, mosque, temple or other place of public devotion;

“**play ground**” means land used for children's play, including equipment like swings, slides and jungle gyms;

“**private recreation area**” means a sports ground, playing field or other open space that is owned by a private person or an institution;

“**public recreation area**” means a sports ground, playing field or other open space that is owned by an organ of state;

“**recreational building**” means a building used in conjunction with a sport, including a club house, gymnasium, squash court and a pavilion;

“**restaurant**” means a building which is used for the preparation and consumption of food on the premises;

“**road**” means land used by the public for the passage of vehicles and pedestrians;

“**shop**” means a building or land used for the sale of goods and provision of retail services like a hairdresser, internet café, launderette, ticket agency, video-hire and workshop for the repair of household appliances, computers, cell phones and shoes;

“**sports field**” means land used for playing a game like football, rugby, cricket, hockey or basket ball;

“**tavern**” means a building licensed for the consumption of liquor on the premises and includes a pub or a bar;

“**telecommunication mast**” means a mast that is used to support antennae which are used for the transmission and receipt of radio telecommunication signals;

LAND USE

3.(1) The following land uses are permitted in each Land Use Zone –

RESIDENTIAL	LAND USE ZONE	PERMITTED USES
	Residential: Single Dwelling House	Ancillary residential unit Daycare centre Dwelling house (single) Home activity
RESIDENTIAL	LAND USE ZONE	PERMITTED USES
	Residential: Mixed Use	Ancillary residential unit Daycare centre Dwelling house (single) Educational building Institution Office Place of public assembly Place of public worship Private recreational area Recreational building

		Restaurant Shop Tavern
COMMERCIAL	LAND USE ZONE	PERMITTED USES
	Commercial: Mixed Use	Daycare centre Educational building Institution Office Place of public amusement Place of public assembly Place of public worship Private recreational area Recreational building Restaurant Shop Tavern
EDUCATION, SOCIAL WELFARE AND COMMUNITY FACILITY	LAND USE ZONE	PERMITTED USES
	Community Facility	Caretaker's residence Daycare centre Educational building Institution Office Place of public assembly Place of public worship Private recreational area Recreational building
CONSERVATION AND RECREATION	LAND USE ZONE	PERMITTED USES
	Open Space	Agricultural land Conservation Playground Sports field
	Park	Playground Recreational building Sports field
INFRASTRUCTURE	LAND USE ZONE	PERMITTED USES
	Road	Road

(2) A telecommunication mast may be erected in any Land Use Zone.

HOME ACTIVITY

4.(1) A home activity may not –

- (a) involve the parking of any vehicle with a tar mass exceeding 2 ton on the property or in the street;
- (b) exceed a floor area of 50 m²;
- (c) produce a noise level exceeding 7 decibels above the ambient noise level, measured at any point on the property boundary; or
- (d) involve the sale of liquor or any alcoholic beverages.

(2) In the case of a motor vehicle repair shop, the maximum number of motor vehicles that are repaired at the same time may not exceed two motor vehicles.

(3) In the case of a playschool, the home activity is limited to the accommodation and care of not more than 12 children than the children of the home owner.

PARKING

5.(1) Two parking bays must be provided per 100 m² of gross floor area in the Mixed Use Zone for all land uses, except place of public assembly, place of public worship or restaurant.

(2) One parking bay must be provided for each four seats for a place of public assembly, place of public worship or a restaurant.

(3) A parking bay shall be a level area of 2,5 m x 5 m.

COVERAGE, SPACES AROUND BUILDINGS AND MINIMUM ERF SIZE

6. The following coverage, spaces around buildings and minimum erf size apply to each land use zone –

Land Use Zone	Coverage (%)	Height (storeys)	Street Front Space (m)	Rear Space (m)	Side Space (m)	Minimum Erf Size (m ²)
Residential: Single Dwelling House	50%	2	3 m	2 m	2 m	300 m ²
Residential: Mixed Use	80%	2	3 m	2 m	2 m	300 m ²
Commercial: Mixed Use	80%	2	3 m	3 m	3 m	300 m ²
Community Facility	NA	3	3 m	3 m	3 m	900 m ²
Education	NA	3	7 m	5 m	5 m	1000 m ²

No. 129

9 kuLwezi 2012

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU

UMTHETHO WOKULUNGISELELA INTUTHUKO, 1995: INGXENYE 16 (YOKU-1) YEPULAZI I-HEARTSEASE NO. 3291, E-CATHKIN PARK, KUMASIPALA WASOKHAHLAMBA

Ngokwesigaba 33(4) soMthetho wokuLungiselela iNtuthuko, 1995, isiGungu seNtuthuko sigunyaze ukwakhiwa kwezindlu zezivakashi eziyi-9 kwiNgxenye 16 (yoku-1) yePulazi i-Heartsease No. 3291, isiGaba sokuBhaliswa ngu-FS, e-Cathkin Park, kuMasipala wasoKhahlamba, kuncike kule mibandela elandelayo yokwakha emayelana nokuphathwa kokusetshenziswa komhlaba kanye nokusebenza kwemithetho –

