

THESIS TITLE

An evaluation of the Cape Townships Ordinance, No. 33
of 1934, as amended

PURPOSE

This thesis is submitted in partial fulfilment of the
requirements set by the University of Cape Town for the
degree Master of Urban and Regional Planning

STUDENT

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DATE

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CONTENTS

Page

SECTION 1.

Introduction

Thesis title	1
Preface	1
The issues	1
The Townships Ordinance	5
The goal of the thesis	5

SECTION 2.

Ideals to strive for

Part 1. The formulation of a sound approach for planning	7
1. The systems approach as a model	7
2. Physical change: The man/man, man/nature system	8
3. Planning: A definition	10
4. The definition of a system	11
5. A planning system	12
6. The control of complex systems through implementation of planning	13
7. A rational construct for planning	14
8. The processes that should be gone through at different stages in the systems planning cycle	15
Part 2. Legal and administrative aspects of implementing systems planning	28
Legislation and -	
1. policy determination	28
2. policy effectuation	29
3. communication	29
4. conveyance of advice	29
5. education	29
6. land use controls	29
7. reviewability	31
8. co-ordination	31
9. planners	31
10. taking of property	32
11. participation	32
12. the future	32
Part 3. The British Development Plan System: A brief outline ..	34

SECTION 3.The Status Quo

Part 1. The existing system for planning in South Africa	37
Part 2. How the various levels of government are approaching the planning process	39
The Central Government	39
The Provincial Administration and its local government authorities in the Cape	44
Part 3. How planning is done in terms of the Ordinance	46
The procedures	46
The planning itself	52
Part 4. Focus on aspects in the Western Cape that have a bearing on its future planning	64
Regional boundary of the Western Cape	64
Socio-Economic characteristics	64
Regional pattern of development	68
Recapitulation of planning problems	70

SECTION 4.An Evaluation

Part 1. The criteria selected for evaluation	74
Part 2. The evaluation	75
Planning for regions and city regions or parts thereof in terms of the systems concept	75
Planning for cities, towns, their environment or parts thereof in terms of the systems concept	78
Town, city and "regional" planning in terms of the Townships Ordinance	80
Part 3. Conclusions	95

SECTION 5.Remedies

1. For regional planning	99
2. For metropolitan planning	105
3. For town planning	111
4. Improving the Ordinance	112

SECTION 6.

Summary	116
References	118

LIST OF ANNEXURES

<u>No.</u>	<u>Subject</u>
A	Incentives to undertakers at the new growth points.
B	List of decentralization points.
C	The Cape Townships Ordinance, No. 33 of 1934.
C1	Amendments: Ordinance No. 17 of 1973.
D	List of regulations promulgated in terms of the Ordinance.
E	List of local authorities authorised to prepare town planning schemes.
F	Provincial Notice No. 460/1937.
G	Provincial Administration's model regulations for town planning schemes.
H	Standard colour notations for town planning and township schemes.
I	Schedule of endowments.
J	Socio-economic data regarding the Western Cape (Tables 1 to 9).
K	Schedules indicating subjects relevant for systems planning.
L	Planning provisions of other Provincial Local Government Ordinances.
M	Important state legislation affecting Provincial planning.
N	Factors influencing the definition of regional boundaries.
O	Provincial Administration's code for group and cluster housing development.
P	Recreational classification of the Cape coastline.

LIST OF DIAGRAMS

<u>No.</u>	<u>Subject</u>	<u>Page</u>
i	Man/Nature relationship	9
ii	A system	11
iii	A planning system	13
iv	Rational model of systemic planning	14
v	The British development plan system	36
vi	S.A. Government: Organisation for planning	40
vii	Structure of existing joint town planning system	83
viii	Algoa Bay Metro Planning Scheme: Programme net ,	82
ix	Possible structure of proposed technical regional planning advisory board	104
x	Possible structure of proposed technical metropolitan planning advisory board ,.....	110
xi	Planned unit development approach: Comparative advantages	114

LIST OF MAPS

<u>No.</u>	<u>Subject</u>	<u>Page</u>
1	The Cape Province and its 3 metropolitan areas ..	6
2 - 7	British structure and local plans in terms of the development plan system	36
8	Decentralization points in South Africa nominated by the Government	41
9	Typical town planning scheme for small town	55
10	Typical town planning scheme for part of metropolitan area	60
11	Joint planning: Recreational classification of a coastal area	60
12	Typical township layouts	63
13	Western Cape (Economic regions D1, 04 & 05)	64
14	Western Cape: General topography and agricultural land use	73
15	Western Cape: Road and rail system	73
16	Western Cape: Possible regional structure	73
17	Local authorities in the Cape Division	95

SECTION 1INTRODUCTION1.1. Thesis title

An evaluation of the Cape Townships Ordinance.

1.2. Preface

The writer at the outset wishes to assert that the planning processes laid down by the Townships Ordinance are not coming to terms with the process and complexities of growth and change that have taken and are taking place in the Cape Province. The planning undertaken in terms of the Ordinance tends to be of a static nature. Not only does it fail to take proper cognisance of planning demands at different geographical scales but it does not explicitly direct itself to the spatial elements of human life i.e. living, working, recreation and movement.

1.3. The issues

In order to form a view about how "planning" should respond to a changing society, we need to know what planning is. If we conceive of it in the narrowest "town and country planning" sense, the issues with which it will need to be concerned will be mainly spatial. If we conceive of it more broadly, the issues will be correspondingly broader.

A starting point is that the conception of planning vis a vis the 1934 Cape Townships Ordinance and society more generally has widened and is likely to go on widening and that partly in consequence the issues that will in future be thought of as problems for "planning" and "planners" will be "non-spatial as well as spatial"^Ø.

1.3.1. First set of issues, i.e. regarding "quality of life"

The scope of planning has broadened for a variety of reasons some of which are discussed in later chapters. Not only has there been rapid developments in the techniques of planning (e.g. the

Ø Reference No. 1, page 10.

use of mathematical models to simulate how cities and regions work, and in local government more generally, the increasing emphasis on methods of programming and budgetary control) but there has at the same time been a growing concern about the social consequences of spatial policies. There are a number of different strands in this change:-

1.3.1.1. Interdependencies

It has become increasingly clear that almost every act by central, provincial or local government in any specified geographical area both influences and is influenced by almost everything else government does. Thus at the regional level, transport planning, industrial and employment policy, recreation planning, planning for higher education, housing policies, social security and taxation policies and many more all bear upon each other and upon land use planning.

1.3.1.2. Unintended consequences of policy

There is growing anxiety that past policies have had unexpected and presumably unintended social results in particular in making some sections of the urban population worse off relative to others.

1.3.1.3. Relationship to the economic market place

Planners and planning agencies used to think of themselves as something like policemen, regulating economic traffic that was originated elsewhere by others. However, they must come to recognise that they themselves generate some of the economic traffic and that they can help others in the market to make their own plans, whether to buy a particular house for owner-occupation or to invest in new industry, in convenient and mutually reconcilable ways. In other words planning is seen not as the antithesis or alternative to the market, but as something that itself influences and mediates market operations. There is a growing realization that, in consequence "planning" needs to understand market mechanisms more fully and use them more wisely than it has in the past.

1.3.1.4. The concern with "environment"

Campaigns against "environmental pollution" and for the preservation and improvement of the "environment" are growing. It might be pointed out that the slogans are often invoked simply to justify the protection of particular local interests. But the concern about the environmental consequences of public policies - and of the activities of private industries - is certainly proper. The wide questions posed about the future of the environment, about problems of ecology and about population growth are crucial. But again the concern with such issues implies that one has to look more broadly than in the past at "planning" and its consequences.

1.3.1.5. Participation

The tendency towards the formation of local preservation and amenity societies and of campaigns against what are thought to be the deleterious "social" as well as "environmental" consequences of planning proposals, is indicative of the demand for "participation" and is thus another expression of the platitude that at bottom "planning is for people".

1.3.2. Second set of issues, i.e. consequences of affluence

Despite the pros and cons of economic growth as a collective goal, it must be accepted that anxiety about "quality of life" will surely be expressed more as a concern over the ways in which the fruits of growth are used than as an argument that there should not be any. Consequently, planning machinery will continue to operate in a society geared to increasing (if only slowly increasing) affluence which can leave little doubt about the increase in, for example -

1.3.2.1. production of, e.g. consumer goods

1.3.2.2. suburban-style housing

1.3.2.3. leisure time and demand for leisure activities

1.3.2.4. the demand for space around present conurbations

1.3.2.5. movement through expanded public and private transport networks

1.3.2.6. the need for a policy for the distribution of population, employment and investment in and between different regions

1.3.2.7. the concern about what happens to people who move out of cities and to the areas where they go.

1.3.3. Third set of issues, i.e. distribution of opportunities

The main trend in the pattern of settlement - that towards greater geographical dispersal - obviously affects not only the suburban and rural areas which are gaining population but also the older areas that are losing it. In some cities there are fashionable inner areas which continue to attract well-off people but the general trend is for poorer people to stay inside the cities and for better-off people to move outside. The problem of the declining areas is not simply one of finding or willing the resources for rebuilding or renewal, but is also - and more fundamentally - to do with the distribution of opportunity.

There are old areas where housing is poor and opportunities limited, there are areas in which mainly poor people (and possibly an increasing concentration of poor people) live and although not all people with black and brown skins are poor, the same geographical areas are the ones in which they, too, are concentrated.

The residents in such areas suffer not only because they have low incomes and living standards, they also have limited opportunities in the housing market, both private and public. There are the problems of affording private transport, limited mobility, awkward and uncomfortable journey to work and in consequence constrained employment opportunities.

1.3.4. A fourth issue: Land itself

Land is a limited and therefore very valuable resource. It is unique to man and requires special attention in order that coming generations may enjoy it. For example, areas worthy of preservation on the one hand and on the other extreme those where high population density can be tolerated, need to be identified,

1.3.5. Concluding statement

Looking at the above issues, the writer feels that real planning is sadly lacking in the Cape Province.

1.4. The Townships Ordinance

The Townships Ordinance applicable to the Cape Province and regulations promulgated in terms of it -

1. regulate the establishment of townships
2. regulate the subdivision of estates, and
3. provide for the preparation and approval of town planning schemes.

