6. **ERECITION AND USE OF BUILDINGS AND STRUCTURES AND USE OF LAND.**

27/09/1976

(1) The purposes:-

(a) for which buildings and land may be used or for which buildings may be erected and used;  

(b) for which land may be used or for which buildings may be erected and used only with the special consent of the Council; and  

(c) for which land may not be used or for which buildings may not be erected and used,

in each of the use zones specified in Appendix 1 attached hereto are shown in the third, fourth and fifth columns respectively of the said Appendix and no person shall use land or erect and use buildings otherwise than in accordance with the provisions thereof except as otherwise provided in this Scheme.

(2)

(a) An existing building or an existing use of land which is not in conformity with the provisions of this Scheme relating to the erection and use of buildings and the use of land, may be maintained and may be used for its existing purposes.

18/07/1994

(b) Where an existing building which is not in conformity with the provisions of this Scheme relating to the erection and use of buildings and the use of land, is accidentally destroyed or damaged beyond repair, such building may be re-erected with the special consent of the Council.

(3) Subject to the provisions of this Scheme other than those relating to the erection and use of buildings and the use of land, the Council may on application to it:-

(a) where an existing building is being used otherwise than in conformity with the use zoning provisions of this Scheme, authorise the extension of such non-conforming use or the alteration of the building within the boundaries of the site, if it appears to it that such extension or alteration will not increase the interference with the amenities of the neighbourhood, existing or as contemplated by this Scheme;

(b) where an existing building is so designed as to render it unsuitable for use in conformity with the use zoning provisions of this scheme, authorise the alteration of the existing use or where the building is not being used authorise its alteration or use for a non-conforming purpose, if it appears to it that the non-conforming use proposed in either case is one which is unlikely to increase the interference with the amenities of the neighbourhood existing or as contemplated by this Scheme;
(c) where an existing building is being used otherwise than in conformity with the use zoning provisions of this Scheme authorise the partial or complete rebuilding thereof and the continuation of the non-conforming use therein; provided that:-

(i) the total floor area of the new building shall not exceed that of the existing building;

(ii) where the building is used for shops or offices, the provisions of clause 12(1)(c)(i) and (iii) and of sub-clauses (2), (5), (7), (8), (9), (10) and (12) of clause 12 shall be complied with;

(iii) for the purpose of this paragraph application for such authority shall be made to the Council within three years from the date of coming into operation of this paragraph as set out in Appendix 5;

(iv) such authority shall lapse upon the expiry of a period of fifteen years commencing upon the day following the end of the period of three years referred to in (iii) above;

(v) a building rebuilt in accordance with this provision shall for all purposes of this clause be regarded as an existing building.

(4) An application submitted in terms of sub-clause (3) hereof, shall be deemed to be an application for the special consent of the Council and notice of intention to make such application shall be given in accordance with the provisions of Clause 25.

(5) Where the alteration or extension of an existing non-conforming building is necessary in order to comply with Government or Municipal requirements the Council shall permit such alteration or extension, if it is satisfied that the need therefor is not due to the activities carried on in such building having expanded since the material date to an extent beyond that to which they could be carried on in such building in compliance with the Government or Municipal regulation concerned.

(6) Any authority granted in terms of sub-clause (3) or (5) hereof, shall, where the Council so directs, be conditional upon an undertaking by the applicant that:-

(a) he will waive any claim for compensation in respect of any extensions, additions or alterations made, or in respect of any use or any extension thereof permitted in terms of such authority, upon being so required by the Council after the expiration of a period fixed by the Council after taking into account all the circumstances, including:-

11/75; 5/91
(i) the probable effective physical life of the building, having regard to its age and condition at the date of the application;

(ii) the probable effective economic and income-producing life of such building;

(iii) the degree and nature of non-conformity; and

(b) he will, if he disposes of the property, incorporate in any deed of sale, cession, assignment, lease, sub-lease or other document of alienation, a condition that the alienee will be bound by the undertaking given by him in terms of (a) hereof that the Council will be entitled to enforce the provisions of that undertaking without becoming a party to such agreement, and that the alienee shall be bound to insert the whole of this condition in any future alienation of the property by him.

(7) Any person aggrieved by a decision of the Council under sub-clauses (3), (5) and (6) hereof may appeal to the Appeals Board against such decision.

(8) No person shall use, or cause or allow to be used any building or portion thereof for a use other than that for which it was erected, unless the Council's consent has been obtained for the proposed new use and such alterations to the building as may be necessary have been authorised and carried out.

18/07/1994 28/05/2009
(9) (a) Every outbuilding/domestic staff accommodation shall be sited in a position in which, in the opinion of the Council, it is likely to cause the minimum interference with the amenities of neighbouring properties.

22/04/1974 05/06/1978 01/07/1985 18/07/1994
(b) Deleted.

13/12/1974 01/08/1983 18/07/1994
(c) (i) Deleted.