(a) Ukuchitshiyelwa koHlelo lokuHlelwa kweDolobha lase-Cathkin Park –

(i) ngokufakwa kwale ncazelo elandelayo ngaphansi kwenzincazelo zokusetshenziswa komhlaba –

“i-Country Club” kushiwo isakhiwo esakhiwe ngenhloso yokusetshenziswa njengesakhiwo sezokungcebeleka nendawo yokuhlala izivakashi futhi ibandakanya amagumbi akusona isakhiwo nangaphandle kwesakhiwo kanye nezindlu zezivakashi ezisetshenziselwa ukuhlala ngesikhathi sokuchitha amaholidi nendawo yokuzijabulisa, indawo yokucima ukoma, indawo yokuphumula nokungcebeleka negumbi lokubamba imihlangano, kuhlangukisa nendlu enkulu yokuhlala, indlu ehlala umphathi kanye nendawo yokuhlala abasebenzi;”

(ii) ngokufakwa "**kwe-Country Club**" njengomhlaba ovumeleke ukusetshenziswa ngokukhethekile ngaphansi kweNdawo yoku-1 yokuHlala emakhaya kwiNgxenye 16 (yoku-1) kuphela yepulazi i-Heartsease No. 3291; futhi

(iii) nangokomdwebo webalazwe nokuklanywa kwendawo okuthuthukiswa kuyo umhlaba ngokuhambisana nePulani No. Lay02/Ver2, yangenyanga kaMfumfu 2010;

(b) ukumiswa kweNcwadi yeTayitela eliseMthethweni enqabela ukudlulisa ilungelo lobunikazi bomhlaba (K539/88S) ebhaliswe kwiNgxenye 16 (yoku-1) yePulazi i-Heartsease No. 3291 neNgxenye 17 (yoku-1) yePulazi i-Heartsease No. 3291;

(c) izigaba 40(1), 62(10 no 23(1) zoMthetho wokuHlela neNtuthuko waKwaZulu-Natali, 2008 (uMthetho No. 6 ka 2008) ngeke zisebenze endaweni okuthuthukiswa kuyo umhlaba ngenhloso yalokho kuthuthukiswa kwayo ngokuhambisana nemibandela yokuvunywa kwesicelo 2009/526; futhi

(d) izinhlinzeko zoMthetho wamaZinga oKwakha neMithethonqubo yoKwakha kaZwelonke, 1977 (uMthetho No. 103 ka 1977), neminye imithetho elawula ukwakhiwa kwezakhiwo endaweni okuthuthukiswa kuyo umhlaba ziyosetshenziswa endaweni okuthuthukiswa kuyo umhlaba.

MA DE LANGE, isiKhulu esiQokiwe

Usuku: 12 uMfumfu 2012

iNkomba yefayela: 2009/526

No. 130

9 kuLwezi 2012

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU

UMTHETHO WOKUSUNGULWA KWAMALOKISHI ANGAHLELEKILE NGOKUPHELELE, 1991: UKUKHONJWA KOMHLABA WOKUHLALA ONGAHLELEKILE NGOKUPHELELE; INGXENYE 305 (KA 6), INSALELA YENGXENYE 111 (KA 6) NENGXENYE 166 (KA 111) YALO LONKE IPULAZI I-SPITZKOP NO. 1129, ENDAWENI YOKWAKHA IZINDLU E-COOL AIR, ISIGABA SOKUBHALISWA NGU FT, KUMASIPALA WASEMSHWATHI

Ngokwesigaba 3(1)(b), (5)(h), (6)(a) no 4(1)(b) soMthetho wokuSungulwa kwamaLokishi angaHlelekile ngokuPhelele, 1991, (uMthetho No. 113 ka 1991), ngikhomba iSiza 715 e-Cool Air (njengesihlanganiswe neNgxenye 305 (ka 6), iNsalela yeNgxenye 111 (ka 6) neNgxenye 166 (ka 111) yalo lonke iPulazi i-Spitzkop No. 1129), eNdaweni yoKwakha iziNdlu e-Cool Air, njengelokishi elingahlelekile ngokuphelele kuncike kwimibandela yokwakha emayelana nokuphathwa kokusetshenziswa komhlaba kanye nokusebenza kwemithetho –

(a) umdwebo webalazwe lelokishi elingahlelekile ngokuphelele kumele uhambisana nePulani 2351/3, yamhla ziyi-9 kuZibandlela 2011;

(b) imibandela yokusetshenziswa komhlaba ehlongozwe oHlelweni 1 iyosebenza elokishini elingahlelekile ngokuphelele kuze kube uhlelo luyaqala ukusebenza ngokwanoma yimuphi umthetho;

(c) uMthetho wokuHlela neNtuthuko waKwaZulu-Natali, 2008 (uMthetho No. 6 ka 2008) uyasebenza elokishini elingahlelekile ngokuphelele, ngaphandle kwezinhlinzeko zezigaba 23(1), 40(1), 75(1)(b) no (c) zoMthetho, ezingeke zisebenze ekusungulweni kwamalokishi angahlelekile ngokuphelele ngokuhambisana nemibandela yokuvunywa kwesicelo 2010/435; kanye;

(d) nezinhlizweko zoMthetho wamaZinga oKwakha neMithethonqubo yoKwakha kaZwelonke, 1977 (uMthetho No. 103 ka 1977), neminye imithetho elawula ukuvunywa kwamapulani ezakhiwo iyosetshenziswa elokishini elingahlelekile ngokuphelele.

