

KNOETZIE LOCAL COUNCIL ZONING SCHEME

AMENDMENT OF SCHEME REGULATIONS

LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985)

In terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the Premier hereby amends the Scheme Regulations for Knoetzie Local Council as follows:

CONTENTS

1.1	DEFINITIONS	3
1.2	LAND USE	7
1.2.1	Area of Zoning Scheme	7
1.2.2	Zoning according to utilisation	7
1.2.3	Components of the zoning scheme	7
1.2.4	Zoning of land in specified use zones	7
	Table A	7
1.2.5	Erection of buildings and utilisation of land in specific use zones	7
	Table B	8
1.3	PLANNING CONTROL	9
1.3.1	Resort zone I	9
1.3.2	Resort zone II	10
1.3.3	Open Space zone I	12
1.3.4	Transport zone I	12
1.3.5	Authority zone	13
1.3.6	Undetermined zone	13

1.4	GENERAL	14
1.4.1	Urban Design Guide Lines	14
1.4.2	Sensitive Coastal Areas Regulations	15
1.4.3	Utilisation of zoned land	15
1.4.4	Reservation of remainder	16
1.4.5	Imposed conditions	16
1.4.6	Compliance with regulations	16
1.4.7	Non-conforming sites	16
1.4.8	Applications for consent use	16
1.4.9	Advertisement of intended application for consent use	17
1.4.10	Conditions applicable to consent uses	17
1.4.11	Occupational practice and other rights	18
1.4.12	Combined use buildings	19
1.4.13	External appearance of buildings	19
1.4.14	Uses of outbuildings	19
1.4.15	Carports	19
1.4.16	Council's duties	20
1.4.17	Service of documents	20
1.4.18	Townships and Minor Subdivisions in terms of the Townships Ordinance, 1934	21
1.4.19	Aesthetics and landscaping	21
1.4.20	Site Cleaning	21
1.5	APPROVAL OF DEPARTURES AND SUBDIVISIONS BY COUNCIL	22
1.5.1	Departures	22
1.5.2	Subdivisions	22
1.6	REMOVAL OF RESTRICTIONS	23
1.7	COMMERCIAL ACTIVITY	23

1.1 DEFINITIONS

In these regulations, unless inconsistent with the context:

“Advertise” means to serve a notice on every owner of land who in the opinion of the Council has an interest in the matter and whose address the Council knows or can obtain and, if the Council so decides, to publish in the Provincial Gazette and in the press, a notice –

- (a) specify the place where, and the hours during which particulars of the matter will be available for inspection, and
- (b) stating that objections may be lodged with the Council before a date likewise specified, being not less than twenty-one (21) days after the date on which the notice is so served or so published.

“Authority usage” means a use, which is practised by a public authority and of which the local factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practised by –

- (a) The State, such as military training centres and installations, telecommunication facilities, police stations and jails;
- (b) The Province, such as road stations and road camps; and
- (c) A local authority, such as fire services, sewerage farms, dumping grounds, reservoirs, composting installations and water purification works.

“Basement” means that portion of a building, the finished floor level of which is at least 2 m below, or the ceiling of which is at most 1 m above, a level halfway between the highest and lowest natural level of the ground immediately contiguous to the building.

“Building” means, in addition to the meaning assigned thereto in paragraphs (a) and (b) of section 2(viii) of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), any structure or erection whatsoever, irrespective of its nature or size.

“Building line” means the line delimiting the area measured from the boundary of a land unit, or from a setback, if any, within which no building or other structure except a boundary fence may be erected.

“Business premises” means a site or building or structure on or in which business is done and includes shops, offices, financial institutions or restaurants or sites, buildings or structures for similar uses, but does not include places of assembly or entertainment, institutions, service stations, public garages, industries, noxious trades, bottle stores or supermarkets.

“Bed and breakfast” establishment means a building for human habitation with not more than four bedrooms (eight beds) for the purpose of offering overnight accommodation. Refer to addendum A.

“Conservation usage” means by use of a building or site or part thereof which, in the opinion of the Council, on appeal or objection, the Premier, whose decision shall be final, is worthy of preservation.