(ii) Deleted

01/07/1985 08/12/1989
(iii) Deleted

01/07/1985 08/12/1989
(iv) Deleted

3/74; 8/74; 3/78; 4/80; 4/83; 3/85; 5/89; 4/94; 01/09
(v) Deleted

(vi) Deleted

(vii) Outbuildings/domestic staff accommodation shall be single-storied provided that the council may, by special consent, waive compliance with this requirement if it is satisfied that the proposal will not unduly interfere with the amenities of the neighbourhood existing or as contemplated by the scheme, provided further, that the council may waive compliance with the special consent procedure if the prior written consent of the registered owner of each adjoining and such other properties as the council may direct, has first been obtained.

(d) (i) Deleted.

(ii) Deleted.

(iii) Deleted

(iv) Deleted

(9bis)(1)(a) An Ancillary Unit shall have a gross permitted floor area not exceeding 80m$^2$; provided that open sided verandahs and a single garage may be permitted over and above the permitted 80m$^2$ subject to compliance with the provisions relating to coverage and floor space and bulk control;

(b) An Ancillary Unit shall be restricted to living accommodation;

(c) The Ancillary Unit may be detached or attached to other buildings on the property and may be two storeys in height;

(d) There shall be no inter-leading doors between an ancillary unit and the main dwelling house, provided that the Head: Development Planning and Management may relax this provision if, in her opinion, there is a need for an inter-leading door for health and safety reasons.

(e) The number of parking bays and positioning thereof shall be provided at the discretion of the Head: Development Planning and Management;

(f) An Ancillary Unit may only be permitted where there is a single dwelling house on a site; provided that in multiple unit and mini-sub developments, no Ancillary Units may be permitted;
(g) The road or street access serving the Ancillary Unit shall be the same access which serves the main dwelling, provided that the Head: Development Planning and Management may, by reason of the same access being impractical, or any other cogent reason, permit a road or street access separate from that which serves the main dwelling;

(f) The Ancillary Unit shall be architecturally compatible in style and finish with the main building;

(g) An Ancillary Unit shall not be permitted to be separate in title from the main dwelling;

(2) The following shall be taken into consideration when authorising an ancillary unit:

(a) the location of the ancillary unit in relation to the amenities of the adjoining sites and the impacts thereof; and

(b) the impact of the additional density upon the infrastructure of the catchment area as defined by the Head: Development Planning and Management.

(3) The special consent of the Council may be required where the Head: Development Planning and Management is of the opinion that in terms of sub-clause (2) of this clause there may be interference with the amenities of the neighbourhood or impact upon the infrastructure, provided that she may exempt an applicant from applying for special consent and relax the requirements of this sub-clause; provided further that the prior written consent of the registered owner of each adjoining property with street frontages contiguous to the site and such other properties as the Head: Development Planning and Management may direct, has first been obtained.

(10) No land in any use zone shall be used for the purpose of the deposit or disposal of waste material or refuse without the special consent of the Council.

27/09/1976

(11) The Council may, in respect of any subdivision which it is proposed to develop, determine the position and number of vehicular and pedestrian points of access, and may, if it deems fit, prohibit pedestrian or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access; provided that, in the opinion of the Council, satisfactory alternative access is or can be made available: - provided that no new building or any extension to any existing building erected on any site fronting on the eastern side of Salmon Grove shall have pedestrian access to Salmon Grove and no new access thereto from any existing building on any such site shall be permitted.
No person shall provide a vehicular access point at a street line without the written approval of the Council.

For the purposes of this sub-clause: -
"street line" means the common boundary of the subdivision and the street, existing or as proposed in terms of clauses 3 and 5.

Where, in a Special Residential zone (other than one with a minimum plot size of more than 900 square metres) it appears to the Council that, having regard to the character of the neighbourhood a dwelling house erected in accordance with plans approved prior to the material date is too large for further occupation as a single family dwelling, the Council may, by special consent, authorise the conversion of such a dwelling house into not more than two separate units of accommodation; provided that no such authority shall be granted by the Council unless:-

(a) the subdivision on which the dwelling house exists is not less than the prescribed minimum plot size for the zone;

(b) the two units of accommodation shall together contain at least 180m² of floor area, calculated in accordance with the provisions of Clause 23, and neither shall have a floor area less than 70m²;

(c) provision can be made on the subdivision for the parking of at least two vehicles; and

(d) the servant's quarters existing or contemplated, are suitably sited in relation to neighbouring buildings.

(a) Deleted.

(b) Deleted.

No land comprising a site or portion of a site in a shopping zone shall be developed unless the Council is satisfied that such development will be in conformity with a comprehensive and co-ordinated development of the shopping zone in question.

Notwithstanding the provisions of paragraph (a) hereof the Council may, having regard to the economic and physical life of any shop or building and of other shops or buildings in such zone, authorise by special consent alterations to such shop or building.