MA DE LANGE, uMphathi oMkhulu wezokuPhathwa koMhlaba

Usuku: 12 uMfumfu 2012

iNkomba yefayela: 2005/98

UHLELO

IMIBANDELA YOKUSETSHENZISWA KOMHLABA WESIZA 715 SASE-COOL AIR

Izincazelo

1. Kule mibandela, ngaphandle uma ingqikithi isho okwehlukile –

"isakhiwo" kushiwo isakhiwo esinophahla futhi esingenakususwa kulowo mhlaba esimi kuwo kubandakanya nezingxenywe zaleso sakhiwo;

"ububanzi" kushiwo indawo edliwe yisakhiwo ikalwa ngengaphandle lezidonga uma zibhekwa ngaphezulu futhi bubalwa ngamaphesenti endawo yonke yesakhiwo;

"isakhiwo esesivele sikhona" kushiwo isakhiwo esakhiwe ngokusemthethweni ngaphambi kokukhishwa kwalesi saziso;

"umhlaba ovele usetshenziselwa kona" kushiwo ukusetshenziswa komhlaba okuqhubekayo ngenhloso yokuwusebenzisa ngokusemthethweni ngaphambi kokukhishwa kwalesi saziso;

"ingaphambili" kushiwo ubude bomngcele wesiza ongaphambili wesiza oncikene nomngcele womgwaqo okhona noma ohlongozwayo;

"umhlaba" kushiwo nanoma yisiphi isiqephu somhlaba esibhaliswe kuMklami woMhlaba Jikelele, ngokoMthetho wokuKlanywa koMhlaba, 1997 (uMthetho No. 8 ka 1997), kubandakanya isiza, ipulazi noma ingxenywe yepulazi (kubandakanya isiza noma insalela);

"indawo engemuva" kushiwo indawo eqondene nomngcele wesiza engahlangani nomngcele ongasemgwaqeni;

"indawo eseceleni" kushiwo indawo eqondene nomngcele wesiza ehlangana nomngcele ongasemgwaqeni;

"isitezi" kushiwo –

- (a) igumbi noma amagumbi asesitezi sokuqala sesakhiwo;
- (b) igumbi noma amagumbi akhiwe ngaphezu kwelinye igumbi noma kwamanye amagumbi;
- (c) igumbi noma amagumbi okuhlalekayo kuwona akhiwe ngaphansi kwesakhiwo; kanye

(d) nayo yonke indawo engamamitha ama-3 ephakathi kwephansi nophahla lwesakhiwo;

"**indawo ebheke emgwaqeni**" kushiwo indawo eqondene nomngcele wesiza nanoma yimuphi umngcele wesiza ongasemgwaqeni, indawo yokuhamba umphakathi noma indawo eshiyelwe ukwakha umgwaqo;

"**oklanyelwe kona**" kushiwo umhlaba ongasetshenziswa ngaphansi kwemigomo ethile yokusetshenziswa komhlaba equkethwe kulolu Hlelo.

Ukuhunyushwa kokusetshenziswa komhlaba

2. Kule mibandela, ngaphandle uma ingqikithi isho okwehlukile –

"**indlu engaphandle kwendlu enkulu**" kushiwo indlu yokuhlala yesibili -

- (a) ubukhulu bayo obungeqile kuma-80m²;
- (b) enepulani efanayo neyendlu enkulu yokuhlala ngokuma nokwakheka; futhi
- (c) exhumene nendlu enkulu yokuhlala;

"**umhlaba wezolimo**" kushiwo ukusetshenziswa komhlaba ngenhloso yokugcina izilwane zokudlala imidlalo, izilwane ezisetshenziselwa ezolimo, yokutshala nokuvuna umbila, izitshalo, izithelo, ukotini kanye nezimbali;

"**indlu yokuhlala unogada**" kushiwo isakhiwo esisetshenziswa unogada oqaphe leyo ndawo kanye nendlu kanogada esetshenziswa njengendlu yokuhlala;

"**isakhiwo esinegumbi eliphezulu lezokuxhumana**" kushiwo isakhiwo esiqukethe ubuxhakaxhaka bezingcingo namaswishi noma esinendishi esisetshenziselwa ezokuxhumana, ezokusakaza noma ukuxhumana ngo-ova, ngomabonakude, ngemishini edonsa umsindo noma amagagasi ezomoya nokunye okufana nalokho;

"**inkulisa**" kushiwo isakhiwo esisetshenziselwa ukunakekela izingane ngezikhathi zasemini uma abazali nababheki bazo besemsebenzini;

"**indlu yokuhlala (eyakhiwe yama yodwa)**" kushiwo isakhiwo esime sodwa esisetshenziswa umndeni owodwa njengekhaya;

"**isakhiwo sokufundela**" kushiwo isakhiwo esisetshenziswa njengesikole, ikolishi, inyuvesi, isikhungo sezobuchwepheshe, isikhungo sokufunda, ilabhorethri yezocwaningo, ihholo lokufundela, isigodlo sezindela, isigodlo sofata, indawo yokuzivocavoca, umtapowolwazi womphakathi, indawo yemibukiso yobuciko noma isigcinamagugu;