“Council” means the Council of the Local Authority to whose area of jurisdiction these regulations apply and shall include a committee or person acting on behalf of such Council and specifically authorized by such Council to so act.

“Coverage” means the total percentage area of a site that may be covered by buildings that are covered by a roof or projection, as measured over the exterior walls thereof; provided that the area covered by the first meter (as measured from the outside of the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage.

“Departure” has the meaning assigned thereto in the Ordinance.

“Dwelling house” means a detached building containing only one dwelling unit.

“Dwelling unit” means a self-contained inter-leading group of rooms with not more than one kitchen, used only for the living accommodation and housing of a single family, together with such outbuildings as are ordinary used therewith.

“Existing use” means the use or uses which, in the opinion of the Council, is or are practised actually and lawfully on or in a property, structure or building or part thereof.

“Floor factor” means the factor (expressed as a proportion of 1) which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit, it is the maximum floor space as a proportion of the net erf area.

“Floor space” in relation to any building or structure means the area covered by a roof, slab or projection, excluding a projection not exceeding 1 m over an exterior or a similar support.

“Floor space” shall be measured from the outer face of the exterior walls or similar support of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of “maximum floor space” shall be the sum of the floor space of all the storeys, including that of basements.

“Ground floor” means the lowest floor of a building which is not a basement.

“Holiday accommodation” means a harmoniously designed and built holiday development in a unique natural environment with an informal clustered layout which may include the provision of dwelling units, whether in private or public ownership, which comprises a single enterprise and which shall only be marketed by means of short-term renting or time sharing, and may include a hotel.

“Holiday housing” means a harmoniously designed and built holiday development consisting of dwelling units. The individual development of each of the properties must contribute to the overall appearance as identified in the Urban Design Guidelines. A Homeowners Association must be established to which membership by the owners of all resort zone II properties is compulsory.

“Information center” means a facility where information and exhibits pertaining to the history, flora, fauna and regulations governing conduct, places of interest and other material of interest to the public is stored and displayed.

“Land” has the meaning assigned thereto in the Ordinance.

“Land unit” has the meaning assigned thereto in the Ordinance.

“Land use restriction” has the meaning assigned thereto in the Ordinance.

“Motor vehicle” means a vehicle designed or intended for propulsion by other than human or animal power and includes a motor cycle and trailer or caravan, but does not include a vehicle moving exclusively on rails.

“Nature reserve” means (in parentheses with the express proviso that any area demarcated or zoned as nature reserve shall not in any way restrict existing rights of property owners in Knoetzie) a national park, or some other nature park which is in the ownership of the public authority or has been declared as such in terms of legislation and remains in private ownership, it consists of an area which is utilized as a game park or reserve or fauna or flora in the natural habitat.

“Occupant” means any person who physically inhabits a building, a structure or land continuously or from time to time.

“Occupation practice” means the practising of an occupation, or a trade, or the conducting of an enterprise from a dwelling unit by one or more occupants of the dwelling unit concerned and his or their assistants, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or a lowering of aesthetics being caused; provided that a general medical practitioner shall be exempted from the condition with regard to occupancy.

“Parking bay” means an area measuring not less than 5,5 m by 2,5 m which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the local authority.

“Private parking” means land or a building or part thereof that is accessible only to property owners and their authorized family and guests.

“Public parking” means land or building or part of a building, which is utilized for parking purposes under the control of the council.

“Public road” means any road for public use or any land intended for such purpose.

“Public toilets” means toilets set aside for the use of the public.

“Scheme Regulations” has the meaning assigned thereto in the Ordinance.

“Site Development Plan” means a plan indicating the location of buildings, infrastructure and landscaping on an erf, including the siting, construction materials and colours of services, roads, paths and fences and walls.

“Staff housing” means dwelling units for the use of the council’s permanent or casual employees.

“Tourist facilities” means amenities for the tourists such as lecture rooms, restaurants, gift shops and restrooms permitted by the council as a consent use, but does not include overnight accommodation.