Any authority granted in terms of paragraph (b) hereof shall, where the Council so directs, be conditional upon an undertaking by the applicant that:

(i) he will waive all claims for compensation in respect of the alterations authorised as may arise upon acquisition of the site by the Council or upon the Council requiring the alterations to be removed.
(ii) he will, if he disposes of the property, incorporate in any deed of sale, cession, assignment, lease, sub-lease or other document of alienation, a condition that the alienee will be bound by the undertaking given by him in terms of (i) hereof that the Council will be entitled to enforce the provisions of that undertaking without becoming a party to such agreement, and that the alienee shall be bound to insert the whole of this condition in any future alienation of the property by him.


18/07/1994 (17) The Council may, by special consent, permit the removal of sand for gain from a site having frontage on any river, provided that such consent shall not be valid for a period exceeding five years but may be renewed by the Council from time to time upon such conditions as it in its sole discretion deems fit.


20/10/1975 (19) Where on a site in the General Business (Central Area) zone or in a General or Special Shopping zone, a building is erected, altered or extended so as to contain an arcade, such arcade shall have a minimum width of 4.0 metres, provided that the City Engineer, after considering all the relevant circumstances, may permit a reduction in the width to not less than 3.0 metres.

20/10/1975 (20) The Council may, whenever a site in an Extractive Industrial zone is used for such purposes, impose such conditions as it deems fit, having regard to the amenities of the area and to the future use of the site.

05/03/1974 (21) Deleted.

05/05/1975
07/09/1976
18/07/1977
15/12/1977
06/02/1978
15/12/1978
18/07/1994

27/09/1976 (22) On any site within the areas shown on Map No. 1849.385 and notwithstanding any other provisions of this Scheme relating to the use of land or buildings, the Council, may, if it appears to it that such site is one which is likely to be included in any zone set out in Column 1 of Appendix 1 hereof, authorise by special consent the use of the site or the erection, alteration or conversion of buildings on such site, provided that:-

(a) any such building complies in all other respects with the provisions of this Scheme relating to such zones; and
(b) the use authorised will not interfere with the amenities of the neighbourhood.

Notwithstanding any other provisions of this Scheme, the erection of new off-street parking garages or additions to existing off-street parking garages is prohibited within the areas coloured pink on Plan No. 1829.485A, provided that the Council may permit in these areas by special consent:

(i) vacant land as a parking lot;

(ii) parking permitted in buildings in terms of Clause 12(3)(c) as a parking garage on a temporary basis during such part of the period of construction of the remainder of the building as the Council deems fit.

Notwithstanding any other provisions of this Scheme, buildings within those portions of the General Residential 5 zone situated along the Victoria Embankment:

(a) between Stanger Street and Gardiner Street and between Field Street and Parry Road may include offices and business premises as well as general residential premises but shall not include retail shops or industrial premises, and where any such building is used simultaneously for general residential and for commercial purposes:

(i) each floor of such building shall be set aside and used either for general residential or for commercial purposes but not for both; and

(ii) any two or more floors used for general residential or for commercial purposes, as the case may be, shall be contiguous to one another; provided that the Council may where any building has wings which are, in its opinion, sufficiently separated from one another, relax the provisions of this paragraph;

(b) between Russell Street and Gardiner Street other than between Field Street and Parry Road may when rebuilt replace any existing shops on the site provided that the floor area of such shops shall not exceed their existing floor area.

Deleted.

Deleted.

Deleted.

Deleted.
18/04/1977  (27) Deleted.

18/07/1994

14/08/1978  (28) (a) The Council may grant exemption from the provisions of clause 6(1) and approve an application, with or without conditions, for the use of land or the erection and use of buildings which is in conflict with the provisions of Appendix 1 attached hereto, provided that there are special circumstances relating to the proposal and the Council considers that the proposal will not prejudice the general purpose of the Scheme.

(b) If an application as described in paragraph (a) is made to the Council for its authority, such application shall be deemed to be and be treated as an application for the special consent of the Council and notice of intention to make such application shall be given in accordance with the provisions of clause 25.

(c) Any applicant or any objector who is aggrieved by the decision of the Council in terms of this sub-clause shall have a right of appeal to the Town Planning Appeals Board.

05/06/1978  (29) Deleted.

18/07/1994

01/07/1985  (30) No approval for a development scheme pertaining to an ancillary unit shall be granted in terms of section 4(5)(a) of the Sectional Titles Act no. 95 of 1986 as amended.

