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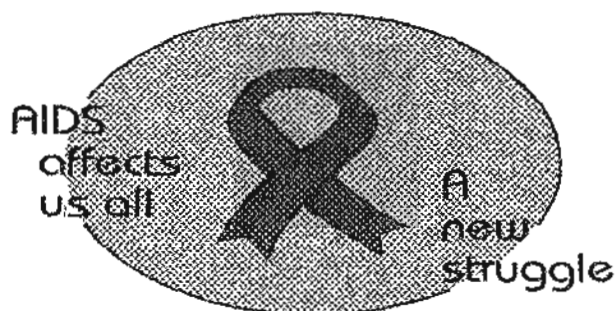
Vol. 2

PIETERMARITZBURG,

25 DECEMBER 2008  
25 DESEMBER 2008  
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No. 213

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

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No. 254

25 December 2008

**DEVELOPMENT FACILITATION ACT, 1995: REMAINDER OF PORTION 1 OF THE FARM REPROACH NO. 4237, THE FARM REPROACH ANNEX NO. 12902, PORTION 2 OF THE FARM REQUEST NO. 2 NO. 9766 AND PORTION 3 OF THE FARM SCOTSTON NO. 4128, HIGHLANDS, OKHAHLAMBA MUNICIPALITY**

In terms of section 33(4) of the Development Facilitation Act, 1995, the Development Tribunal approved the development of 44 limited mixed use sites, 39 residential sites, 1 limited mixed use site for a recuperative health-centre, a 6 tent camp, a 7 hut cultural village, agricultural activities and recreational activities on Remainder of Portion 1 of the farm Reproach No. 4237, the farm Reproach Annex No. 12902, Portion 2 of the farm Request No. 2 No. 9766 and Portion 3 of the farm Scotston No. 4128; Registration Division GS, Highlands, Okhahlamba Municipality, subject to the following conditions of establishment relating to land use management and application of laws —

(a) the layout of the land development area shall be in accordance with Site Development Plan No. 5B-LDA and Layout Plan 9 10159PA Prop Landuse Rev 03 dated 16 November 2006;

(b) the land use conditions contemplated in Schedule 1 shall apply to the land development area until a scheme is adopted for the land development area in terms of any law;

(c) sections 11, 11b/s, 12-28, 32 and 35-38 of Town Planning Ordinance No. 27 of 1949, do not apply to the land development area for the purpose of the development thereof in accordance with the conditions of approval of application 2005/352;

(d) the provisions of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970) do not apply to the land development area; and

(e) 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.

**M. A. DE LANGE**, Designated Officer

Date: 17 December 2008

File reference: 2005/352

Schedule 1

**HIGHLANDS COUNTRY ESTATE LAND USE CONDITIONS**

**1. DEFINITIONS**

In these conditions, unless the context otherwise indicates —

**"agricultural building"** means a building used for the rearing of animals or cultivation of crops, but excludes a kennels;

**"agricultural land"** means arable, meadow or pasture land, market gardens, poultry farm, nursery garden and land used for the rearing animals;

**"basement"** is the lowest part of any building, which part is constructed with more than 50% of its volume below the lesser of either the mean finished ground level or the existing ground level immediately surrounding the building;

**"building"** is any structure or erection of an immovable nature including a tank, swimming pool or communication mast and any wall, retaining wall or close-boarded fence which is more than two metres in height at any point, but excludes an open fence, post, steps, pier, ramp, fountain, statue, fish-pond, pergola or other garden ornamentation;

**"building line"** is a line parallel to any boundary of a lot which is continuous with a street or public right of way;

**"business premises"** means the use of a building or land for offices, showrooms, restaurants, laundrette or any other business or commercial purposes, excluding a shop, service station, industry, or scrap yard;

**"commercial workshop"** means a light industrial building wherein the primary purpose is the selling of goods or services by retail and where the processes are operated specifically in conjunction with a shop or office to which the public, as customers, has access and includes uses like watch repairer, shoe repairer, television repairer, electrician, or jobbing printer, but excludes a service station or a building related to the repair or fitment of motor vehicle parts;