"**ibhizinisi eliqhutshelwa ekhaya**" kushiwo —

- (a) ukusebenzela ekhaya endlini yokuhlala; noma
- (b) ukuqhuba ibhizinisi elixhumene nendlu yokuhlala;

"**isikhungo**" kushiwo isakhiwo esisetshenziswa njengesibhedlela, umtholampilo, ikhaya labadala, indlu yokuphumula iziguli noma ikhaya lokunakekela abagulayo noma abalimele noma lokuhlala nokunakekela abadala, abagula ngengqondo noma abakhubazekile, noma izingane ezinakekelwa esikhungweni sabanakekela abangenabani;

"ihhovisi" kushiwo isakhiwo esisetshenziselwa ukuqhuba ibhizinisi, imisebenzi yongoti kanye namahhovisi kahulumeni;

"indawo yokungcebeleka yomphakathi" kushiwo isakhiwo noma indawo esetshenziselwa ukujabulisa umphakathi futhi ibandakanya isinema, indawo yemidlalo yeshashalazi kanye nendawo enemishini yokudlala;

"indawo yokuhlanganyela yomphakathi" kushiwo isakhiwo noma indawo esetshenziselwa imihlangano yomphakathi, ukuhlanganyela, ezenkolo noma ezokungcebeleka ngaphakathi;

"indawo yokudumisa yomphakathi" kushiwo isakhiwo noma indawo esetshenziswa njengesonto, indawo yokukhonza, isinagoge, ithempeli lamaSulumani, ithempeli noma enye indawo yokudumisa yomphakathi;

"indawo yokudlala" kushiwo umhlaba osetshenziselwa ukudlala izingane kubandakanya impahla enjengojwiji, imishushuluzo nezinto zokudlala ezakhiwe ngezingodo;

"indawo yokungcebeleka ezimele" kushiwo inkundla yezemidlalo, amabala okudlala noma enye indawo evulekile okungeyomuntu noma okungeyesikhungo esizimele;

"indawo yokungcebeleka yomphakathi" kushiwo inkundla yezemidlalo, amabala okudlala noma enye indawo evulekile elawulwa uhlaka lukahulumeni;

"isakhiwo sezokungcebeleka" kushiwo isakhiwo esisetshenziselwa izinto ezihlobene nezemidlalo, kubandakanya indawo yokuzijabulisa, indawo yokuzivocavoca, inkundla yebhola lomphebezo kanye nendawo yokuhlala izethameli;

"indawo yokudla" kushiwo isakhiwo esidayisa ukudla osekulungele ukudliwa neziphuzo ezidlelwa kuleso sakhiwo;

"umgwaqo" kushiwo indawo esetshenziswa umphakathi ehamba izimoto nabantu abahamba ngezinyawo;

"isitolo" kushiwo isakhiwo noma indawo esetshenziselwa ukudayisa izimpahla nokuhlinzeka ngemisebenzi ekhokhelwayo njengendawo yokuzicwala, ongasebenzisa kuyo ikhompuyutha, indawo yokuhlaza izingubo, indawo yokuthenga amathikithi, indawo yokuqasha amavidiyo nesakhiwo sokukhanda izinto zasendlini, amakhompuyutha, omakhalekhukhwini kanye nezicathulo;

"inkundla yezemidlalo" kushiwo umhlaba osetshenziselwa ukudlala imidlalo enjengebhola likanobhutshuzwayo, ibhola lombhoxo, ikhilikithi, ihokhi noma ibhola lomnqakiswa;

"ithaveni" kushiwo isakhiwo esinelayisensi yokudayisela utshwala kuleyo ndawo futhi ibandakanya iphabhu noma ibha;

"umbhoshongo wezokuxhumana" kushiwo umbhoshongo oqukethe ubuxhakaxhaka bezintambo zokuxhumana ngezomoya.

UKUSETSHENZISWA KOMHLABA

3.(1) Lokhu kusetshenziswa komhlaba okulandelayo ikhona okuvumelekile kulezi zindawo eziklanyiwe –

INDAWO YOKUHLALA	ONGASETSHENZISELWA KHONA	OKUVUMELEKILE
	Indawo yokuhlala: Indlu yokuhlala eyakhiwe yama yodwa	Indlu engaphandle kwendlu enkulu Inkulisa Indlu yokuhlala eyakhiwe yama yodwa Ibhizinisi eliqhutshelwa ekhaya
	Indawo yokuhlala: Ukusetshenziswa okuxubile	Indlu engaphandle kwendlu enkulu Inkulisa Indlu yokuhlala eyakhiwe yama yodwa Isakhiwo sokufundela Isikhungo Ihhovisi Indawo yokuhlanganyela yomphakathi Indawo yokudumisa yomphakathi Indawo yezokungcebeleka ezimele Isakhiwo sezokungcebeleka Isitolo sokudlela Isitolo Ithaveni
IBHIZINISI	ONGASETSHENZISELWA KHONA	OKUVUMELEKILE
	Ibhizinisi: Ukusetshenziswa okuxubile	Inkulisa Isakhiwo sokufundela Isikhungo Ihhovisi Indawo yezokungcebeleka yomphakathi Indawo yokuhlanganyela yomphakathi Indawo yokudumisa yomphakathi Indawo yezokungcebeleka ezimele Isakhiwo sezokungcebeleka Isitolo sokudlela Isitolo