15/12/1998

20/08/1996

20/08/1996

02/03/1987  (31) A shop shall not be permitted in a Light, General or Noxious Industrial zone unless such shop is -

(a) intended and located to cater for the immediate day to day needs only for persons working within the industrial area concerned; provided that the total floor area of the shop or a cluster of shops (including a set of shops separated by a street or pedestrian access) shall not exceed 200m², or

(b) of a type which is incompatible with the majority of shops found in shopping or general business zones or which by its nature or direct association with industry is more suitably located in an industrial zone and in this regard the following factors shall be taken into account by the Council when considering an application to establish a shop in a Light, General or Noxious Industrial zone:

(i) the effect the shop is likely to have on the harmony of the street frontage if located in a shopping or general business zone,

(ii) the potential the shop will have to attract heavy vehicles to the site,

(iii) whether the nature of the shop is likely to be incompatible aesthetically with uses conducted in shopping or general business zones,

(iv) whether the nature of the shop requires a large area of land; provided that a shop in which food or furniture is to be sold by retail shall not be considered in terms of this sub-paragraph; or

(c) ancillary to the industrial use of the site concerned and limited to the display and sale of goods manufactured on the site or directly associated products; provided that the floor area of such shop shall not exceed 10% of the total floor area of all buildings on the site or 150 m² whichever is the lesser; provided further that there shall be not more than one shop for each industrial activity being conducted on the site.

07/12/2013 (31)bis In respect of Rem. of portion 44 of erf 1320 Durban, a Place of Amusement relating to a Performance Arts Centre, may be permitted with the special consent of the Council.

18/07/1994 (32) No person shall, without the approval of the Council, erect or commence the erection of any building or commence or carry out any frontage works or cause or permit any such work to be commenced or carried out on any subdivision approved in terms of the Council's Bylaws relating to the Subdivision of Land and New Streets until separate title in respect of that subdivision has been registered in the Deeds Registry, or the Council has withdrawn or cancelled the certificate of such approval issued in terms of such Bylaws.
CONSERVATION ZONE

SCHEME INTENTION:
A Conservation Zone is land (other than publicly owned land) dedicated to the conservation and management of natural areas of land and/or water for the ecosystem goods and services that the areas provide and the biodiversity which they support and/or areas with scenic beauty, indigenous flora & fauna, water courses, topographical features and places of historic or scientific interest.
A Conservation Zone will normally occur as a split zone shared with another zone or reservation on a particular site and enabling the minimal exercise of such other zoned rights by means of a transfer of rights.
The final extent of a Conservation Zone shall take into consideration the 1:50 year flood levels, the D'MOSS control area of the eThekwini Municipality as amended from time to time and the clearance of physical features.

COLOUR NOTATION: Pale Green with CZ overprinted

<table>
<thead>
<tr>
<th>LAND USES:</th>
<th>PRIMARY</th>
<th>CONSENT</th>
<th>PRECLUDED</th>
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</thead>
<tbody>
<tr>
<td>Environmental Protection</td>
<td>Nature-Based Tourism</td>
<td>All other land uses not specified as a primary or consent.</td>
<td></td>
</tr>
</tbody>
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DEVELOPMENT PARAMETERS:

<table>
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<tr>
<th>SPACE ABOUT BUILDINGS</th>
<th>DWELLING UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE</th>
<th>HEIGHT</th>
<th>COVERAGE</th>
<th>FLOOR AREA</th>
<th>PARKING</th>
<th>ADDITIONAL CONTROLS</th>
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<tr>
<td>STREET SIDE REAR</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Refer below for additional controls</td>
<td>Refer below for additional controls</td>
<td>N/A</td>
<td>Refer to clause 12</td>
</tr>
</tbody>
</table>

GENERAL:

1. Within a Conservation zone without the prior written authorisation from the Head: Development Planning, Environment and Management in consultation with the municipality's Environmental Planning and Climate Protection Department:

   1.1 No earthworks, development, sand winning, mining or the erection of any structure, including but not restricted to buildings, fencing, swimming pools, wastewater and stormwater infrastructure (including evapo-transpiration areas for on-site sanitation), roads, tracks, driveways, walking or cycling trails or dams shall be permitted. Any permanent structure may only be permitted on application to, and with the authority of the Head: Development Planning, Environment and Management and shall be undertaken in accordance with a layout plan with an associated management plan which shall be a duly adopted provision of the scheme.

   1.2 No landscaping or planting of any vegetation shall be permitted, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the municipality.

   1.3 No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed with the municipality.

   1.4 The use of vehicles, motorised or non-motorised, shall be permitted with the written permission of the Head: Development Planning, Environment and Management, in consultation with the municipality’s Environmental Planning and Climate Protection Department.

   1.5 No pets or other domestic animals shall be permitted unless written authority for their presence on a site zoned for Conservation purposes, has been granted by the Head: Development Planning Environment and Management.
### 2. Conservation Zone (cont.)

Within a zone that flanks a Conservation Zone that forms part of the same parent erf, the area of the Conservation Zone portion may, by Consent, be taken into account in calculating the total potential permitted on the portion zoned for developmental use and not for conservation, provided that this does not, in the view of the local authority, compromise the overall development or interfere with the amenities of the area, existing or as contemplated by the Scheme, and that no deleterious effect is caused to any downstream environmentally sensitive areas by the resultant clustering which shall observe a 25 metre non-building buffer to the Conservation Zone portion. Provided further that the requirements of exclusions from developable area, i.e. overstep land, geo-technically unstable land, subject to flooding, inaccessible, affected by servitudes, or any other exclusions as determined by the municipality, shall, other than with respect to environmentally sensitive areas, apply in determining the theoretical potential over the entire site.