**"coverage"** is the proportion of a lot covered by buildings, and is expressed as a percentage of the lot area as defined. Thus 25% coverage means that only one quarter of the lot may be covered by buildings;

**"develop"** means to erect a building on land or to alter or extend a building;

**"dwelling house"** means a freestanding dwelling unit used as a dwelling for the accommodation of the inhabitants thereof together with such outbuildings as are ordinarily used therewith;

**"dwelling unit"** means a self-contained inter-leading group of rooms for the accommodation of the inhabitants thereof including not more than one kitchen;

**"floor area"** means the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses, lift shafts, staircases, balconies and access galleries;

**"floor area ratio"** is the ratio of the total floor area of the buildings on a lot to the lot area and is expressed as a decimal, e.g. a floor area ratio of 0,5 means that the area of the buildings is half the lot area. Any area used exclusively for the parking of motor vehicles, garages, carports, swimming pools, squash courts and tennis courts where they are for private use only must be excluded from consideration in any calculation of floor area ratio;

**"guesthouse"** means a dwelling house, dwelling unit or residential building with six or more bedrooms of which more than 50% are let out for reward, but excludes a hotel;

**"height"** means the height of a building or structure in storeys and is expressed as a number, provided that where the ground floor of a building is on more than one level, such building shall be regarded as formed of portions in relation to each respective level and the height of such a building shall be calculated separately in respect of each portion as if such portion were a separate building;

**"home business"** means the use of part of a residential building, dwelling house, dwelling unit or outbuildings by the resident thereof by a tailor, dressmaker, knitter, home baker or confectioner, typist, computer operator, photographer, manicurist, chiropractor, chiropodist, masseur or masseuse, hairdresser or barber, beautician, shoemaker, bookbinder, printer, sign writer, upholsterer, curtain maker, duplicator, engraver, etcher, leather worker, milliner, silkscreener,

caneworker, bookkeeper and potter or similar activities and includes a bed and breakfast establishment as long as not more than 50% of the bedrooms in the building are let out for bed and breakfast purposes;

**"Homeowners Association"** is the van Reenen Country Estate Homeowners Association;

**"industry"** means an activity on any premises amounting to the use of such premises as a factory as contemplated in terms of section 35 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983);

**"institution"** means a building designed and used as a hospital, or nursing home, clinic or other similar institution, whether public or private;

**"lot"** is a registered subdivision of land;

**"lot area"** is the area of a lot, less the area of any servitude, to which the lot may be subject, but shall include any registered servitude for overhead or underground services;

**"municipality"** means the Okhahlamba Municipality;

**"outbuilding"** means a building used in conjunction with a residential building for the parking of motor vehicles, storeroom, staff quarters, staff ablution facilities, workroom or other similar use;

**"place of instruction"** means a building designed and used for educational purposes includes a crèche, library, museum and a gymnasium;

**"private recreational area"** means a sports ground, playing field or other open space of a club, firm, private person or other body and the buildings normally associated with recreation activities;

**"rear boundary"** means that boundary of a lot which is furthest from any street boundary, and which does not meet any street boundary;

**"recreational building"** means a clubhouse, gymnasium, squash court, pavilion, shelter, change room and any similar building used in conjunction with a sport. A clubhouse may include dining facilities, lounges and facilities for the sale of alcoholic beverages;

**"residential building"** means a building or portion of a building used for human habitation and outbuildings which are normally used therewith, including a block of flats, guesthouse, hotel, residential club or hostel, but excluding a dwelling house;

**"shop"** means a building or land used for any retail trade or business wherein the primary purpose is the selling of goods and appliances, and includes the sale of food and drink for consumption off the premises;

"side boundary" is any boundary of a lot which meets a street boundary and any other boundary and which is neither a street boundary nor a rear boundary.