“Zoning” has the meaning assigned thereto in the Ordinance.

“Zoning map” has the meaning assigned thereto in the Ordinance.

“Zoning scheme” has the meaning assigned thereto in the Ordinance.

1.2 LAND USE

1.2.1 Area of Zoning Scheme

The extent of the Zoning Scheme is indicated on the zoning map.

1.2.2 Zoning according to Utilization

Notations on the zoning map are intended to indicate utilization of land and not land ownership.

1.2.3 Components of the Zoning Scheme

This Zoning Scheme shall consist of three components:

- the scheme regulations,
- the zoning map,
- and the register.

Approved departures shall be recorded in the register.

1.2.4 Zoning of the Land as Specified Land Uses

The land shown in Table A is zoned for the respective purposes set out in column 1 of Table A and shall, subject to any provision to the contrary in the Ordinance and these regulations, not be used for any other purpose.

TABLE A

Letratone	Zoning	Colour notation
LT 956	Resort zone I	Pink
LT 240	Resort zone II	Pink/black hatching
LT 124	Transport zone I	Dark brown
LT 929	Open space zone I	Dark green outline
LT 158	Authority zone	Red
LT 1	Undetermined Zone	Black hatching with blackOutline

1.2.5 Erection of Buildings and Utilization of Land in Specified Use Zones

The purpose, called primary uses, for which land may be utilized in the various zones indicated in column 1 of Table B are shown in column 2 of Table B. The purposes, called consent uses, for which land may be utilized or buildings may be erected with the consent of the council in the various zones indicated in column 1 of Table B are set out in column 3 of Table B. Any use not reflected in column 2 or 3 shall, subject to any provisions to the contrary in the Ordinance and these regulations, not be permitted in the zone concerned.

TABLE B

Zoning	Primary Use	Consent Use
Resort zone I	Holiday accommodation	None
Resort zone II	Holiday housing establishment	Bed & Breakfast
Transport zone I	Public road	None
Open space zone I	Nature reserve	None
Authority zone	Authority usage including Staff housing, Access control, Information centre, Public Toilets	None
Undetermined Zone	None	Existing buildings

1.3 PLANNING CONTROL

1.3.1 RESORT ZONE I

1.3.1.1 Colour notation: Pink

Primary use: [Holiday accommodation](#)

Secondary use: [None](#)

1.3.1.2 Land Use Restrictions:

With the rezoning of land to Resort Zone I, the local authority shall lay down conditions with regard to density, layout, landscaping, building design, etcetera, at such time as application for the development is made.

A site development plan shall be approved by and filed with the local authority, clearly indicating the following:

- The location of buildings on the property
- Density;
- Building design;
- Building materials;
- Services including design parameters and location and method of sewage disposal;
- Roadways and parking where applicable
- Boundaries and fences
- Landscaping
- For all new buildings and additions and alterations to existing buildings

1.3.2 RESORT ZONE II

1.3.2.1 Colour notation: Pink with black hatching

Primary use: [Holiday housing](#)

Consent use: [Bed & breakfast establishment](#)

1.3.2.2 Land Use Restrictions

Coverage: Including garage and outbuildings, shall not exceed 35% of the area of the erf

Front building line: At least 5 metres

Rear building line: At least 1 metre

Side building line: At least 1,5 meters

- Parking:
- (a) Parking shall be provided either on site or off site subject to agreement with surrounding land-owners according to Council's requirements as they may be laid down from time to time.
 - (b) Parking shall be provided at the ratio of one bay for two beds in Bed & Breakfast establishments. These bays shall be provided either on or off site

1.3.2.3 Additional Provisions

- (a) The parameters of the existing lawful development shall apply as land use restrictions where departures from those land use restrictions occur on land deemed to be zoned as Resort Zone II, with effect from date of commencement of the scheme.
- (b) A site development plan shall be approved by and filed with the local authority clearly indicating:
 - building design
 - building materials
 - the location of buildings on the erf
 - services including design parameters and location of septic tank
 - roadways and parking where applicable
 - boundary walls and fences
 - landscaping
 - for all new buildings and additions and alterations to existing buildings

Note: The Knoetzie Local Council is to prepare its own building plan approval, zoning and consent use application forms to comply with these regulations.