### 3. Where:

- (i) a 25 metre non-building buffer requirement is sought to be relaxed or dispensed with;
- (ii) the transference of bulk and/or unit potential from a conservation zoned portion to a residential zoned portion of an erf is sought;
- (iii) a smaller erf size than the designated zone minimum erf size is sought in the non-conservation zone portion and may be permitted under certain circumstances pertaining to that zone

and where special consent is normally required for such relaxation, transference or densification, provided it may be demonstrated that no deleterious effects will occur to any downstream environmentally sensitive areas, then at the sole discretion of the Head: Development Planning Environment and Management in consultation with the municipality’s Environmental Planning and Climate Protection Department, the full special consent requirement procedure may be waived, provided further that the prior written consent of the registered owners of the adjacent and opposite properties and any other property so identified by the Head: Development Planning, Environment and Management, has first been obtained.

### 4. The Head: Development Planning Environment and Management may, with the special consent of the Municipality, give consideration to the relaxation of the height provision in the flanking residential zone where the transference of bulk and/or unit potential from a conservation zoned portion to a residential zoned portion of an erf is granted in terms of 3 above, provided that the full special consent requirement procedure may be waived, provided further that the prior written consent of the registered owners of the adjacent and opposite properties and any other property so identified by the Head: Development Planning, Environment and Management, has first been obtained.

### 5. The uses related to Nature-Based Tourism shall be at the discretion of the Head: Development Planning Environment and Management in consultation with the municipality’s Environmental Planning and Climate Protection Department and the uses shall be such that they honour the intent of this zone.

### 6. The Head: Development Planning Environment and Management may, with the special consent of the Municipality, give consideration to the relaxation of the height provision in the flanking residential zone where the transference of bulk and/or unit potential from a conservation zoned portion to a residential zoned portion of an erf is granted in terms of 3 above, provided that the full special consent requirement procedure may be waived, provided further that the prior written consent of the registered owners of the adjacent and opposite properties and any other property so identified by the Head: Development Planning, Environment and Management, has first been obtained.

### 7. Prior to any rezoning of the Conservation Zone to another zone, environmental authorisation shall be obtained from the relevant environmental authority.

09/12/2011 (34) Notwithstanding any other provisions of this scheme, the development of the Special Shopping Zone situated at Wood Road, Henley Road and Roland Chapman Drive shall adhere to the following :-

1. The properties described as Rem. of Portion of Erf 844, Rem. of Portion 3 of Erf 844, Portion 4 (of 2) of Erf 844 and Portion 1 of Erf 844 all of Sea View, be consolidated.
2. Loading and unloading of delivery vehicles shall take place within a demarcated area and there shall be no stacking, parking or loading/unloading of delivery vehicles on Henley Road.
3. The signalisation of the intersection of Wood and Henley Roads, if required at some future date, shall be to the developers cost.

06/10; 3/11; 4/13
Notwithstanding any other provisions of this scheme, the development of the Light Industrial Zone situated at 40 (erf 43 Avoca), 46 (erf 44 Avoca), 50 (Erf 45 Avoca), 90 Prince Mhlangana Road (Rem.of Erf 3364 Durban North) and 152 Prince Mhlangana Road (Portion 2 of Erf 3329 Durban North) shall be subject to the following:-

1) Trucking and transport uses are prohibited.
2) Light industrial uses with no impact are freely permitted.
3) Any building on the site shall observe a 10m building line and 5m side spaces.
4) Any building on the site shall not exceed a height of 2 storeys.
5) Any building on the site shall not exceed a coverage 60%.
6) In the case of 40, 46, and 50 Prince Mhlangana Road a 32 metre wide Conservation Servitude shall be registered across the properties from the centre line of the stream.

And further that conditions 7-8 below are applicable to Portion 2 of Erf 3329 Durban North situated at 152 Prince Mhlangana Road only:

7) Should the property be developed in the near future, any development within a 500m radius of a wetland future development/construction on the sites may require a water Use License Application.
8) A10m building line is to be imposed in order to create and enhance a harmonious buffer between the residential zoned properties and the proposed Light Industrial Zone on the Portion 2 or Erf 3329 Durban North. A landscape plan to be submitted to the Department for consideration.

Notwithstanding condition 1 above, the proposed Light Industrial Zone shall permit for the storage of motor vehicles on Portion 2 of Erf 3329 Durban North situated at 152 Prince Mhlangana Road.

Notwithstanding any other provisions of the scheme, the development of the General Shopping zone at Anstey Road, Wentworth shall adhere to the following :-

1) The development of Portion 3 of Erf 2074 Wentworth shall be restricted to a maximum plot area ratio of 1.0 to 1 and a maximum height of three storeys.