As far as the first two functions are concerned, they are very much related to the same subject, i.e. the cutting up of land. It is relatively easy to obtain subdivision of land once a need and desirability certificate has been granted and such a certificate is not even required in all cases. There are no stipulations requiring a qualified planner or planning team to prepare or be consulted in connection with township or subdivision plans and even where the local authorities with planning, engineering or surveying sections assess the plans for subdivision, very little, if any, thought is given to e.g. issues such as "quality" of life" etc. as mentioned above, leading to virtually uncurbed "eating up" of valuable land. This is quite understandable in view of the manner in which the third function of the Ordinance, i.e. of town planning, is exercised. A town planning scheme consists of a zoning map, i.e. a rather rigid and mostly unimaginative pattern showing the intended future land use permissible during a period usually up to 20 years hence. A statement of usually arbitrary restrictions governing building, density and development type controls, accompanies the zoning map. Due to a complete lack of an overall planning framework for the Province into which each town planning scheme should dovetail or at least should be able to obtain guidance from, each town, whether or not assisted by planning staff or consultants, is mostly left to its own resources and each town tends to look after its own interests and not those of sound planning.

1.5. The goal of the thesis

Accepting that there may be scope for improvement, the goal of this thesis is to evaluate in certain depth the performance of the Cape Townships Ordinance against the background of present day

development pressures and a sound approach to planning. The subject is tackled by presenting "Ideals to strive for", "The status quo", "An evaluation", "Remedies" and a "Summary".

Map No.1 orientates the reader geographically to the Cape Province in which the Ordinance functions.



The Cape Province and its 3 metropolitan areas

SECTION 2IDEALS TO STRIVE FORPart 1The formulation of a sound approach for planning2.1.1. The systems approach as a model

In order to serve as a model against which the planning process prescribed by the Ordinance and the performance thereof may eventually be evaluated, the writer at the hand of J. Brian McLoughlin^Ø and George Chadwick^{ØØ}, wishes to adopt and outline the systems approach to planning. Why the systems approach? -

1. Firstly, because the systems concept emphasizes notions of interdependence between sub-systems (or components) of the planning system.
2. Secondly, there is a tradition of systems analysis which involves bringing all relevant knowledge to bear on the system of interest and synopticism is a way of dealing with complexity.
3. Thirdly, as it seems a very suitable tool for linking planning theory to planning practice.
4. Fourthly, as it is a tool which can be applied to both spatial and non-spatial elements of human life.
5. Fifthly, as it provides for all the basic elements of the rational planning model derived from scientific method.

These advantages seem to be borne out by the fact that -

1. Stuart F. Chapin^{ØØØ} in an examination of contributions from sociology, economics, architecture and civic design, transportation communications, political science and planning has found that four emphases tend to crop up again and again viz

Ø Reference No. 2.

ØØ Reference No. 3.

ØØØ Reference No. 4, Chapters 2 and 6.

1. The necessity of a system of analysis which is continuous rather than discontinuous.
2. The importance of the system taking account of activity linkages where change in one element has the effect of altering the climate for change in another element (with recognition of the feed-back influence which gives rise to the need for the change initially instituted.)
3. Significance of the random aspect of human interaction and the importance of a probabilistic view toward development rather than a deterministic view.
4. The interrelation of policy, proposal and action - phased to lead successively from one to the next.

The existence of such common ground among such a variety of disciplines suggests to Chapin some single framework within which human locational behaviour can be studied and a means of approach to control and guidance and he believes that such single framework is a systems view of human relationships with the environment.

2. The British Town and Country Planning Act of 1968 and its development plan system[∅] contains definite elements of the systems approach.

2.1.2. Physical change: The man/man, man/nature system

The process of adaptation by development is the product of a decision to meet a particular need in a particular way at a particular point in time with some limited thought for future situations: man the decision making animal adapts space self consciously having evolved from instinctive adaptation to decisive adaptation. This self-conscious development process has led to the exercise of specialist development functions by people playing specialist roles.

Man is an animal to whom communication is particularly important. The organisation of activity necessitates communication between one man and another and growing specialization of activity

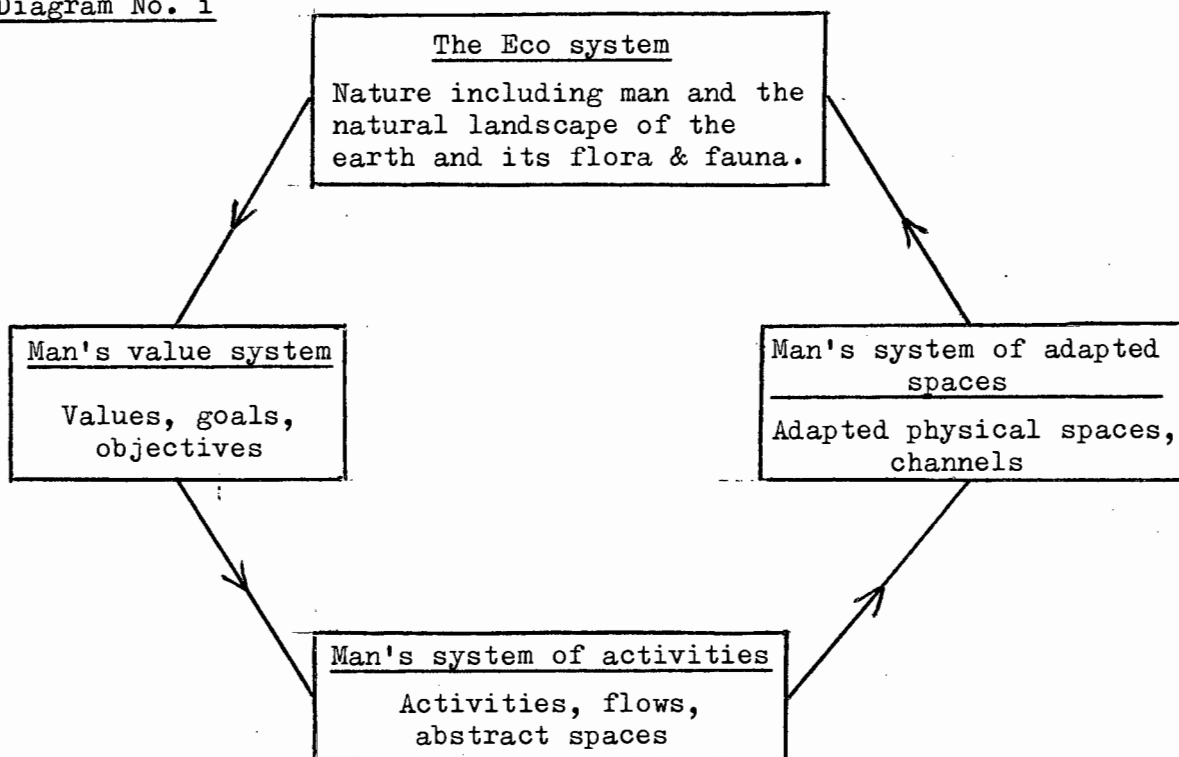
[∅] Reference No. 5.

requires more communication of specialized kinds. The increase in division of labour in fact both presupposes and generates a greater need for communication: it is the means by which division of labour is secured and co-ordinated.

Man is in communication with his environment, which includes other men. He is a receptor of visual, aural, tactile stimuli from his environment and also a transmitter to other receptors (men and animals) about him.

A framework (system) within which the central relationship of man and nature can be seen clearly, is shown best as a simple diagram[∅] having four parts

Diagram No. 1



The diagram particularly stresses the fundamental nature of man's system of values: it is his ability to reason which leads him to value certain things more than others and the attachment of values to situations motivates man in all that he does.

[∅] Taken from Reference No. 3, page 19.

The weighing of values leads to the formulation of ideals, to the setting of goals and the marking out of objectives in daily conduct.

Holding values of whatever sort motivates man to activity: he does things with certain ends in view. These activities are place related in the sense that some occur in geographically limited areas which may be called activity spaces.

Activities and related flows may be seen as parts of activity systems, which may be interpreted both as occupying physical space and as being capable of representation in abstract spatial terms.

These activity systems lead to attempts by man to modify the natural landscape by adapting physical space to accommodate his activities better.

Thus there are sets of complex relationships arising firstly from man's place in nature, secondly being coloured by the values that man holds, thirdly leading to specific kinds of conduct by man and fourthly leading man to attempt modification of nature.

2.1.3. Planning: A definition

"A plan" is defined as "any hierarchical process in the organism that can control the order in which a sequence of operations can be performed"^Ø. Because of the complexity of behaviour, it seems likely that there are plans of different kinds - not all plans will result in action but some will be concerned with the collection or transformation of information whilst others guide actions.

"Planning" can be thought of as requiring the construction of a list of tests which must be performed: there is an image of a desired outcome and from this the conditions that must be tested for, can be determined, and these tests, arranged sequentially, provide a strategy for a possible plan. The image of the outcome is associated with some strategic evaluation so that the hierarchy of tactical testing and operational phases may represent also a hierarchy of values.

^Ø Reference No. 3, page 22.

However, the outcome is not to be seen as some kind of terminal state - the problem is to sustain life and to formulate enduring plans, not to terminate living and planning as if they were tasks that had to be finished.

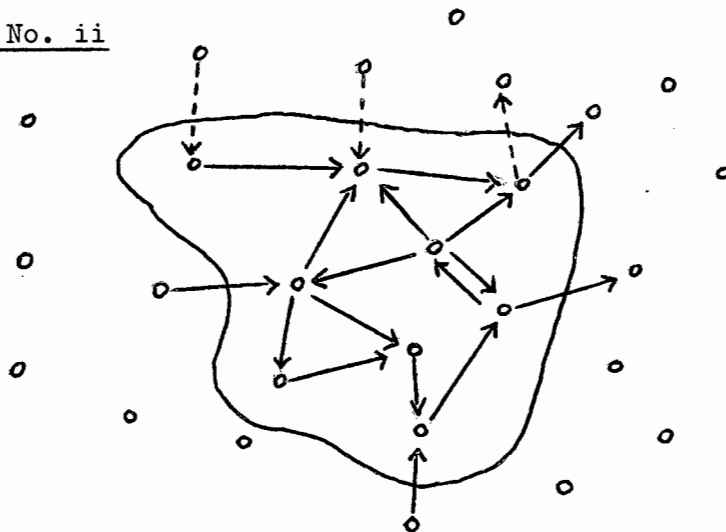
Planning of the particular sort which this thesis is interested in - town and regional planning - involves the arrangement of spatial patterns over time, but it is not the spatial patterns which are planning: they are the objects of a process, a process which can be seen independently of them. "For too long town planning education and town planners have been over concerned with the content of plans rather than with the nature of the process of planning, with physical artifacts rather than with the qualities of human judgement. Planning is a human activity and a systems view of planning is concerned with making the best use of human abilities: it is a human conception and seeks human decision and participation."[∅]

In planning as in other broad based activities, the full range of human abilities must be used and this also means setting up external processes under human control and organisation, e.g. man/machine systems.