- (c) The site development plan shall comply with the urban design guidelines (see Section 1.4, General).
- (d) When new buildings are constructed only that land area required for the building footprint and plus a 3 m clearance for construction should be cleared of indigenous vegetation.
- (e) The calculation of bedrooms for Bed & Breakfast establishments shall include all bedrooms on the property.

1.3.3 OPEN SPACE ZONE I

- 1.3.3.1** **Colour notation:** Dark green outline
- Primary use: Nature Reserve
- Consent use: None

1.3.4 TRANSPORT ZONE I

- 1.3.4.1** **Colour notation:** Light brown
- Primary use: Public road
- Consent use: None

- 1.3.4.2** No structure shall be erected or use practised except such as is compatible with “public road” as defined.
- Roads and landscaping to be governed by urban design guidelines for the Headland Precinct.

1.3.5 AUTHORITY ZONE

1.3.5.1 **Colour notation:** Red

Primary use: Authority usage including staff accommodation,
information center, public toilets.

Consent: None

1.3.5.1 The land restrictions and additional provisions applicable to this zone shall apply as for every site or use or type of building approved by the Premier or, if authorized thereto by the Premier, the Council.

1.3.6 UNDETERMINED ZONE

1.3.6.1 **Colour notation:** Black hatching with black outline

Primary use: Existing buildings only

Consent use: Existing buildings only

1.4 GENERAL

1.4.1 Urban Design Guidelines

The Council shall be divided into three precincts for the purpose of Urban Design Guidelines, namely the Headland, the Beach and the River, as shown on the Urban Design Precinct Map.

Although the Council shall strive towards establishing the predominant theme in each precinct as set out hereunder, the guidelines shall not be interpreted rigidly.

Headland – unobtrusive, single storey, contemporary Cape;
 Beach – stone castellated buildings / Millwood corrugated iron houses;
 River – rustic; hidden away, unobtrusive buildings.

Retaining walls, rainwater tanks and other infrastructure are also governed by these guidelines.

No.	Element	Headland	Beach	River
1.	Appearance			
1.1	Style and character	Contemporary Cape, drawing from elements of existing building	(i) "castle", castellated parapets, etc. (ii) "Millwood" house	Rustic lodge/hide very unobtrusive
1.2	Heights	One storey	One-two storeys	One-two storey(s) (stilt foundations as appropriate)
2.	Colours / Materials			
2.1	Walls	Dark greens and browns-drawing from existing building and picking up indigenous vegetation colours	Terrace walls on Millwood houses-stone otherwise corrugated iron-light coloured walls-other styles-stone and brick	Dark colours-greens and browns, varnished wood. Sands, greens that tie in with the natural colours
2.2	Openings and trims (barge boards, door and window mullions and architraves, columns, balustrades, other decorative elements)	Contrasting colours but which are still sensitive to the local natural colours	Contrasting colours but which are still sensitive to the local natural colours	Contrasting colours but which are still sensitive to the local natural colours

2.3	Roofs	Dark greens, browns or black	Dark greens, browns or black	Dark greens, browns or black
3.	Roofs			
3.1	Shape	Double pitched	Double (Millwood) or single pitched (flat)	Double pitched
4.	Landscaping	Indigenous	Indigenous	Indigenous
5.	Roads	Shall have a rural quality with no precast concrete kerbs or channels, etc	Shall have a rural quality with no precast kerbs or channels, etc	Shall have a rural quality with no precast concrete kerbs or channels, etc

1.4.2 Sensitive Coastal Area Regulations

Permits for development in terms of the Outeniqua Sensitive Coastal Area Regulations (No. R881) of the Environmental Conservation Act (No. 73 of 1989) shall be applied for as part of application for building plan or other development approval.