		Ithaveni
ISIKHUNGO SEZEMFUNDO, SEZENHLALAKAHLE KANYE NENDAWO YOMPHAKATHI	ONGASETSHENZISELWA KHONA	OKUVUMELEKILE
	Indawo yoMphakathi	Indlu kanogada Inkulisa Isakhiwo sokufundela Isikhungo Ihhovisi Indawo yokuhlanganyela yomphakathi Indawo yokudumisa yomphakathi Isakhiwo sezokungcebeleka
EZOKONGIWA KWEMVELO KANYE NEZOKUNGCEBELEKA	ONGASETSHENZISELWA KHONA	OKUVUMELEKILE
	Indawo Evulekile	Umhlaba wezolimo Ezokongiwa Indawo yokudlala Inkundla yezemidlalo Indlu
INGQALASIZINDA	ONGASETSHENZISELWA KHONA	OKUVUMELEKILE
	Umgwaqo	Umgwaqo

(2) Umbhoshongo wezokuxhumana ungafakwa kunanoma yimuphi umhlaba osetshenziswayo.

IBHIZINISI ELIQHUTSHELWA EKHAYA

4.(1) Ibhizinisi eliqhutshelwa ekhaya angeke –

- libandakanye ukupakwa kwanoma yiphi imoto enesisindo somthwalo esingaphezulu kwamathani ama-2 kulowo mhlaba noma emgwaqeni;
- ibe ngaphezulu kwendawo eyiphansi engama-50 m²;
- idale umsindo ongaphezu kwama-7 db ngaphezu komsindo ovumelekile, kukalwa kusukwa kunoma iyiphi indawo yomngcele; noma
- kubandakanye ukudayiswa kotshwala noma uphuzo oludakayo.

(1) Uma kuyindawo yokukhandela izimoto, isibalo sezimoto ezikhandwayo ngesikhathi esisodwa akumele seqe kwezimbili.

(2) Uma kuyindawo yenkulisa esedlini, ibhizinisi eliqhutshelwa ekhaya likalelwa kuphela ukugcina nokunakekela izingane ezingeqile kweziyishumi nambili, ngaphandle kwezingane zakulelo khaya.

IZINDAWO ZOKUPAKA

5.(1) Kumele kuhlinzekwe izindawo ezimbili zokupaka endaweni engama-100 m² eyabelwe ukusetshenziselwa izinto ezinhlobonhlobo, ngaphandle kwendawo yokuhlanganyela umphakathi, kwendawo yokudumisa nendawo yokudlela.

(2) Kumele kuhlinzekwe indawo yokupaka eyodwa ezihlalweni ngazinye endaweni yokuhlanganyela umphakathi, endaweni yokudumisa yomphakathi noma endaweni yokudlela.

(3) Indawo yokupaka kumele ibe yindawo engama-2,5 m x 5 m.

UBUBANZI, IZINDAWO EZIZUNGEZE ISAKHIWO

6. Lobu bubanzi, izindawo ezizungeze isakhiwo kanye nobungako besiza obulandelayo busebenza kukho konke okusetshenziswayo emhlabeni ngamunye -

Osetshenziselwa khona	Ububanzi	Isibalo sezitezi	Indawo engashiywa othangweni olungaphambili ngasemgwaqeni	Amamitha angashiywa endawo engemuva	Amamitha angashiywa endawo esemaceleni	Ubungako besiza
Indawo yokuhlala: Indlu yokuhlala ezimele yodwa	50%	2	3 m	2 m	2 m	300 m ²
Indawo yokuhlala: UkuSetshenziswa okuXubile	80%	2	3 m	2 m	2 m	300 m ²
Indawo yokuhlala: UkuSetshenziswa okuXubile	80%	2	3 m	3 m	3 m	300 m ²
Indawo yoMphakathi	Abukho	3	3 m	3 m	3 m	900 m ²
Isikhungu sezemfundo	Abukho	3	7 m	5 m	5 m	1000 m ²

No. 129

9 November 2012

DEPARTEMENT VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE

WET OP ONTWIKKELINGSFASILITERING, 1995: GEDEELTE 16 (VAN 1) VAN DIE PLAAS HEARTSEASE NO. 3291, CATHKIN PARK, OKHAHLAMBA MUNISIPALITEIT

Ingevolge artikel 33(4) van die Wet op Ontwikkelingsfasilitering, 1995 (Wet No. 67 van 1995), het die Ontwikkelingstribunaal die ontwikkeling goedgekeur van 9 chalets op Gedeelte 16 (van 1) van die plaas Heartsease No. 3291, Registrasie-afdeling FS, Cathkin Park, Okhahlamba Munisipaliteit, behoudens die volgende stigtingsvoorwaardes wat verband hou met grondgebruiksbestuur en toepassing van wette –

(a) die wysiging van die Cathkin Park Dorpsbeplanningskema –

(i) deur die insluiting van die volgende omskrywing onder grondgebruiksomskrywings –