2.1.4. The definition of a system

The following diagram^{∅∅} will help in the visualization of a system and its parts.

Diagram No. ii



[∅] Reference No. 3, pages 24 and 25.

^{∅∅} Reference No. 3, page 44.

The circles represent a large set of elements. From this set of elements, a smaller set, within the bounding line is selected because of the relevant connections between the elements indicated. The arrows crossing the boundary are inputs to or outputs from the system. The broken arrows are further possible connections of interest but which are not included within the present definition of the system.

2.1.5. A planning system

The city (or city region or set of cities) can be referred to as an urban system (there are also of course rural systems) and we shall assume that it is made up of a social system, a resource system and a planning system. These sub-systems are more or less distinct, but overlap in the sense that people play roles in each.

The social system consists of the individuals and households of the urban system. The resource system consists of almost everything else - natural resources in the usual sense, houses, buildings and other physical infrastructure, but perhaps most important of all, the organisations of the city itself which create goods and services, partly for households and partly for each other, and which create new resources. The information available in the organisations of the resource system is perhaps the most important resource. The planning system is a particular set of organisations which attempts to partially control the city for the "public good".

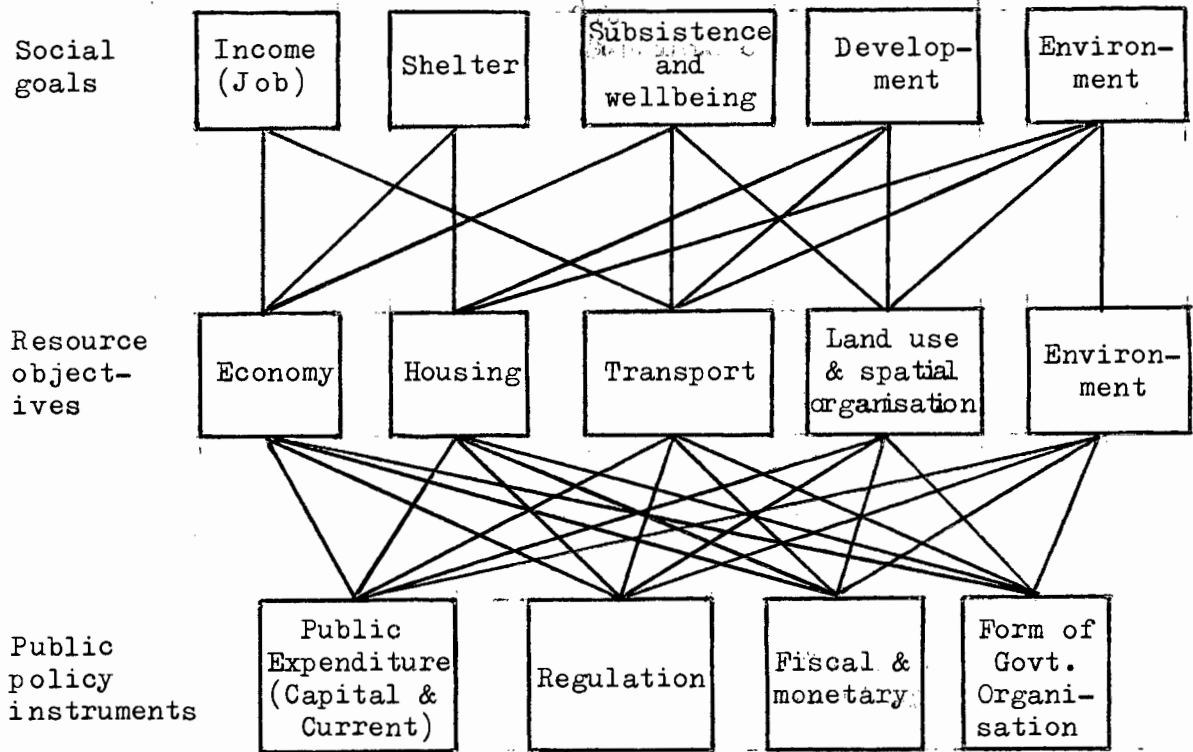
"Public good" can be defined as the "net benefits" in the social system. Hence, the goals which planning is trying to achieve on behalf of households, will be referred to as social goals. Planning will also formulate objectives in relation to the resource system and these will be referred to as resource objectives. Planning instruments of control are defined as public policy instruments.

The following is a conceptional picture of the operation of a planning system: the planning sets its public policy instruments within the urban system to attempt to achieve stated resource objectives and stated social goals.

The relationship between public policy instruments, resource objectives and social goals could be as shown in the following

diagram[∅]

Diagram No. iii



2.1.6. The control of complex systems through implementation of planning

The implementation of planning falls within the province of control, i.e. positive stimulus and intervention, control which provides direction in conformance to plan or for "the maintenance of variations from systems objectives within allowable limits."^{∅∅}

Four features are common to all control:

- (1) The system to be controlled (description of the system)
- (2) the intended state or status of the system (plan)
- (3) device(s) for measuring the actual state of system (set of social accounts or otherwise) and thus its deviation from the intended state
- (4) a means of supplying correcting influences to keep the system within limits.

A plan steering the city has two means of exerting this control, i.e. through its influences on public investment and its influences over private development, directly on a yes/no basis

[∅] Reference No. 1, page 37.

^{∅∅} Reference No. 2, page 85.

or indirectly through incentives, etc. The problem remains when to say "yes" or "no" at any point in time. With the aid of a model of the urban system, it will be able to predict the effects of short-, medium- and long-term action. The model can simulate time and can act as an early warning system enabling the planner to take corrective action if necessary before the system actually reaches the undesired state.

Planning thus becomes time oriented in three ways:

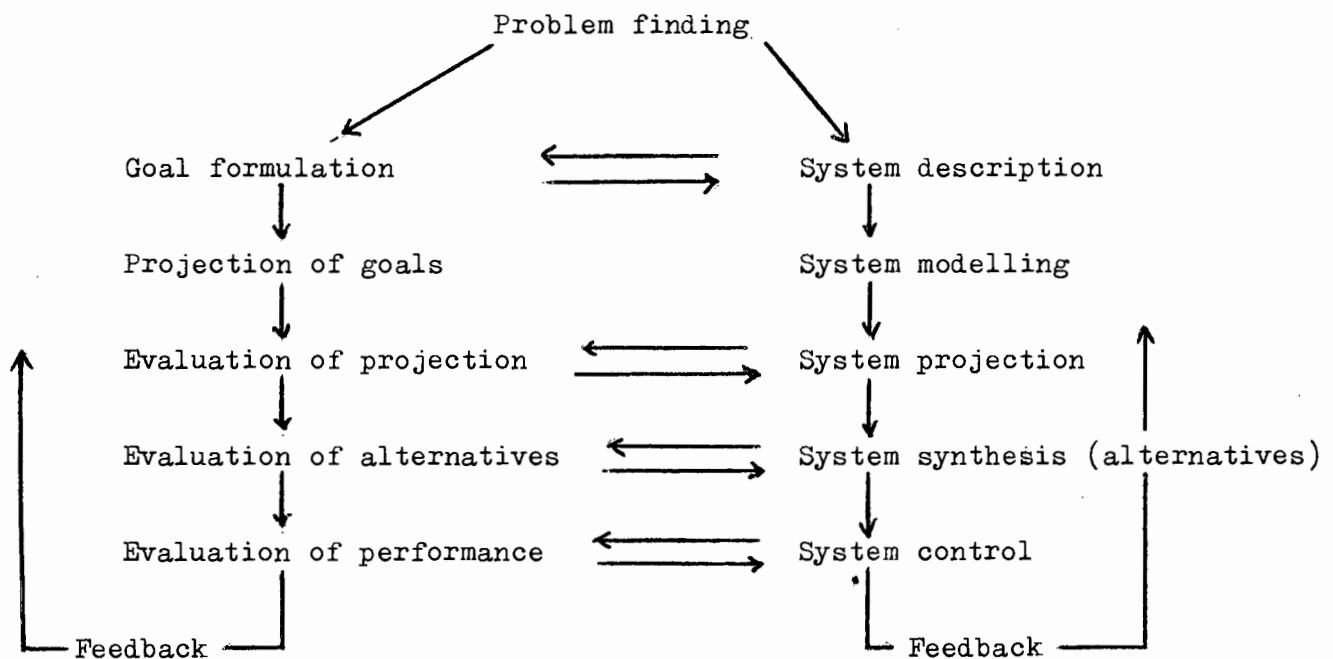
- (a) It is continuous, without termination in a final plan
- (b) It seeks to effect and make use of change rather to produce a future static condition
- (c) It is expressed partly in long range and short range programmes; of action to be taken and of capital and other resources to be utilized.

Finally, serious deviations and the discovery that major interventions are necessary may suggest a review of the plan because its aims and assumptions are due for overhaul. This would result in setting out a modified course and so the cyclic process would be initiated and continue.

2.1.7. A rational construct for planning

Derived from scientific method the following is a rational model[∅] of systemic planning

Diagram iv



Stated in simpler terms -

- (1) The environment is scanned and on the basis of values held by the individual or group, certain needs or wants become apparent, some of which might be satisfied through the physical relationship with the environment.
- (2) Goals are formulated in broad terms and perhaps at the same time certain more precise objectives (which must be reached in order to move toward goals) are identified.
- (3) Possible courses of action to reach the objectives and move toward the goals are examined.
- (4) Evaluation of these possible courses occurs by reference to the means available, the costs likely to be incurred in overcoming constraints on action, the benefits likely to be derived, and the consequences of action, so far as can be seen.
- (5) Action is taken on the basis of these considerations. The action modifies the relationship between the individual or group and the environment; it will also alter the environment itself and, in time, the values held about it. The environment continues to be scanned and new goals and objectives may be formed.