1.4.3 Utilization of Zoned Land

- (i) No person shall damage or destroy zoned land so as to destroy or impair it's utilization for the purpose for which it is zoned, provided that the council may consent to the deposit on such land of waste materials or refuse.
- (ii) In giving it's consent under this regulation, the council may impose such conditions as it may deem fit.
- (iii) Subject to the Provisions of any other law, nothing in this regulation contained shall be construed as prohibiting the reasonable fencing of land.
- (iv) Undetermined Zone shall only be considered for rezoning to the following use zone:
 - Open Space Zone;
 - Resort Zone I.

A site development plan shall be approved by and filed with the local authority, clearly indicating the following:

Any development proposals in this area must be preceded by an Environmental Impact Study according to Integrated Environmental Management guidelines by a consultant who must be independent from the developer although such developer may fund all or part of the work.

1.4.4 Reservation of Remainder

Where the coming into operation of a provision of the Zoning Scheme involves the acquisition by the council of a portion of a land unit, the said provision may be applied by the council to the remainder of the land unit if:

- (i) In the opinion of the council, the remainder will be too small to develop as a separate entity, or
- (ii) The development of the remainder will be undesirable.

1.4.5 Imposed Conditions

Where permission to erect a building or execute any works or to utilize a building or land for any particular purposes or to perform any other activity has been granted under this Zoning Scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

1.4.6 Compliance with Regulations

Nothing in these regulations contained shall be deemed to grant exemption from compliance with any of the council's regulations.

1.4.7 Non-conforming Site

The council shall require that all future buildings or the extension and maintenance work of existing buildings on the site shall be in line with the land use restrictions contained in these regulations, with the by-laws of the council, and with any other laws which are applicable.

1.4.8 Applications for Consent Use

- (i) Subject to the provisions of Regulation 1.4.9 of these regulations, the council may, where application is made to it for its consent to the erection or utilization of a building in a zone in which a building of the type proposed may be erected and utilized only with the councils special consent, grant or refuse its consent, and shall in granting its consent be entitled to impose such restrictive conditions as it may deem fit governing the erection or utilization of such buildings.
- (ii) In considering such application, regard shall be had to the question whether the use for which the building is intended or designed, or the proposed building, is likely to mar the amenity of the neighbourhood, including marring owing to the emission of smoke, fumes, dust, noise or smells.

1.4.9 Advertisement of Intended Application for Consent Use

- (i) Any person intending to make application to the council for its consent to the erection or utilization of a building or to the utilization of land, whether wholly or partly, for any purpose requiring the councils special consent, shall, if the council is of the opinion that any landowner may have an interest in the matter, first advertise the application concerned.
- (ii) The council shall take into consideration any objections received within the period referred to in the advertisement and shall notify the applicant and the persons, if any, from whom objections were received, of its decision.
- (iii) Any decision of the council given in terms of this paragraph shall be by special resolution of the council as defined in the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976).

1.4.10 Conditions Applicable to Consent Uses

Consent uses, as listed in column 3 of Table B, shall be subject to the following conditions:

- (i) Any consent use in a particular zone which is a primary use in any other zone, unless special land use restrictions apply in respect thereof.
- (ii) Any consent use in a particular zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the zone in which it is a consent use, unless special land use restrictions apply in respect thereof.
- (iii) The council may in both of the abovementioned cases lay down other conditions with regard to any specific property.

1.4.11 Occupational Practice and Other Rights

- (i) Without prejudice to any powers of the council under any other law, nothing in a Zoning Scheme contained shall be construed as prohibiting or restricting, or enabling the council to prohibit or restrict, the following:
 - (a) The letting, subject to the council's regulations relating to Bed & Breakfast establishments, boarding houses and hostels, by any occupant of a dwelling house or any part of such dwelling house;
 - (b) The occasional utilization of a place of public worship, place of instruction, or institution as a hall for social functions; or
 - (c) The utilization of a portion of a dwelling unit for purposes of occupational practice.
- (ii) The following conditions shall apply where a portion of the dwelling unit is utilized for purposes of occupational practice:
 - (a) Such a dwelling house, residential building or flat or any part thereof shall not be used for purposes of a shop, business premises, an industry or a noxious trade;
 - (b) No goods for sale shall be publicly displayed;
 - (c) No advertising sign shall be displayed other than an un-illuminated sign or notice not projecting over a street and not exceeding 2 000cm* in area and indicating only the name and profession or occupation of the occupant; and
 - (d) No activities shall be carried on which are or are likely to be a source of disturbance or nuisance to occupants of other dwelling units or portions thereof.
- (iii) If anybody is of the opinion that any condition referred to in regulation 1.4.11(ii) or the definition of "occupational practise" is contravened, such person may lodge a written complaint with the council requesting action in terms of Section 39(1)(b) of the Ordinance.