“**Buiteklub**” beteken 'n samehangende ontwikkeling ontwerp vir ontspanningsdoeleindes en vakansie-akkommodasie en sal aangehegde en losstaande kamers en chalets insluit wat gebruik word vir vakansie-bewoning tesame met 'n sentrale ontspannings- en administrasiegebou, wat 'n restaurant, administratiewe kantore, vermaakarea, kroegfasiliteit, ontspanningsboma en konferensiekamer mag insluit tesame met 'n hoofwoonhuis, 'n kothuis vir die bestuurder en personeelakkommodasie;”;

(ii) deur die insluiting van “**Buiteklub**” as 'n uitdruklike toelaatbare grondgebruik onder die Landelike Residensiële 1 Sone slegs vir Gedeelte 16 (van 1) van die plaas Heartsease No. 3291; en

(iii) deur die uitleg en sonering van die grondontwikkelingsgebied in ooreenstemming met Uitlegplan No. Lay02/Ver2, gedateer Oktober 2010;

(b) die kansellering van notariële akte ter beperking van vrye vervreemding (K539/88S) geregistreer teen Gedeelte 16 (van 1) van die plaas Heartsease No. 3291 en Gedeelte 17 (van 1) van die plaas Heartsease No. 3291;

(c) artikels 40(1), 62(1) en 23(1) van die KwaZulu-Natal Wet op Beplanning en Ontwikkeling, 2008 (Wet No. 6 van 2008), is nie van toepassing op die grondontwikkelingsgebied vir die doel van ontwikkeling daarvan in ooreenstemming met die goedkeuringsvoorwaardes van aansoek 2009/526 nie; en

(d) die bepalings van die Wet op Nasionale Bouregulasies en Boustandaard, 1977 (Wet No. 103 van 1977) en enige ander wet wat die oprigting van geboue binne die grondontwikkelingsgebied beheer, is van toepassing op die grondontwikkelingsgebied.

MA DE LANGE, Aangewese Beampte

Datum: 12 Oktober 2012

Lêerverwysing: 2009/526

No. 130

9 November 2012

DEPARTEMENT VAN KOÖPERATIEWE REGERING EN TRADISIONELE SAKE

WET OP MINDER FORMELE DORPSTIGTING, 1991: AANWYSING VAN GROND VIR MINDER FORMELE VESTIGING, GEDEELTE 305 (VAN 6), RESTANT VAN GEDEELTE 111 (VAN 6) EN GEDEELTE 166 (VAN 111), ALMAL VAN DIE PLAAS SPITZKOP NO. 1129, COOL AIR BEHUISINGSONTWIKKELING, REGISTRASIE-AFDELING FT, UMSHWATHI MUNISIPALITEIT

Ingevole artikels 3(1)(b), (5)(h), (6)(a) en 4(1)(b) van die Wet op Minder Formele Dorpstigting, 1991 (Wet No. 113 van 1991), wys ek Erf 715 Cool Air (synde 'n konsolidasie van Gedeelte 305 (van 6), Restant van Gedeelte 111 (van 6) en Gedeelte 166 (van 111) van die plaas Spitzkop No. 1129), Cool Air Behuisingsontwikkeling, aan as 'n minder formele vestiging behoudens stigtingsvoorwaardes wat verband hou met grondgebruiksbestuur en toepassing van wette –

- (a) die uitleg van die minder formele vestiging sal wees ooreenkomstig Uitleg 2351/3, 19 Desember 2011;
- (b) die voorwaardes bedoel in Bylae 1 is van toepassing op die minder formele vestiging totdat 'n skema aanvaar is vir die minder formele vestiging ingevolge enige wet;
- (c) die KwaZulu-Natal Wet op Beplanning en Ontwikkeling, 2008 (Wet No. 6 van 2008), is van toepassing op die minder formele vestiging, behalwe vir die bepalings van artikels 23(1), 40(1), 75(1)(b) en (c) van die Wet wat nie van toepassing sal wees op die stigting van die minder formele vestiging in ooreenstemming met die goedkeuringsvoorwaardes van aansoek 2010/435 nie; en
- (d) die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977) en enige ander wet wat die goedkeuring van bouplanne reguleer, sal van toepassing wees op die minder formele vestiging.

MA DE LANGE, Senior Bestuurder: Grondadministrasie

Datum: 12 Oktober 2012

Lêerverwysing: 2010/435

BYLAE

GRONDGEBRUIKSVOORWAARDES VIR ERF 715 COOL AIR

OMSKRYWINGS

1. In hierdie voorwaardes, tensy dit anders blyk uit die samehang, beteken –

“**agterspasie**” 'n lyn parallel met die grens van 'n erf wat nie 'n straatgrens raak nie;

“**bestaande gebou**” 'n gebou wat wettiglik opgerig is voor die datum van hierdie kennisgewing;

“**bestaande gebruik**” die voortgesette gebruik van grond vir 'n doel waarvoor dit wettiglik gebruik is voor die datum van hierdie kennisgewing;

“**dekking**” die gebied van 'n eiendom gedek deur geboue, gemeet oor die eksterne mure soos vertikaal van bo af gesien en uitgedruk as 'n persentasie van die gebied van die eiendom;