"social hall" means a building designed for use for social gatherings, meetings and recreational purposes;

"storey" is a room or set of rooms at any level, including any room the floor of which is split into two or more levels, and shall include a basement as defined;

"tea garden" means a building or portion of a building used primarily for the preparation and sale of light meals, confectionery and non alcoholic beverages and may include the sale of goods; and

"zone" is that portion of the Control area shown on the Land Use Zoning Map, by distinctive colouring or edging for the purpose of indicating the restrictions imposed by these controls on the use of land and buildings.

# 1. USE OF LAND AND BUILDINGS

The purposes for which land and buildings may be used are tabled in Table A.

TABLE A

| USE ZONE                 | PERMITTED USES                                                                                                                                                                                                                                              |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Special Residential zone | Agricultural land<br>Agricultural Building<br>Dwelling House<br>Dwelling Unit<br>Guesthouse<br>Outbuilding<br>Home Business<br>Tea Garden                                                                                                                   |
| Limited Mixed Use zone   | Agricultural land<br>Agricultural Building<br>Business Premises<br>Commercial Workshop<br>Dwelling House<br>Dwelling Unit<br>Guesthouse<br>Home Business<br>Institution [in respect of Portion 35 of Highlands only]<br>Outbuilding<br>Place of Instruction |

|                                   |                                                                                                                                                              |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | Residential Building [In respect of Erf 48 Highlands only]<br>Shop [In respect of erven 11-15, 28 and 29 Highlands only]<br>Tea Garden                       |
| Administration/ Communal Facility | Agricultural land<br>Agricultural Building<br>Recreational Building<br>Private Recreational Area                                                             |
| Private Open Space                | Private Recreational Area                                                                                                                                    |
| Agriculture                       | Agricultural land<br>Agricultural Building<br>Dwelling House<br>Place of Instruction<br>Social Hall<br>Recreational<br>Building<br>Private Recreational Area |

## 2. BUILDING RESTRICTIONS AND PARKING REQUIREMENTS

Building restrictions and parking requirements are tabled in Table B.

TABLE B

| USE ZONE                             | MINIMUM<br>LOT SIZE | FAR   | COVER -<br>AGE %) | HEIGHT | BUILDING<br>LINES | SIDE /<br>REAR<br>SPACE | PARKING<br>REQUIREM<br>ENTS                                                                           | EXCEPTIONS                                                                                                                                                                                                                                                             |
|--------------------------------------|---------------------|-------|-------------------|--------|-------------------|-------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SPECIAL RESIDENTIAL                  | 4000m <sup>2</sup>  | ,0875 | 8,75%             | 2      | 4,5 m             | 4,5 m                   | N/A                                                                                                   | In determining the siting of any dwelling unit on a subdivision, cognisance must be taken of the likely visual impact from adjacent subdivisions, as determined in terms of any guidelines and rules as may be laid down by the Home Owners Association in this regard |
| LIMITED MIXED USE                    | 600 m <sup>2</sup>  | 0.50  | 50%               | 2      | 2 m               | 2 m                     | 1 per dwelling unit plus 1 visitors bay,<br><br>1 bay per 50 m <sup>2</sup> shop or business premises | The FAR for Portion 35 of Highlands and Erf 48 Highlands shall be 0.75                                                                                                                                                                                                 |
| ADMINISTRATION/<br>COMMUNAL FACILITY | N/A                 | 0.1   | 10%               | 1      | N/A               | N/A                     | N/A                                                                                                   | N/A                                                                                                                                                                                                                                                                    |
| PRIVATE OPEN SPACE                   | N/A                 | N/A   | N/A               | 1      | N/A               | N/A                     | N/A                                                                                                   | N/A                                                                                                                                                                                                                                                                    |
| AGRICULTURE                          | N/A                 | 0.1   | 10%               | 1      | N/A               | N/A                     | N/A                                                                                                   | N/A                                                                                                                                                                                                                                                                    |