2.1.8. The processes that should be gone through at different stages in the planning cycle

2.1.8.1. Goal formulation and identifying objectives

Planning can be seen essentially as a process of determining goals and designing means by which those goals may be achieved. If the goals are wrong, the plan must be wrong. An outline of the requisite steps in the goal formulation process[∅] is set out hereunder.

2.1.8.1.1. Identify the clients

Is the plan for individuals, groups, institutions or society at large? Seek out plural situations, e.g. government agencies as representatives of society generally, politicians as (partial?) spokesmen for an electorate.

2.1.8.1.2. Identify the distribution of values among the clients

What are the values, and how widely are they held? How are they to be measured: by absolute stock, by divergence from their own goals or from the levels of others? Are the clients' goals

[∅] Reference No. 3, page 127

comprehensive, do they include the "higher" goals? Are the goals discrete or continuous, transferable, internal, other-directed, finite, infinite?

2.1.8.1.3. Arrange goals as a hierarchy

Which goals are the most important? Which goals are sub-goals of others or can be attained through others? Which goals conflict and how can conflicts be resolved? Have goals got exchange prices or alternatives? Is there a place for bargaining, trading one goal for another? Can the values be evaluated, substituted or exchanged?

2.1.8.1.4. Establish measures or standards relative to each goal

Consider time perspective of plans which no doubt limit goal achievement possibilities.

2.1.8.1.5. Application of measures to goals to convert to objectives

Sets of alternative objectives. Evaluation of objectives: are they acceptable, feasible? What are the consequences of their use, their attainment?

2.1.8.1.6. Expression of the planning problem as requirements to be satisfied

i.e. the final set or alternative sets of objectives.

2.1.8.1.7. Designing means of reaching the objectives

The plan.

2.1.8.1.8. Evaluation of these means

Are the means feasible, acceptable? What are their consequences? Do they really achieve the objectives set; in full or in part?

2.1.8.2. The information needed to describe the system

Since the planning system is dynamic it must be known -

- (1) how its parts and connections change
- (2) how it changes a whole
- (3) what has caused the changes

(A description of the planner's system (i.e. one of activities in spaces linked by communications in channels) must have the following characteristics -

- (1) descriptions and measures of the various types of activity within each of a number of sub-areas comprising the area studied
- (2) descriptions and measures of the various types of adapted spaces within each of those sub-areas
- (3) descriptions and measures of the various types of communications between each located activity and all others in the study area and/or between each sub-area and all others and between these sub-areas and the rest of the world

- (4) descriptions of the dispositions, types, capacities and other characteristics of the channels for communication, linking the sub-areas of the study area and the study area with the rest of the world
- (5) the ability to show how the system as in 1 to 4 changes for instance by describing a sequence of states or trajectory
- (6) the ability to suggest why activities occur in particular spaces and communications in certain channels thus relating the system directly to human values and motivations.

2.1.8.3. Simulating the system by means of forecasting and modelling

Nearly all the projections a planner must make, are directly concerned with human behaviour. Plans must be capable of sufficient flexibility to cope with variations in taste, technology, social and economic values which might be expected. Therefore, projections that form important foundations to the plan, should indicate the limits of probability within which important factors might vary.

In a sense the question of the projection period is a red herring because of the nature of the planning process which is one of continuous control over the system. The projections are closely related to goal and plan formulation parts of the process in showing how activities and communications might alter with the passage of time.

In particular projections which are based on a number of varied assumptions about natural or uncontrolled changes and about the effects of different kinds of policy intervention, will result in a number of paths which the system might follow.

But neither the projection methods chosen nor the quality of the information should be the main factors in deciding on projection intervals; the principal element will be the way in which the plan is to be devised and implemented. The plan (or alternative possibilities) should be expressed in terms of a charted path of change and implementation will take the form of controls which seek to keep the system on the chosen course. Deviations must be noted in good time and the necessary corrective actions applied. Consequently, all the projections of the many different possible paths of change, both "natural" and "trend" as well as a variety of "planned" paths must be in such a form as to be adequate chartings of the course suitable for measuring deviations at the necessary

intervals of time. Detailed checks on the course of change will be occurring all the time and certain matters need annual review but major checks can well be made at five-yearly intervals and this may be regarded as the standard interval[∅] for most projection purposes.

2.1.8.4. Projecting aspects of the system

The system being dealt with is one of activities in spaces linked by communications in channels and projecting of aspects of the system involves projection of these elements.

2.1.8.4.1. Activities

A basic division of activities (productive, general welfare and residential - i.e. breakdowns of the whole fabric of human life) are interrelated in complex ways. However, the interdependence of economic activity and population is stronger than that of general welfare activities with either and McCloughlin^{∅∅} suggests that this difference be recognised in the way in which projections are carried out, namely in sequence of

- (a) population
- (b) economic projections
- (c) their interrelationship
- (d) derivation of general welfare activities from (a), (b) and (c).
- (a) Population projection

Most of the important decisions about major land uses and services are derived from population estimates: the demand for water, power, waste disposal facilities; housing, open spaces and schools, the supply of labour; spending power available for the retail trade, the numbers of private cars to be expected, possible recreational demands - all may be estimated from the projected population. The following six methods of population projection have been arranged in roughly ascending order of accuracy -

- (1) mathematical and graphical method
- (2) the employment method
- (3) ratio and apportionment methods
- (4) the migration and natural increase method
- (5) the cohort survival method
- (6) matrix method.

[∅] Reference No. 2, page 173.

^{∅∅} Reference No. 2, page 174.

(b) Economic projection

The planner is concerned with the likely demands on land development, on the demands for movement of goods and raw materials, on the possible locations of these within the city or region, on the scale and impact of extractive activities and on the broad relationships between likely rates of change of labour demand, the possible scale and timing of migration into and out of the area and the relationships of these with the supply of housing, hospitals, schools and other social facilities.

The units of economic analysis are many and diverse: money, rents, salaries, profits, wages, taxes; the firm or corporation, national and local government activities; the household, the individual person and the institutional group; the industrial sector or classes and sub-classes of economic activities. Unlike the demographer the economic analyst has to contend with a variety of units of measurement: monetary units (which alter in value in subtle and complex ways all the time), jobs of all descriptions either in terms of occupations or industrial sectors, value added by manufacture, value of production, productivity, per capita income, disposable income, gross national product. As in the case of population projection, the particular needs of projection in the planning context must be borne in mind.

The following number of methods of economic projection have been arranged roughly in ascending order of sophistication -

- (1) Simple extrapolation
- (2) Forecasts including the study of productivity
- (3) Projection by sectors of the economy
- (4) Economic base methods
- (5) Ratio and apportionment methods
- (6) Input/output methods
- (7) Social or regional accounts methods.

(c) Relationship between population and economic projection

The simplest connection which may be established, is between total population and total employment using the idea that employment growth will support additional population pro rata. Further refinement may be introduced by comparing the demand for employment deriving from the economic projections with the supply of workers deriving from the population projections. The latter estimates may be obtained by applying projected activity rates (i.e. the proportions of the population who will be "economically active" or "in gainful

employment") to the projected population. The relationship is of course a complex one involving other factors besides assumed activity rates and simply derived labour demands.

In developed "mixed economies" i.e. advanced industrial and post industrial societies with a large measure of governmental control, in general it is the rate of change in economic activity which acts as a regulator of population change. In less developed economies or those with little or no central control, there is a more evenly balanced relationship and it is therefore more difficult to determine for projection purposes whether population growth rates are constraining economic growth or vice-versa.

Other factors are in any case extremely important: the rate of development of social and political organisations, particularly as instruments of control over the evolving situation; the availability of land and the rate at which it can be brought into a condition for use, patterns of tenure, etc.

(d) Projection of other activities

There is more to life than earning a living and with the development of society, aspects of advancement or affluence such as education, cultural and social activities, recreation of all kinds occupying a larger share of people's time and resources.

Education - The numbers of children and young people who will be of school age at various times in the future, may be simply derived from the population projection.

Cultural and social welfare activities - The population projection has a wide range of applications e.g. estimates of the demands that can be expected of the health, police, fire and library services of the public authorities, commercial recreational facilities, churches and institutes.

Outdoor recreation - The rise in demand for all kinds of outdoor recreation is one of the most remarkable phenomena of this time. Research^Ø so far suggests that the principal factors which explain the total demand for outdoor recreation are the age structure of the population, income, educational levels and car ownership. The demands are also influenced by the ease with which outdoor activities can be enjoyed and this is a function of topography (especially scenery and water), climate and the accessibility of favoured areas.

Ø Reference No. 6.

2.1.8.4.2. Spaces

In general the "projection" of spaces must be closely related to the activities projections in two ways - first, there must be spatial conformity, i.e. the information on activity and spaces should be related to the same areal units, second, the time intervals between steps of the projection should be the same.

The aim should be to show the relative availability and potential of land (and buildings) in all parts of the study area to accommodate activities at future times. It may be convenient to construct some sort of index of land potential by a weighted combination of the various factors of activity, tenure, physical characteristics, utilities, etc.

2.1.8.4.3. Communications

Communications are the connections which link the various activities. In other words, specialised and differentiated activities can exist remotely from one another by virtue of the existence of communications. A great deal of the reshaping and growth of the physical environment in this century can be expressed in terms of the development of new forms of communications and changing relative costs. It follows that the whole pattern of communication observed at any one moment can in large part be accounted for by the nature of the activities which are exchanging communications and their spatial disposition. It also follows that particular frequencies, modes and volumes of communication can be associated or correlated with particular activities and their relationship with others. Therefore, if the future spatial distributions of identifiable activities are known and if these activities can be described in appropriate ways, it should be possible to estimate the pattern of communications that each activity will generate. One difficult problem concerns the relative cost of the various means of communication for to some extent these are substitutable and are thus in direct competition for the consumers patronage. Other factors such as degrees of convenience, comfort, speed, etc. bear relationship to the demand for and choice of the various modes of communication and transport.

2.1.8.4.4. Channels

The projection of channels in essence consists of a description of the likely state of each network for each step of the projection

and will be described by type, ownership, conditions, special restrictions on use or capacity and network geometry. For each channel there will be the period of firm commitment, a further period of semi-commitment and finally, the period beyond that for which no ideas have yet been formulated.

2.1.8.5. Projecting the system as a whole

Having treated the projection of activities, spaces, communications and channels, it has to be considered whether it is possible to project the behaviour and change of a system as a whole. Answers to these questions require assistance from the fields of general systems theory and theories of urban and regional growth.