1.4.12 Combined Use Buildings

Where more than one primary and/or consent use is approved in the same building in a particular zone, the requirements with regard to the floor factor, height and coverage, as prescribed for the primary use of the zone concerned, shall be applicable, and the following conditions shall apply with regard to all other land use restrictions:

- (i) Where a use which is permitted in a combined-use building in a particular zone is a primary use in another zone, the use concerned shall be subject to the same conditions, except those with regard to floor factor, height and coverage, applicable to the primary use in the other zone.
- (ii) Where a use which is permitted in a combined-use building in a particular zone is not a primary use in any other zone, the use concerned shall be totally subject to the conditions applicable to the primary use in the zone which the use concerned is permitted.

1.4.13 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 some other sufficient indication of the external appearance of the proposed building, including a description of the building materials to be used for that purpose. The drawings shall be upon suitable and durable material to a scale of 1:100, except that where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of 1:200. The council may require such alteration to the external appearance and building materials as it may deem necessary. See regulation 1.4.1.

1.4.14 Utilization of Outbuildings

No outbuilding may be utilized for any purpose other than that for which the plans have been approved by the council, and no such outbuilding may be utilized until the main buildings are completed or occupied, unless otherwise resolved by the council.

1.4.15 Carports

Subject to the council's approval, a carport which will exceed a street or side building line may be erected subject to the following conditions except where due to local constraints adhering to such conditions is not possible:

- (i) The width of the carport, measured parallel to the street boundary, shall not be more than 6 m.
- (ii) The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum measurement of 350 mm

horizontal gauge (or 350mm diameter in the case of piping), and at most four poles or pillars may be provided on one side of the carport

- (iii) No walls, except boundary walls, shall be constructed so as to enclose the carport.
- (iv) The height of the carport, measured from the floor to the top of the roof, shall not exceed 3m.
- (v) The sides of the roof shall be neatly finished with fascia not exceeding a depth of 250mm.
- (vi) The façade of the carport shall not be closer than 300mm to the street boundary.
- (vii) No gates which open onto the roadway shall be permitted.
- (viii) Standard provision shall be made for the collection and run-off of rainwater from the carport.
- (ix) Written confirmation from adjoining owner(s), if a side building line will be exceeded, and the owner(s) of both adjoining land units if a street building line will be exceeded, to the effect that they have no objection against the proposed carport shall be obtained.
- (x) The carport shall comply with regulation 1.4.1.

1.4.16 Council Duties

The council shall allow any person at any reasonable time to examine any scheme regulations, zoning map or register, as contemplated by Sections 9, 10 and 12 respectively of the Ordinance, which are or is kept in the office of the council; provided that any information in connection with the Zoning Scheme which is given to any person shall only be valid if it is in writing and signed by the official duly authorized thereto by the council.

1.4.17 Service of Documents

The provision of Section 211 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) and Section 213 of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), shall mutatis mutandis apply to this Zoning Scheme.

1.4.18 Townships and Minor Subdivisions in terms of the Townships Ordinance, 1934

Notwithstanding anything to the contrary in these regulations contained, conditions of ownership imposed by the Premier upon the approval of townships and minor subdivisions in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934), shall be applicable in so far as such conditions are more restrictive than the provisions of the Zoning Scheme.