“**eiendom**” beteken 'n onderverdeling van grond of 'n verhuurde terrein goedgekeur deur die Landmeter-Generaal ingevolge die Opmetingswet, 1997 (Wet No. 8 van 1997), ingesluit 'n erf, 'n deeltiteleenheid, 'n plaas of 'n gedeelte van 'n plaas (ingesluit 'n perseel of 'n restant);

“**gebou**” 'n struktuur met 'n dak wat permanent aan die grond geheg is, ingesluit 'n gedeelte van 'n gebou;

“**Gebruiksones**” 'n grondgebied onderhewig aan die grondgebruiksvoorwaardes vervat in hierdie Bylae;

“kantspasie” ’n lyn parallel met die grens van ’n erf wat die straatgrens raak;

“straat-voorspasie” ’n lyn parallel met enige grenslyn van ’n erf aangrensend aan ’n straat, publieke reg van weg of padreservering;

“verdieping” –

- (a) ’n kamer of kamers op grondvlak;
- (b) ’n kamer of kamers bo ’n ander kamer of ander kamers;
- (c) ’n bewoonbare kamer of kamers in ’n kelder; en
- (d) elke drie meter van spasie tussen die voltooide vloer en die plafon van ’n kamer; en

“voorkant” die lengte van die grens van ’n erf ooreenstemmend met die grens van die bestaande of voorgestelde straat.

INTERPRETASIE VAN GRONDGEBRUIK EN GEBOUE

2. In hierdie voorwaardes, tensy uit die samehang anders blyk, beteken –

“aangehegte woningseenheid” ’n tweede woonhuis wat –

- (a) nie groter as 80 m² is nie;
- (b) argitektonies versoenbaar is in beide styl en afwerking met die hoofwoonhuis; en
- (c) aan die hoofwoonhuis geheg mag word;

“dagsorgsentrum” ’n gebou wat gebruik word vir die versorging van kinders gedurende die dag in die afwesigheid van hul ouers of voogde;

“instelling” ’n gebou gebruik as hospitaal, kliniek, versorgingstehuis, sanatorium of huis vir die mediese sorg van siek of beseerde persone of die versorging van, en akkommodasie vir, bejaardes, geestesongestelde of fisies gestremde persone, of kinders in die sorg van ’n liefdadigheidsorganisasie;

“kantien” ’n gebou gelisensieer vir die verbruik van drank op die perseel, ingesluit ’n kuierkroeg of ’n kroeg;

“kantoor” ’n gebou wat gebruik word vir sake-, klerikale, professionele en staatsadministrasiedienste;

“kommunikasietoring” ’n struktuur waarop ’n antenna of skottel geïnstalleer is vir die transmissie, uitsaai of ontvangs van radio, televisie, radar of mikrogolwe en soortgelyke toestelle;

“landbou” grondgebruik vir die aanhou van wild, veeteelt, plant en oes van graan, groente, vrugte, katoen en blomme;

“ontspanningsgebou” ’n gebou aangewend in konjunksie met ’n sport, ingesluit ’n klubhuis, gimnasium, muurbalbaar en ’n pawiljoen;

“opsigter se woning” ’n gebou wat gebruik word deur ’n opsigter van ’n eiendom en die opsigter se huishouding as ’n woning;

“opvoedkundige gebou” ’n gebou gebruik as ’n skool, kollege, universiteit, tegniese instituut, akademie, navorsingslaboratorium, lesingsaal, klooster, monnike klooster, gimnasium, openbare biblioteek, kunsgallery of ’n museum;

“pad” grond gebruik deur die publiek vir die deurgang van voertuie en voetgangers;

“plek van openbare aanbidding” ’n gebou of grond gebruik as ’n kerk, kapel, gebedskamer, sinagoge, moskee, tempel of enige ander plek van openbare godsdiensoefening;

“plek van openbare samekoms” ’n gebou of grond gebruik vir sosiale vergaderings, byeenkomste, godsdienstige doeleindes of binnenshuise ontspanning;

“plek van openbare vermaak” ’n gebou of grond wat gebruik word vir openbare vermaak en sluit in ’n rolprentteater, teater en pretpark;

“privaatontspanningsgebied” ’n sportgrond, speelveld of ander oop spasie besit deur ’n privaat persoon of ’n instelling;

“openbare ontspanningsgebied” ’n sportgrond, speelveld of ander oop spasie besit deur ’n staatsorgaan;

“restourant” ’n gebou aangewend vir die voorbereiding van kos en drinkgoed vir verbruik op die perseel;

“speelgrond” grond gebruik vir kinderspeletjies, ingesluit toerusting soos swaaie, glybane en klimrame;

“sportveld” grond gebruik vir speel van ’n spel soos voetbal, rugby, krieket, hokkie of basketbal;

“telekommunikasiemas” ’n mas wat gebruik word as ondersteuning vir die antennes wat gebruik word vir die transmissie en ontvangs van radio-telekommunikasiesêre;

“tuisaktiwiteit” verwys na –

(a) die beoefening van ’n werksplekaktiwiteit in konjunksie met ’n woning; of

(b) die bedryf van ’n winkel in konjunksie met ’n woning;

“winkel” ’n gebou of grond gebruik vir die verkoop van goedere en voorsiening van kleinhandelaarsdienste soos ’n haarsalon, internetkafee, selfhelp-wassery, kaartjie-agentskap, videohuur en werkswinkel vir die herstel van huishoudelike aparate, rekenaars, selfone en skoene; en

“woonhuis (enkel)” ’n enkel vrystaande gebou wat deur ’n enkel-huishouding as woning gebruik word.