McCloughlin^Ø believes that the war of attrition on the huge problems of human locational behaviour, is slowly being won and that the most significant advances have been made by way of a systems approach and that it is in this direction that the greatest future progress is likely to be made.

One very common form of description of a system and one which permits investigation of its behaviour under varying conditions, is the use of models^{ØØ}. This enables the experimenter to explore under controlled conditions a range of possible responses of the system he is studying without having to construct the real thing. Being concerned with guiding and controlling the spatial patterning of change in activities and spaces, communications and channels, the model must be designed to make conditional predictions about future states of the system in such terms.

Whilst a large range of many different kinds of models will be of use in the treatment of sub-systems or facets, the system as a whole is best modelled in a way which simulates changes to the two central features (activity/spaces and communications/channels) as they occur through time and simulates the reaction of each to changes in the other. For theoretical and practical reasons, the most promising form of model to satisfy these conditions, is that in which the systems evolution is handled recursively, i.e. by simulating the evolution of a system in a series of steps, the output of each stage being the input to the next.

Ø Reference No. 2, page 220.

ØØ In Reference No. 16, page 163, a paper evaluating the use of models and giving guidelines for future modelling efforts is presented.

Attempts at comprehensive mathematical modelling may be inappropriate or unattainable in many situations but whatever the difficulties may be, they should on no account deter attempts to simulate the processes of change in the system within the best abilities will allow.

Whatever methods are chosen the paramount requirement is for the projection to provide for stated policy and other assumptions a trajectory (or set of trajectories) showing the way the system is expected to evolve through time.

2.1.8.6. Plan formulation

Plan formulation, in essence, is the choice of those projected or simulated future states of the system which yield optimum conditions. These optimum conditions are described by reference to the performance criteria derived from the goals.

When dealing with complex systems, it is very difficult to derive the optimum position at one shot and it is much easier to build a number of trajectories of the urban and regional system - sequences of states through which it might pass. The variation among alternatives may be induced in the simulation in ways essentially deriving from variation in two sets of assumptions -

- (1) Those concerning public policies (e.g. about economic growth, housing subsidies, centralised or dispersed forms of development, land conservation, public transport, etc.), and
- (2) those relating to private (household, corporate and institutional) responses or initiatives.

The numbers of alternatives produced will depend upon a number of considerations of which the main ones are the resources of time, money, manpower and data processing equipment. If alternatives are not carefully related to goals and objectives, there is the danger that they will either fail to reflect certain important issues which the planning process is being used to study or be irrelevant.

The following is a summary of the sequence of operations or plan making process by which a land use and transportation plan is designed -

- (1) List the pre-requisites - Inventories (survey information) of present transportation facilities and services; movements of persons, goods and vehicles; population, employment and land use; the economics and financing of developments in land and transport; the various powers and responsibilities of central

and local governments and other public bodies concerned with urban and regional development, the best possible projections of population, employment, income and economic growth for the area as a whole.

- (2) Construct a dynamic metropolitan growth model expressing the relationships among the components and the future area distribution of population, jobs and land uses. The model must include variables which describe the amount, nature and location of transportation facilities and services.
- (3) Parallel with this a traffic model is necessary which will generate, distribute and assign to networks the movements which will be demanded between sub-areas.
- (4) With the above major tools at hand, the goal and objectives part of the process must be carried to a stage at which clear principles emerge for the generation of alternative land use and movement plans.
- (5) The remainder of the process of plan making comprises an assessment of the capital and operating costs involved, the public powers available or desirable for accomplishing the plan and the long range programming of stages of development.
- (6) Arrangement should be made for further study and revision as necessary, for the preparation of more detailed development plans and comprehensively for smaller areas within the metropolitan region in the spirit of the general plan.
- (7) The form content of the general land use and communications plan should be designed to satisfy the following conditions -
 - (a) to give a clear indication of the sequence of states which the urban system should take up at specific times,
 - (b) to enable the layman, the elected representative and the professional planner to understand precisely what is intended,
 - (c) to make clear the arguments and assumptions on which the plan is based including an explicit statement of goals and objectives and the degree to which these are achieved,
 - (d) to provide the operational means for implementing the plan by a continuous process of management of the urban system,
 - (e) to do all these things with the maximum clarity of communication using the most appropriate media.

2.1.8.7. Plan selection

The difficulties of defining social costs and especially social benefits together with the logical and practical difficulties inherent in welfare decisions, make plan selection a major challenge.

In classical economics the distribution of a scarce good among freely competing consumers, is governed by the price at which that good is offered and the relative abilities of the consumers to pay - but theoretical and practical difficulties arise when the allocation or distribution of "goods" in the public or social interest is considered in conditions where there is no equivalent free-market mechanism and where the entrepreneur's criterion of maximizing profits, does not apply.

Physical planning along with the many other arms of modern governmental activity, has therefore a very difficult task in estimating the effects of alternative plans on the public interest so as to choose between them.

As the overriding principle, the evaluation of alternative plans must be based on attempts to show how far each plan satisfies all the objectives which have been adopted for the planning exercise where these objectives are expressed as specifications of the performance of the urban or regional system. The cost/benefit, balance sheet and goals/achievements techniques that are offered for plan selection are not dealt with here.

However, two increasingly powerful groups involved in decision making have emerged, viz. government and its professional advisers. It is in everyone's interests that the former group should be aided by the best possible guidance towards more responsible, educated and rational judgements through the provision of better information by the latter.

Although there are three well established pragmatic methods whereby problems of decisions about complex systems in a pluralistic society can be tackled, viz. "the market", "law" and "politics", the overriding need is to develop strong lines of communication between the professional planners armed with better evaluative tools and the community and its representatives who should be helped and encouraged to make better inspections of the plans that are being offered "for sale".

2.1.8.8. Plan implementation: Guidance, control, review

Accepting that the system depicted on an operative plan, grows and changes by the alteration of its component parts (activities in spaces) and their connections (communications in channels), the essence of control then is to regulate those disturbances so that the systems' actual trajectory matches the intended trajectory as closely as possible.

In general, proposals must be considered at two main levels -

- (1) Does it conform with the strategic intentions of the plan as a whole in terms of population distribution, employment location, the pattern and volume of journeys on the primary and secondary networks and the physical fabric of the area?
- (2) Is the proposal consistent with the intentions of the plan at the more detailed local level where physical questions predominate: road alignments, access, the location of local schools, shops, parks and playing fields and the visual and other sensory qualities of the immediate environment?

The same principles for regulation and control of the system by blocking or releasing private proposals for change apply to capital projects in the public sector.

A further important aspect is that plans for towns and regions expressed in terms of (say) people, jobs and traffic flows can be implemented only if measures of the actual distributions of people, jobs and traffic flows are available to be compared with the plans' intentions. The planning process is unitary, comprising facets which can be considered separately for convenience only. One of the prime elements which unifies planning is information, since the planning is in essence a management operation characterised by positive control and guidance. Of all the criteria which govern the design of the information or data system to be used in planning, those related to control are of overriding importance. The most firmly designed plan, based on the best analysis of public objectives and aspirations, drawing on a full and rigorous analysis of the area's past, present and prospective future, and having received the fullest backing of the community, is a thing of nought if it cannot be implemented.

The implementation of a plan depends wholly on the will of the planners and their clients to do so. Irreducible requirements include a clear definition of the roles of central and local governments and other public bodies as these affect the plan; the relationships between the public bodies and private citizens, indicating their rights and responsibilities under statute law and administrative procedures; the duties of preparing, executing, controlling and reviewing the plan and how these devolve upon the bodies concerned. The "hardware" of the plan must be properly mated with the "software" of the appropriate human organisation and relationships both within and between the various political and professional groups concerned.

Part 22.2.1. The legal and administrative aspects of implementing systems planning

The planning system is a sub-system of the legal process and planning law emanates from the interpenetration of the legal and planning systems.

Every law represents the decision of society concerning a particular problem in a particular climate of conditions and ideas. But the decision is rarely unanimous hence the need to clothe it with the dignity of law. The function of law is to effectuate that decision notwithstanding the opposition of dissenting elements in the society. At any point in time, law is predominantly static but over a period of time it is predominantly and inevitably dynamic.

In order to mold the institutions of law and property into a rational and effective means for organising the use of land, it is considered necessary to pay attention to the following essential aspects in the formulation of the legal machinery for implementing the systems approach to planning.

(1) Legislation and policy determination

Planning legislation should first and foremost be an instrument through which a coherent, unified set of long range policies for the development of a community is considered, debated and finally agreed upon. The legislation must therefore -

- (a) enable the development of a group of policies and a general physical design for the community,
- (b) assure that these policies are determined through democratic processes,
- (c) provide for the preparation, consideration and initial adoption of planning,
- (d) require regular review and consequent amendment of planning,
- (e) allow major reconsideration of planning at longer term intervals,
- (f) cater for the consideration of day-to-day physical development matters which call for review of general long range policies,
- (g) be designed, as a planning policy control instrument, to facilitate a political turnover for if it should hinder the exercise of legitimate power, it will be ignored.

(2) Legislation and policy effectuation

It should be emphasized that policy determination leads to decisions on general long range policies, while policy effectuation leads to decisions on specific proposals and issues requiring definite and immediate action. The policy effectuation use of planning legislation is of critical importance and it is in the exercise or lack of exercise thereof that most planning succeeds or fails.

Once the role of the legislation is accepted and after the need for an official statement of its policy is acknowledged, it is then necessary to guard against rigidity in the application of the planning on the one hand and destructive amendments on the other hand.

(3) Legislation and communication

Through planning legislation, the legislature should be able to present a clear picture of its long range, general policies on community development to all other persons concerned with development. Once the legislation is adopted and published, the legislature is not as actively engaged in communication as it is in policy effectuation because the legislation should communicate for it.

(4) Legislation and conveyance of advice

The advisory use is an important concomitant of both policy determination and policy effectuation. The advisory use complements the communications use. The legislature is at the sending end of the communications use and the public on the receiving end. The opposite movement is true of the advisory use.

(5) Legislation and education

Planning legislation should help educate everyone who is involved with it or who needs it as to the conditions, problems and opportunities of their community. It should arouse the interest of people, awake them to the possibilities of the future, offer them information on the present status and probable future trends, inform them about the operations of the different levels of government in matters of e.g. physical development and stimulate them to be critical of planning ideas.