Notwithstanding any other provision of this scheme, the development of the place of Worship zone situated at 131 Kenneth Kuanda Road shall adhere to the following :-

1) There shall be no loud hailer call to prayer at any time.
2) The development shall have separate ingress and egress points, ingress shall be located on the northern boundary of the site and egress shall be on the southern boundary of the site, provided further that the parking bays in the basement shall be angled to 60 degrees to enforce the access arrangement.
3) Access shall be restricted to a left-in and left-out arrangement.
4) The recommendation stipulated in the TIA dated 24 August 2012 as compiled by ARUP under report no. 213879 be adopted as part of this application.
Notwithstanding any other provision of this scheme, the development of the General Residential 1 zone at 24, 28, and 30 Foreshore Drive, Wentworth shall adhere to the following:

1) The development of portions 16, 17, and Rem. all of Erf 2073 Wentworth shall be restricted to a maximum height of three storeys.

In respect of Portion 1 of Erf 7057 Durban, situated at 56 Calais Road, Congella, a student accommodation use may be permitted with the special consent of the Council.

A zone that provides for the conversion of a dwelling house or residential building for non-conflicting uses intended to serve as a residential/commercial interface, alternatively along mixed use and higher order transportation routes. Such zone is intended to cater for uses which are considered compatible with a residential neighbourhood and not unduly interfere with the residential neighbourhood and not unduly interfere with the amenity of the area.

In a Transition Zone no building shall have a floor area greater than that calculated in accordance with a plot area ratio of 0.8 to 1.

The coverage control for development in the Transition Zone shall not be greater than 50%. The site shall be landscaped to the satisfaction of the Head: Development Planning Environment and Management.

The height shall not exceed 2 storey’s in a vertical line provided on a sloping site the council may, by special consent, relax such height to a maximum of 3 storey’s by virtue of topographical constraints and provided such proposal does not, in the opinion of the Head: Development Planning Environment and Management unduly interfere with the amenities of the neighbourhood.

The building line to all street frontage shall be 7,5 meters.

The side spaces shall be 3,0 meters each

The rear space shall be 5,0 meters.

The council may by special consent relax the requirements of sub clauses 4(i) to 4(iii) in accordance with the criteria stipulated in clauses 18(8)(a) and 19(7)(a).

Parking in a Transition Zone shall be in accordance with the provisions of clause 12.

The development of Portion 18 of Erf 3 Chatsworth, shall be restricted to a maximum height of 3 storeys.

The development of Portion 50 of Erf 3191 Durban North, 108 Umhlanga Rocks Drive shall be limited to a maximum height of 3 storeys.

The development of Portion 3 of erf 113 Springfield situated at 1/3 Alpine Road is subject to a limitation on the coverage on the site, which may not exceed 30%.
Notwithstanding any other provision of this scheme, the development of the General Residential 1 zone at 481 Marine Drive shall adhere to the following:

(i) The development of Portion 12 of Erf 2073 Wentworth shall be restricted to a maximum of 4 units.
(ii) That no portion of the building shall exceed a maximum of 3.5m above the centre line of Marine Drive.

The development on Portion 1 of Erf 695 Durban at 343 Innes Road shall be limited to:

(i) A maximum height of 91.5 m above mean sea level
(ii) The maximum no of units shall be restricted to 12.

Notwithstanding any other provision of this scheme, the development of the General Residential 1 zone at 18 Conyngham Avenue shall adhere to the following conditions.

(i) The development of Portion 5 of Erf 611 Duikerfontein shall be restricted to a maximum of six residential units with a two storey height restriction.

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MIXED USE 2 ZONE

**SCHEME INTENTION**: To provide, preserve, use land or buildings for:
- Residential and Commercial activities that compliment or function alongside of each other.
- Mixed business areas which would accommodate residential, office and commercial activities.