GRONDGEBRUIK

3.(1) Die volgende grondgebruike word toegelaat in elke Grondgebruiksone –

RESIDENSIEEL	GRONDGEBRUIKSONE	TOEGELATE GEBRUIKE
	Residensieel: Enkel-woonhuis	Aangehegte residensiële eenheid Dagsorgsentrum Woonhuis (enkel) Tuisaktiwiteit
	GRONDGEBRUIKSONE	TOEGELATE GEBRUIKE
	Residensieel: Gemengde Gebruik	Aangehegte residensiële eenheid Dagsorgsentrum Woonhuis (enkel) Opvoedkundige gebou Instelling Kantoor Plek van openbare samekoms Plek van openbare aanbidding Privaatontspanningsgebied Ontspanningsgebou Restourant Winkel Kantien
KOMMERSIEEL	GRONDGEBRUIKSONE	TOEGELATE GEBRUIKE
	Kommersieel: Gemengde gebruik	Dagsorgsentrum Opvoedkundige gebou Instelling Kantoor Plek van openbare vermaak Plek van openbare samekoms Plek van openbare aanbidding Privaatontspanningsgebied Ontspanningsgebou Restourant Winkel Kantien
ONDERWYS-, SOSIALE WELSYN- EN GEMEENSKAPSFASILITEIT	GRONDGEBRUIKSONE	TOEGELATE GEBRUIKE
	Gemeenskapsfasiliteit	Opsigterswoning Dagsorgsentrum Opvoedkundige gebou Instelling Kantoor Plek van openbare samekoms Plek van openbare aanbidding Privaatontspanningsgebied Ontspanningsgebou

BEWARING EN ONTSPANNING	GRONDGEBRUIKSONE	TOEGELATE GEBRUIKE
	Oop Spasie	Landbougrond Bewaring Speelgrond Sportveld
	Park	Speelgrond Ontspanningsgebou Sportveld
INFRASTRUKTUUR	GRONDGEBRUIKSONE	TOEGELATE GEBRUIKE
	Pad	Pad

(2) 'n Telekommunikasiemas mag in enige Grondgebruiksone opgerig word.

TUISAKTIWITEIT

4.(1) 'n Tuisaktiwiteit mag nie –

- (a) die parkering van 'n voertuig, met 'n tarra wat 2 ton oorskry, op die eiendom of in die straat behels nie;
- (b) 'n vloeroppervlakte van 50 m² oorskry nie;
- (c) 'n geraasvlak produseer wat 7 desibel bo die omringende geraasvlak oorskry nie, gemeet by enige punt op die eiendomsgrens; of
- (d) die verkoop van alkohol of enige alkoholiese drankie behels nie.

(2) In die geval van 'n motorvoertuig-herstelwinkel mag die maksimum getal motorvoertuie wat op dieselfde tyd herstel word nie twee motorvoertuie oorskry nie.

(3) In die geval van 'n speelskool is die tuisaktiwiteit beperk tot die akkommodasie en versorging van nie meer as 12 kinders nie, uitgesluit die kinders van die huiseienaar.

PARKERING

5.(1) Twee parkeerterreine per 100 m² van die totale vloeroppervlakte moet voorsien word in die Gemengde Gebruiksone vir alle grondgebruike, met die uitsondering van 'n plek van openbare samekoms, plek van openbare aanbidding of restaurant.

(2) Een parkeerterrein moet voorsien word vir elke vier sitplekke vir 'n plek van openbare samekoms, plek van openbare aanbidding of 'n restaurant.

(3) 'n Parkeerterrein sal 'n gelyke oppervlak van 2,5 m x 5 m beslaan.

DEKKING, SPASIES RONDOM GEBOUE EN MINIMUM ERFGROOTTE

6. Die volgende dekking, spasies rondom geboue en minimum erf grootte is van toepassing op elke grondgebruiksone –

Grondgebruiksone	Dekking (%)	Hoogte (verdiepings)	Straat-voorspasie (m)	Agterspasie (m)	Kantspasie (m)	Minimum Erfgrootte (m²)
Residensieel: Enkel-woonhuis	50%	2	3 m	2 m	2 m	300 m ²
Residensieel: Gemengde Gebruik	80%	2	3 m	2 m	2 m	300 m ²

Grondgebruiksone	Dekking (%)	Hoogte (verdiepings)	Straat-voorspasia (m)	Agterspasia (m)	Kantspasia (m)	Minimum Erfgrootte (m²)
Kommersieel: Gemengde Gebruik	80%	2	3 m	3 m	3 m	300 m ²
Gemeenskapsfasiliteit	NVT	3	3 m	3 m	3 m	900 m ²
Opvoeding	NVT	3	7 m	5 m	5 m	1000 m ²