(6) Legislation and land use controls^Ø

Private land use activities are regulated by overt and direct exercise of governmental powers and these include many basic tools

of land use controls which may be primarily legislative, administrative or judicial. Less obvious but increasingly significant are the measures having an indirect impact on development patterns. In formulating planning legislation due consideration will have to be given to the use of the appropriate control or a combination of controls in order to accomplish the goals set.

(6) 1. Direct controls

- 1.1. Zoning - A pervasive tendency in the use of this old tool of land use and density zoning is toward greater flexibility. One manifestation is the proliferation in the number of use categories and of height and bulk specifications. Another is the technique of classifying in accordance with performance standards i.e. by the impact of the actual user rather than by class of industry, process or product. Another technique is the creation of floating zones i.e. the creation of districts which, instead of being mapped in advance, are delineated by amendment upon application.
- 1.2. Subdivision controls - Typically subdivision applications are required to be considered pursuant to rules and regulations promulgated by the administrative body. Individual negotiations and compromises seem to be a hallmark of this form of control. However, legislation authorising conditions, the burden of which may be clearly disproportionate to the activity in consequence of the proposal should be guarded against.

(6) 2. Indirect controls

- 2.1. Incentives - Incentive controls bring into play government's powers to tax and to spend. They are laws relating to metropolitan land uses which neither order nor direct action but seek to achieve it by a conditional offer of some benefit. These controls operate between levels of government as well as between government and individuals. One important influence in the direction of greater use of incentive controls is the structure of government and the respective functions and financial strength of each level. Politically it is far easier to confer a benefit subject to conditions than to achieve the same result through the overtly coercive force of police powers. A system of government control which operates through the indirect effects of fiscal and monetary policy, can be regarded as impinging less on the individual than do direct controls.

2.2. Planning controls - If the level of planning activity is lower than desirable, it is usually not because legal barriers prevent it from rising, it is that the laws which enable planning activities permit rather than direct. As long as enabling legislation is permissive, the potential benefits of planning will often remain unrealized.

2.3. Control through development - Government development is both the most forthright of controls and an important indirect control. The different levels of government operate largely in spheres the private sector finds unprofitable. The indirect control results from the inevitable repercussions in land uses both publicly and privately owned and on the whole set-up of the metropolitan areas.

(7) Legislation and reviewability

The theory of controls frames sharp issues for judicial review of land use decisions and of public and private relationships. An important factor in the resolution of many of them may be a suspicion that new developments are probably more susceptible of abuse than the older controls by regulatory law. While the bulk of controls will continue to be upheld, some will not; the problem is to identify the factors which will determine validity.

Those aspects of fairness and justice denoted by equality of treatment and impartiality of procedure can be regarded as law ends which on occasion clash with planning ends but essentially they are values shared by a consensus of society and expressed in a statute or a decision.

(8) Legislation and co-ordination

Serious consideration must be given to adopt procedures which fully co-ordinate plans over the whole country. Experience has shown that the techniques of achieving co-ordination and degrees of success vary. Steps in the direction of co-ordination are usually slow in being taken because of the strong belief in local autonomy and the lack of resources to carry out proposals which entail the expenditure of public funds. The co-ordination of the various levels and agencies of government so that the actions of one body are not frustrated by those of another is also a problem.

(9) Legislation and planners

The scarcity of planners may preclude compulsory planning.

(10) Legislation and taking of property

A large part of the problem of compensation arises because planning creates benefits in the form of increases in market value. If these benefits are not redistributed to compensate for the losses inflicted by the same planning controls, inequities result. The need for flexible planning is an aggravating factor for ad hoc treatment on a lot by lot basis creates the possibility of special treatment on the basis of favouritism or political corruption. The continued failure to find a means of equating the gains and losses in the market caused by land use controls, could jeopardise the whole planning system.

(11) Legislation and participation

Any legislative system for planning should afford during the planning process, opportunities for action by individuals both as community members participating in the planning process and as property owners seeking or aggrieved by a particular exercise of governmental powers.

(12) Legislation and the future

If suitable land were so plentiful that each individual could have all he desired without conflict with any other person, there would be no need for a law of real property. But where land is scarce in relation to demand, decisions must be made as to who gets what and when, and the body of law grows because it is needed to assist in this decisional process.

As already stated, population continues to grow, metropolitan centres swell through the continuing flow of people from the rural areas. This causes a need for housing and an increased demand for goods and services which in turn increases the pressure for business and industrial space. Another factor making for increased demand, is a rise in aspirations and standards of living. This situation makes for a growth in the law to deal with urban space, to rearrange relations, to modify existing rights and duties and legal innovations may be attempted.

There is growing recognition that the money lubricant needs to be added to the machinery of land use controls in order to achieve greater flexibility. More important perhaps the affluence of society may make subsidies and controls for the benefit of upper income groups politically palatable under a filtering down policy. Compensation also accords more precisely with accepted notions of fairness. In other words, even though a court would regard a control as a proper

regulation under the police power, in fairness to the individual as well as on grounds of acceptability to the community, it is appropriate to redress and spread the loss.

Mandatory control is in the process of change. The lines of development tend in the direction of greater flexibility and the result could be that every change of use must be preceded by administrative authorization. A vulnerable area of mandatory controls emerges when the concepts of racial, religious and perhaps economic equality run counter to the use of controls to gain planning goals.

Part 3The British development plan system^Ø: A brief outline

Writer has made a study of a number of planning processes in operation in overseas countries, but the one that stands out as lining up closely with the systems approach advocated in the preceding parts of this section, appears to be the British development plan system introduced by the Town and Country Planning Act of 1968.

The aforementioned development plan system is new in form, content and procedure. It reflects the advances in planning techniques which have taken place over the last 20 years and the growing complexity and urgency of planning problems.

Firstly, development plans must be prepared and examined in the light of national and regional planning policies. The setting up of regional economic planning councils, the preparation by them of planning studies which cover the whole of the country, and the observations of the Government on the proposals contained in those studies, provide local planning authorities with new sources of information and guidance on some of the matters which are fundamental to the preparation of their own plans. By these means they will be enabled to produce plans set in the national and regional context and fitting more smoothly with the plans of neighbouring authorities. The process of regional economic planning is a continuous one, studies are to be kept up to date and regional population and employment assumptions under review. This may lead to the development of new ideas about regional strategy, highly relevant to the content of the new structure plans. Local planning authorities will therefore need to inform themselves thoroughly of the regional background before embarking on the preparation of their development plans and to keep in touch with the regional organisation throughout. The exchange of ideas and information is a two-way business for the regional planning process is also greatly assisted by the supply of information about the policies and proposals of the local planning authorities for their areas.

Secondly, the new system is concerned not only with the use of land, but also with the many other matters which are vital to the proper planning of an area. In particular the system provides a means for the full integration of land use and transport planning throughout the process. The plans are concerned not merely with the way in which

^Ø Reference No. 5.

parcels of land shall be used, but with the problems of movement and communications which arise because people live, work and play on the land. Nor do the plans look at these problems solely (or even mainly) from the aspect of the land requirements implicit in them - the provision of land for roads, car parks, bus stations and so on. They are concerned to relate the provisions of the plan as a whole to policies for the movement of people and goods which include proposals for the management and control of road traffic and for maintaining a balance between public and private means of transport.

As well as transport policies, the plan also reflects the main lines of housing policy for the area, for the balance between conservation, improvement, redevelopment and new development, and the timing of major housing projects have important effects on the provision of land that needs to be made and on the pattern of communications. Other major projects, whether by government departments, the planning authority, other local authorities, statutory undertakers or private enterprise are woven into the plan and the plan as a whole must pay realistic regard to likely levels of future investment.

This new system with its more positive approach, endeavours to facilitate the creation of a good environment in both town and country. A criticism of the old system was that it has acted mainly as a basis for negative control, that it did not help either the planning authority or the developer to secure development of real quality and that it did not allow the public to see in time - or indeed at all - what was to be the nature of changes implicit in the two dimensional land allocations in the maps.

- The new-style development plans are made up of two main elements -
- (1) A structure plan: a written statement, illustrated diagrammatically, of the local planning authority's policies and main proposals for change on a large scale. This plan requires Minister's consent.
 - (2) Local plans: prepared by the planning authority after approval of the structure plan. They are concerned with the more detailed implementation of the policies and proposals of the structure plan. They cover small and large areas and deal with many different aspects of planning. It is the responsibility of the planning authority to adopt its local plans after due consideration

of objections. Minister may, however, call in any local plan for his own examination and approval.

The diagram^Ø No. iv and maps^Ø Nos. 2 to 7 that follow, illustrate the manner in which the British Development Plan System is approached.

^Ø Diagram and maps extracted from Reference No. 5.

DEVELOPMENT PLANS

STRUCTURE PLANS

- 1 Approved by the Minister
- 2 Form:
written statement and diagrams
- 3 Functions:
 - a interpreting national and regional policies
 - b establishing aims, policies and general proposals
 - c providing framework for local plans
 - d indicating action areas
 - e providing guidance for development control
 - f providing basis for co-ordinating decisions
 - g bringing before the Minister and public the main planning issues and decisions

LOCAL PLANS

- 1 Adopted by local planning authority after approval of structure plan
- 2 Form:
map and written statement
- 3 Functions:
 - a applying strategy of the structure plan in detail
 - b providing detailed basis for development control
 - c providing basis for co-ordinating decisions
 - d bringing before the public detailed planning issues and decisions

COUNTY STRUCTURE PLANS

for administrative counties

URBAN STRUCTURE PLANS

for county boroughs and other large towns

Note:
With the Minister's consent a structure plan may be prepared for part only of an authority's area

DISTRICT PLANS

for comprehensive planning of relatively extensive areas

Examples:

- central area of a large town
- existing residential area
- town in a county
- rural part of a county

ACTION AREA PLANS

for the comprehensive planning of areas selected for intensive change which is to commence within a specified period, by improvement, redevelopment or new development

Examples:

- existing residential area to be improved
- redevelopment scheme in central area
- new residential area
- design of a country park
- restoration and re-use of derelict land

SUBJECT PLANS

For the detailed treatment of a particular planning aspect in part or all of the structure plan area

Examples:

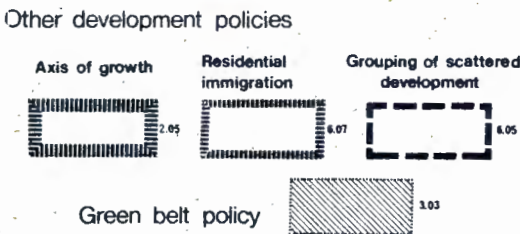
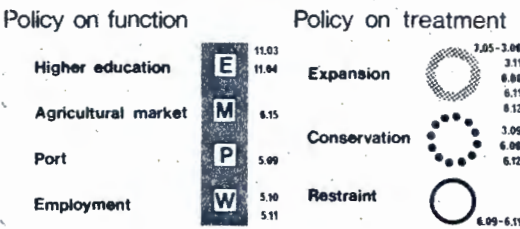
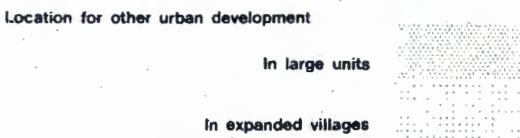
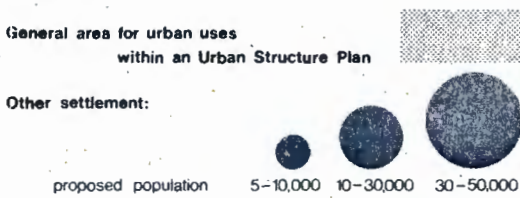
- minerals
- recreation
- conservation
- and where there is need to define areas within which certain policies, powers or grants will apply
- Examples:*
- town development schemes
- areas of outstanding natural beauty
- street authorisation

WEST SEA

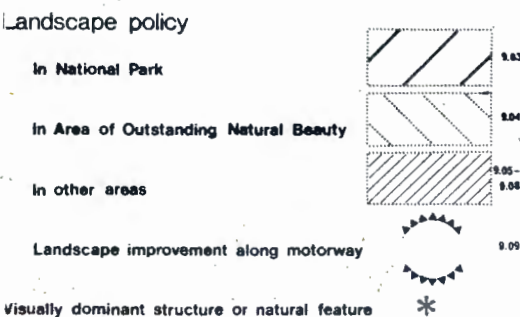
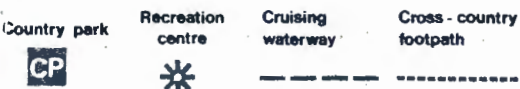


PLANSHIRE C.C.

Settlement



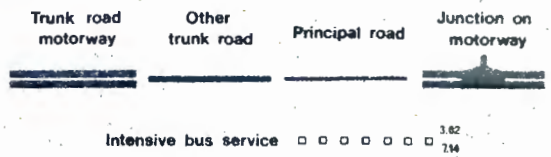
Landscape and recreation



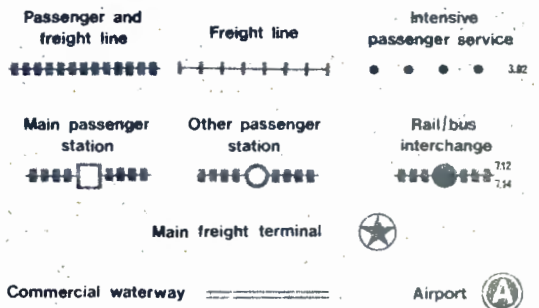
Reference numbers relate to chapters and paragraphs of Written Statement

Communications

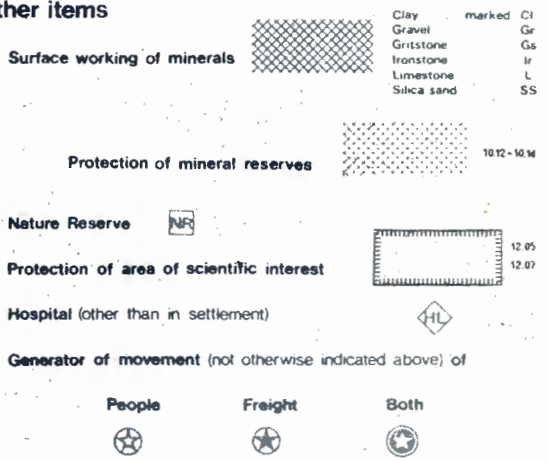
ROADS



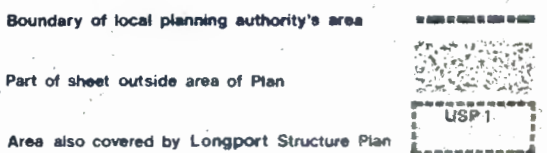
RAILWAYS



Other items

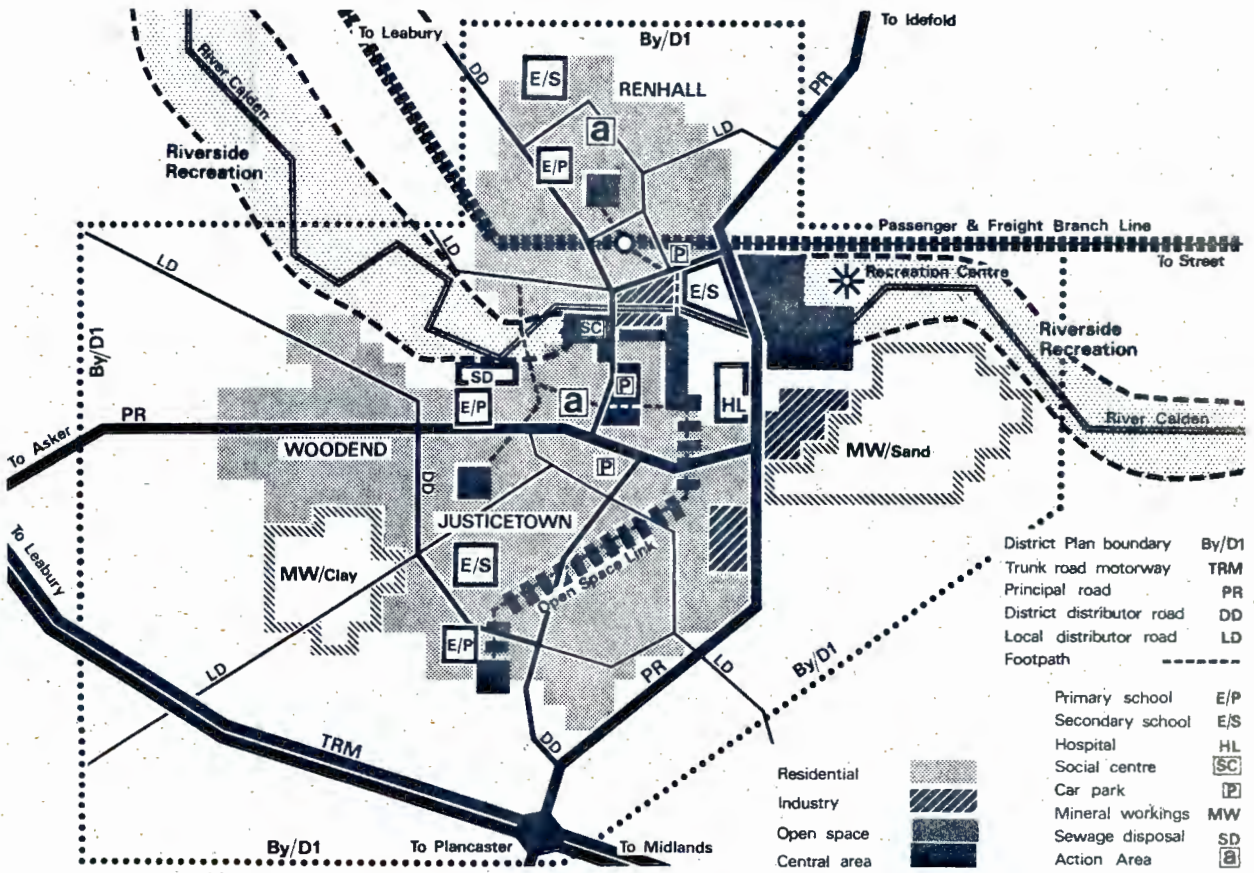


Extent of Plan



D1

HARLEY TOWN PLANSHIRE C.C.





New residential development with neighbourhood facilities

Residential redevelopment and conservation

HARLOW U.D.

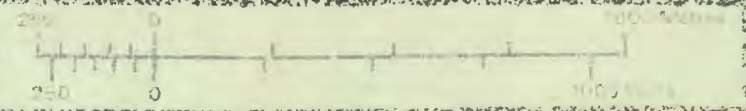
Bridge over existing road

Bridge over river and canal

To Askar

Slip roads and bridge over existing road

Plancaaster















D1

HARLEY TOWN PLANSHIRE C.C.





Reference numbers relate to paragraphs of **Written Statement**

*Items marked thus occur only on the Central Area Inset (Fig 2c)



















PROPOSED LAND USES

Residence	
Industry	
Education	
Primary school	E/P
Secondary school	E/S
Shop	
Open space	
Playing field	OS/PF
Civic or public assembly	
Swimming bath	A/B
Health and welfare	
Public utility	
Mineral working	
Road	
Transport installation	
* Bus lay-by	T/B
Car Park	T/P
Footpath (3 metres minimum width)	

BOUNDARIES

The District Plan for Harley Town	
Central Area Inset	
Action Area Plan	
Northern neighbourhood	By/AA2
Inner residential area	By/AA3
Part of sheet outside area of this Plan	

OTHER PROPOSALS

Canal-side use policy		6.5.8
Protection of mineral reserves		6.13.3
Development or redevelopment subject to co-ordination of ownership		4.6.11, * 6.4.8
Density and siting policy		6.4.1
Location of architectural feature affecting surrounding development		6.9.13
* Limitation of frontage height		6.9.13
Conservation policy		6.9.1
Improvement policy		6.4.10
Redevelopment policy		6.4.9
Landscape protection policy		2.1.5
Landscape improvement along motorway		2.1.7
Tree-planting proposed		6.9.2
Reclamation of derelict land proposed		6.9.8
Trunk motorway proposed by Ministry of Transport		2.1.2
Limitation of frontage access to road		6.6.15
Closure of vehicular access proposed		6.6.14
* Pedestrian priority policy		6.6.12
* One-way traffic		6.6.16



Nature Reserve

Marina

Private boarding school

MW/L

Rock climbing

Pathology

PR to Grenton

MW/GR

Service Station

Country park and agricultural museum

Improvement of bathing facilities 26.2

See inset no. 4

See inset no. 2

See inset no. 3

OS/Picnic sites

OS/Picnic sites

IN/Sawmill

Rural industries centre

HW

Sanatorium

Ancient monument

MW/GS

OS/Picnic site

U/SD

E/R OS IN

H

FIRBRIDGE HILLS

B/D2

B/D2












B/D2


B/D2

D2



RODBY CHASE PLANSHIRE C.C.