**MAP REFERENCE**

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<thead>
<tr>
<th>PRIMARY</th>
<th>SPECIAL CONSENT</th>
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<td>• Arts and Crafts Workshop</td>
<td>• Action Sports Bar</td>
<td>• Mortuary</td>
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<td>• Convention Centre</td>
<td>• Base</td>
<td>• Motor Garage</td>
</tr>
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<td>• Conservation area</td>
<td>• Telecommunication s Transceiver</td>
<td>• Motor Vehicle Test Centre</td>
</tr>
<tr>
<td>• Dwelling House</td>
<td>• Station</td>
<td>• Motor Workshop</td>
</tr>
<tr>
<td>• Flat</td>
<td>• Betting Depot</td>
<td>• Museum</td>
</tr>
<tr>
<td>• Flea market</td>
<td>• Bottle Store</td>
<td>• Nature Reserve</td>
</tr>
<tr>
<td>• Health and Beauty Clinic</td>
<td>• Car Wash</td>
<td>• Recycling Centre</td>
</tr>
<tr>
<td>• Health Studio</td>
<td>• Creche</td>
<td>• Reform School</td>
</tr>
<tr>
<td>• Hotel</td>
<td>• Display Area</td>
<td>• Refuse Disposal</td>
</tr>
<tr>
<td>• Maisonette</td>
<td>• Warehouse</td>
<td>• Restricted Building</td>
</tr>
<tr>
<td>• Laundry</td>
<td>• Crèche</td>
<td>• Retirement Centre</td>
</tr>
<tr>
<td>• Offices</td>
<td>• Educational establishment</td>
<td>• Riding Stables</td>
</tr>
<tr>
<td>• Office – Medical</td>
<td>• Fuelling and Service Station</td>
<td>• Shelter</td>
</tr>
<tr>
<td>• Parkade</td>
<td>• Garden Nursery</td>
<td>• Truck Shop</td>
</tr>
<tr>
<td>• Pet Grooming Parlour</td>
<td>• Massage parlour</td>
<td>• Zoological Garden</td>
</tr>
<tr>
<td>• Private Open Space</td>
<td>• Motor Display Area</td>
<td>• Nightclub</td>
</tr>
<tr>
<td>• Restaurant/Fast Food Outlet</td>
<td>• Multiple unit development</td>
<td>• workhouse</td>
</tr>
<tr>
<td>• Shop</td>
<td>• Place of Public Entertainment</td>
<td></td>
</tr>
<tr>
<td>• Veterinary Clinic</td>
<td>• Place of Public Worship</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Special Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Transport depot</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Any other use authorised in terms of</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clause 6(bis)</td>
<td></td>
</tr>
</tbody>
</table>

01/10/2014 (43) 29/08/2014 (44) 30/10/2014 (45)
ADDITIONAL CONTROLS

- All landscaping at the discretion of the Ethekwini Municipality.
- Coverage shall be restricted to 50% for residential use.
- Not less than 20% of the site shall be set aside and maintained for garden and recreation purposes, which must be kept free of buildings, parking spaces and driveways to the satisfaction of the head DPEM.
- Shop restricted to the ground floor only.
- Flat not permitted on ground floor.
- The Council may by Special Consent relax the building line, side space and rear space and height requirements in terms of the criteria contained in clause 18(8) and 19(7) respectively, provided further that the Council may exempt an applicant from applying for special consent provided the prior written consent of the registered owner of each adjoining property owner to which the relaxation sought relates and such other property that the Council may direct, has first been obtained.

DEVELOPMENT PARAMETERS

<table>
<thead>
<tr>
<th>SPACES ABOUT BUILDINGS</th>
<th>Parking</th>
<th>Density</th>
<th>Min Erf Size</th>
<th>Height in Storeys</th>
<th>Coverage</th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Line</td>
<td>Side Space</td>
<td>Rear Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.5m</td>
<td>3.0m</td>
<td>4.5m</td>
<td>As per Clause 12</td>
<td>N/A</td>
<td>6</td>
<td>80%</td>
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</table>

04/12/2014 (47) Notwithstanding any other provision of this scheme, the development of the General Residential 1 zone at 38 Cartmel Road (Portion 5 of erf 4391 Reservoir Hills) shall be restricted to a maximum number of 16 units and a maximum height of three (3) storeys.

27/02/2014 (48) Notwithstanding any other provision of this scheme, the development of the General Residential 1 zone, situated at 6 Spencer Road (Ptn. 24 of Erf 4291 Reservoir Hills) and 427-435 Clare Road (Ptns. 25 and 26 respectively, both of Erf 4291 Reservoir Hills) shall be restricted to a maximum height of four (4) storey's.

27/05/2016 (49) Notwithstanding any other provisions of this scheme, the development of the General Residential 1 zone at 64 Prospect Road shall adhere to the following conditions:-

(i) The development of the Remainder of Erf 9430 of Durban shall be restricted to a maximum of six (6) residential units with a three (3) storey height restriction.

11/11/2016 (50) A building line of “0” metres will be applicable to the development of Portion 4,5,6,18, and 25, all of Erf 7878 Durban (580,584 Umbilo Road and 6 Tunmer Road)

26/08/2016 (51) Notwithstanding any other provision of this scheme, the development of the General Residential 1 zone at 38 Station Ridge Road (Portion 1 of Erf 591 Duikerfontein) shall adhere to the following conditions:-

(i) The recommendations of the Traffic Impact Statement dated May 2015 to be complied with to the satisfaction of the Head : eThekwini Transport Authority.

24/02/2017 (ii) The development shall not exceed 22 residential units and the height is restricted to two storeys, with the exception of residential building block “C” as depicted on the site development plan submitted with the application which may be part 3 storey with the ground floor for parking.
08/12/2016 (52)  The development of Portion 11 of Erf 700 Durban (323 Innes Road) shall be restricted to a maximum three (3) storey height restriction.

30/06/2016 (53)

**ZONE: LOGISTICS**

**SCHEME INTENTION:** The purpose of this zone is to introduce the Port of Durban as the gateway to Africa. In realizing this vision, this zone is meant to promote all activities related to the logistics sector and that includes opportunities for warehousing, the de-stuffing and ‘breaking of bulk’ and related industrial land-uses, all associated with the movement of goods and services in response to ‘just-in-time’ systems or processes meant to complement and support the local economy of Durban as well as the Provincial and National economies.