1.4.19 Aesthetics and Landscaping

Where paving, landscaping, other treatment or any aesthetic requirement is deemed necessary by the council, or the Premier if the matter is considered by him, in order to prepare land for development, it may be required by the council or the Premier as the case may be, and such requirement shall be carried out to the satisfaction of the council or the Premier, as the case may be, at the cost of the owner.

1.4.20 Site Cleaning

All residential sites shall be cleared by hand according to the approved site development plan. No site works should be embarked upon prior to approval of site development plan and building plans.

1.5 APPROVAL OF DEPARTURES AND SUBDIVISIONS BY COUNCIL

1.5.1 Departures

A council may, in terms of Section 15(1)(b) of the Ordinance grant or refuse an application for a departure, or in terms of Section 15(5) determine an extended period, after which such departure shall lapse; provided that, where the council authorizes the utilization of land on a temporary basis as contemplated by Section 15(1)(a)(ii), such concession shall be granted for a period of at most five years, with the exception of a departure for which a permit is required in terms of Section 6b of Act 88 of 1967, in which case the concession may be granted for such number of years as is related to the expected life time of the mine concerned.

1.5.2 Subdivisions

- 1.5.2.1 A council may grant or refuse an application for the subdivision of land in terms of Section 25(1) of the Ordinance within, and subject to the conditions applicable to a subdivisational area, as well as an application for the subdivision of land involving no change in zoning.
- 1.5.2.2 Whenever a council has granted a subdivision in terms of Section 25(1) of the Ordinance, it may act in terms of Section 30 of the Ordinance.
- 1.5.2.3 In the process of the creation of new streets in any subdivision in terms of these regulations, the general principles in regard to layout, street intersections and gradients, as set out in paragraphs 3, 4.4, 4.5, 10.7.1 and 11 of Part B of the document: "Guidelines for the Provision of Engineering Services in Residential Townships", published by the former Department of Community Development and as amended from time to time, shall be complied with. The following additional requirements shall also be met:
 - (a) Any street intersection shall be so located, with due regard to topography, that there is sight distance in all directions of at least 40m from such intersection where possible.
 - (b) The transverse gradient of any street shall not be steeper than 1 in 6 (that is the gradient of the land before construction) where possible.
 - (c) The longitudinal gradient of any portion of a street shall not be steeper than 1 in 8 (that is the gradient of the land before construction) where possible.
 - (d) The weaving distance (distance between intersections in different directions), that is between the nearest corners of the streets concerned, shall be at least 40m where possible.
 - (e) The angle of intersection of streets shall be at least 70° where possible.

- 1.5.2.4 Subdivision shall only be permitted that can clearly demonstrate to the council how they take into account slopes, soils, hydrology, vegetation and visual quality to enhance the environment on Knoetzie. Subdivisions suggestive of a conventional suburban environment (i.e. uniform rectangular plots) will not be permitted.
- 1.5.2.5 Subsequent to the granting of a subdivision in terms of Section 25(1) of the Ordinance, the person who at any time is the owner of any land unit directly involved in the subdivision shall be required, without compensation:
- (a) To allow gas mains, electricity, telephone and television cables and / or wires, main and/or other water pipes and foul sewers and storm water pipes, ditches or channels of any other land unit or units to be conveyed across the land unit concerned, and surface installations such as mini-sub stations, meter kiosks and service pillars to be installed thereon, if considered necessary by the council and in such a manner and position as may from time to time be reasonably required; this shall include the right of access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above, and
 - (b) To receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the council.
- 1.5.2.6 In terms of Section 31(2) of the Ordinance, a council may permit a building or structure to be erected on a land unit forming part of a subdivision which has not been confirmed.

1.6 REMOVAL OF RESTRICTIONS

Notwithstanding regulations 1 and 1.2 of these regulations, all conditions restricting subdivision, the number of building that may be erected or the utilization of the land, or any other restrictive conditions which may have a bearing on the subdivision or departure applied for and registered against the land unit shall, where applicable, first be removed prior to an application being granted.

1.7 COMMERCIAL ACTIVITY

No commercial activity other than that pertaining to the operation of Bed and Breakfast establishments, holiday business concessions and holiday accommodation shall be permitted.