**MAP COLOUR REFERENCE:** Grey with Dark Amber lines

**MAP REFERENCE:**

<table>
<thead>
<tr>
<th>PRIMARY</th>
<th>SPECIAL CONSENT</th>
<th>PRECLUDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Private Open Space</td>
<td>Airport</td>
<td>All uses not included in the primary and special consent columns</td>
</tr>
<tr>
<td>Container Depot</td>
<td>Base Telecommunications</td>
<td></td>
</tr>
<tr>
<td>Direct Access Service Centre</td>
<td>Transmission Station</td>
<td></td>
</tr>
<tr>
<td>*Flat</td>
<td>Builder’s Yard</td>
<td></td>
</tr>
<tr>
<td>Fuelling and Service Station</td>
<td>Car Wash</td>
<td></td>
</tr>
<tr>
<td>Industry - Light</td>
<td>Conference Facility</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Test Centre</td>
<td>Government/ Municipal</td>
<td></td>
</tr>
<tr>
<td>Laundry</td>
<td>Industry - General</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Recycling Centre</td>
<td>Motor Display Area</td>
<td></td>
</tr>
<tr>
<td>Restaurant / Fast Food Outlet</td>
<td>Motor Garage</td>
<td></td>
</tr>
<tr>
<td>*Shop</td>
<td>Office - Medical</td>
<td></td>
</tr>
<tr>
<td>Transport Depot</td>
<td>Special Building</td>
<td></td>
</tr>
<tr>
<td>Truck Stop</td>
<td>Utilities Facility</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Workhouse</td>
<td></td>
</tr>
</tbody>
</table>

**ADDITIONAL CONTROLS – LAND USE**

1. *A Flat is permitted to accommodate a manager, foreman, caretaker or security personnel.
2. *A shop ancillary or complimentary to the logistics land uses.
3. A canteen is an ancillary land use and is free entry.
4. Parking shall be in accordance with the Durban Scheme.
5. The proposed Erf 860 Dunns Grant (Clairwood Industrial Park) will be limited as follows:
   - Strict compliance with MoA entered into by the parties.
   - No negative impacts are to be introduced into the sensitive environmental features and wetland area’s on site, other activities approved in terms of other provisions of the EA until there is a positive outcome of phase 2 of the Offset Plan
   - On site rehabilitation of the conservation zone must occur in line with the conditions of the EA and under strict supervision of the independent Environmental Control Officer(ECO).
   - Authority to proceed with construction prior to the issuance of the Water Use Licence must be obtained in writing from the Department of Water and Sanitation (DWS).
   - Furthermore the development will be limited to a maximum of 358 000m² of floor area comprising of 10 000m² for office use and 348 000m² for industrial use as per the Traffic Impact Assessment.
<table>
<thead>
<tr>
<th>DEVELOPMENT PARAMETERS</th>
<th>SPACE ABOUT BUILDINGS</th>
<th>DWELLING UNITS PER HECTARE</th>
<th>MINIMUM ERF SIZE (m²)</th>
<th>HEIGHT</th>
<th>COVERAGE</th>
<th>FLOOR AREA RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING LINE</td>
<td>SIDE AND REAR SPACE</td>
<td>N/A</td>
<td>1800m²</td>
<td>6 storeys</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>1800m²</td>
<td>6 storeys</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
IMPORTANT BUILDINGS AND OBJECTS

Recognising the unique value of the architectural and historical heritage of the city, the council has prepared a comprehensive list of places and buildings which are important for their architectural, historical or artistic contribution to the general environment. The Council wishes to control the demolition and development of the identified items to ensure their proper conservation, and is desirous of providing encouragement and incentives through the relaxation of any provisions of the town planning scheme by special consent, where such relaxations are in keeping with the conservation objectives.

(1) (a) No person shall demolish all or part of an Important Building without the prior written approval of the City Engineer.

(b) No person shall alter or redecorate any Important Object which is listed in Appendix 7 without the prior written approval of the City Engineer.

(c) Any person aggrieved by a decision of the City Engineer under this clause may appeal to the City Council and if aggrieved by a decision of the City Council, to the Town Planning Appeals Board against such decisions.

(2) Notwithstanding any other provision of this scheme, the Council may, by special consent, relax any provision of this scheme in respect of the site upon which an Important Building or Object stands and the Important Building or Object itself provided that it can be shown to the Council’s satisfaction that such relaxation is necessary and will:

(a) ensure the conservation of either the architectural, historic or artistic value of the Important Building or Object.

(b) not reduce the architectural, historic or artistic value of the Important Building or Object; and

(c) not unduly interfere with the amenities of the neighbourhood existing or as contemplated by the scheme,

Provided further, that the Council’s authority and not its special consent shall be required where the proposed relaxation does not involve a change in use and will affect the adjoining property only and the written consent of the registered owner of such adjoining property has been obtained.