LAND USES






Residence		
Industry		
Education—primary school		
Open space		
Health and Welfare		
Public utility—sewage disposal		
Holiday accommodation		
holiday camp	marked	C/HC
chalets	marked	C/CT
static caravans	marked	C/V
touring caravans	marked	C/T
camping	marked	C/C
Mineral working		
limestone	marked	MW/L
gravel	marked	MW/GR
gritstone	marked	MW/GS
Road		
Car park		
Other uses		

Small sites indicated by symbol 





















EXISTING FACILITIES AND FEATURES

Trunk Road, Principal and other Classified Roads retained	
Confirmed Tree Preservation Order	
Other facilities	Indicated by words

BOUNDARIES

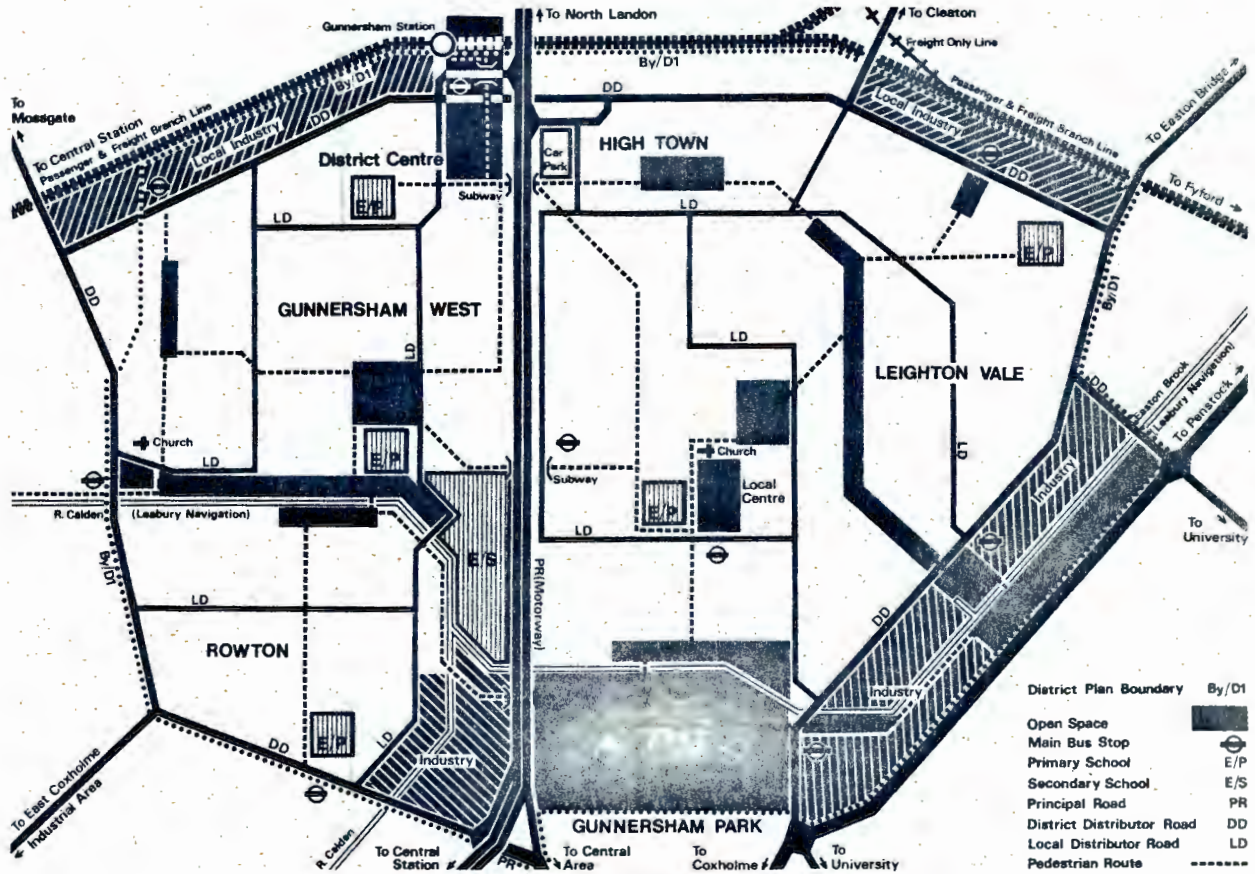
Boundary of area of The District Plan	
Inset to Proposals Map	
Action Area Plan for Fulnet	
Local Planning Authority	
Part of sheet outside the area of this Plan	

POLICIES

Settlements			
Conservation		4.6.2	
		4.7.3	
Restraint		4.7.4	
Protection of mineral reserves		8.3.1	
Roads			
Limitation of frontage access			
along Trunk Road		2.5.1	
along Principal Road		2.5.2	
Pedestrian priority area		4.6.3	
Improvement of bus service (including minor improvement of road)		5.3.1	5.3.2
Improvement as Scenic Route		6.4.1	6.4.2
Recreation			
Area within which static caravan sites are appropriate		6.2.1	
Area within which public access will be sought			
restricted to footpaths		6.3.3	6.3.5
unrestricted		2.6.2	6.3.6
		6.3.2	6.3.7
		6.3.4	
Cross-country footpath		2.5.5	
Landscape			
Improvement and protection			
Approved Area of Outstanding Natural Beauty		2.7.1	
Other area		2.7.2	2.7.9
Reclamation of derelict land		7.4.1	7.4.2
Area within which tree-planting will be sought		7.5.1-	7.5.3
Woodland management			
Forestry Commission		7.3.1	
dedication covenant or agreement		7.3.2	
Protection of area of scientific interest		8.2.1	
Other policies			
	Indicated by words	2.6.2	6.4.1
		2.6.3	8.1.5
		5.3.3	

Reference numbers relate to paragraphs of Written Statement

D1 GUNNERSHAM LEABURY C.B.C.



D1

GUNNERSHAM LEABURY C.B.C.

Reference numbers relate to chapters and paragraphs of **Written Statement** of the District Plan

PROPOSED LAND USES

Residence	
Industry	
Education	
Primary school	E/P
Secondary school	E/S
Shop	
Storage	
Open space	
Children's playground	OS/CH
Public assembly	
Public House	A/PH
Health and welfare service	
Public utility	
Other public services	
Road	
Road transport installation	
Car park	T/P
Footpath	

OTHER PROPOSALS

Redevelopment by City Council		4.9
Redevelopment by Regional Electricity Board		12.2
Policy for relocation of local industry		4.10
Policy for short term improvement pending redevelopment.		4.8
Policy for conservation of character of area		9.1
Policy for protection of setting of building		9.2
Policy for focal point in local views		9.3
Policy for control of frontage access		6.4
Policy for traffic management		4.11
Vehicular access to be closed		4.12

BOUNDARIES

The District Plan for Gunnersham		By/D1
Part of sheet outside area of this Plan		
Other local plans		
Action Area Plan for Gunnersham West		By/AA1
Action Area Plan for High Town District Centre		By/AA4
District Plan for Calgate		By/D2

SECTION 3THE STATUS QUOPart 13.1. The existing system for planning in South Africa[∅]

There is no need to go into the historical antecedents of the present three-level political system of parliament, provincial councils and municipalities. The South Africa Act of 1909, transcribed in 1961, clearly defines the functions of each of these levels.

The Prime Minister as leader of Parliament and chief executive officer is, in the first instance, responsible for the formulation of the national development policy (which then finds expression in white papers and possibly in appropriate legislative measures). The procedure for meetings of the cabinet are not specified in the constitution and the process of formulating policy occurs in camera^{∅∅}. It may be assumed, however, that the several ministries form an informal planning committee as in the British system.

The constitution provides for the delegation of authority from Parliament to the Provincial Councils. The powers of the latter have also been amplified and added to from time to time by the Financial Relations Acts. Town planning, hospitals, education, provincial roads and parks are among those functions controlled at the provincial level^{∅∅∅}.

At the local level the initiation of municipal planning rests in Municipal Councils in terms of provincial town planning ordinances, which prescribe in detail the planning procedures. The Provincial Administrator, however, as constitutional head of the Provincial Council and acting in concert with an executive committee of four elected members, has final authority for the refusal, amendment or adoption of planning proposals. The Director of Local Government administers town planning in each provincial administration and advises the Administrator.

Municipalities may, in a few instances, also act as agents for the central government by direct delegation of authority.

∅ Reference No. 7.

∅∅ Reference No. 8, page 103.

∅∅∅ Reference No. 8, page 169.

These functions include Health (Act 36 of 1919) and Bantu Housing and Administration (Act 28 of 1945). Municipalities are also directly responsible for services such as the provision of water, electricity, transportation, disposal of refuse and for the licencing of undertakings.

Part 23.2. How the various levels of Government are approaching the planning process3.2.1. The Central Government^Ø

The pattern of development envisaged by the Government is most intimately linked with the National Development programme and several policies. From 1960 onwards several important policy statements were made by the Government and together these may be regarded as the comprehensive national development plan for the country. The policy statements include the following -

3.2.1.1. Economic growth

The need was indicated for producing more consumer goods in order to reduce imports and to diversify forestry, mining and the textile industries to improve the export potential. The further processing of minerals became an important step, and this has some bearing on the exploitation of minerals in the Western Cape.

3.2.1.2. Community planning

A statement by the Minister of Community Development in 1962 set the pattern for legislation in which standards were formulated for the development of communities of all races. Local political autonomy and economic independence would be obtained by the establishment of new growth points with new employment opportunities.

3.2.1.3. Water resources

A water planning commission was appointed to make a complete evaluation of the water resources of the country. The report which was subsequently produced formulated the policy of integration of all water supplies. This implies that water may be deviated from one catchment area to another and this would facilitate the establishment of growth points, also in arid regions.

3.2.1.4. Recent decentralization policies

In a white paper of 1972, the policy of decentralization has been formulated and the tools for implementation considerably augmented.

In order to mobilize the untapped resources in the underdeveloped regions and to relieve the congestion in the metropolitan regions,

Ø Reference No. 9.

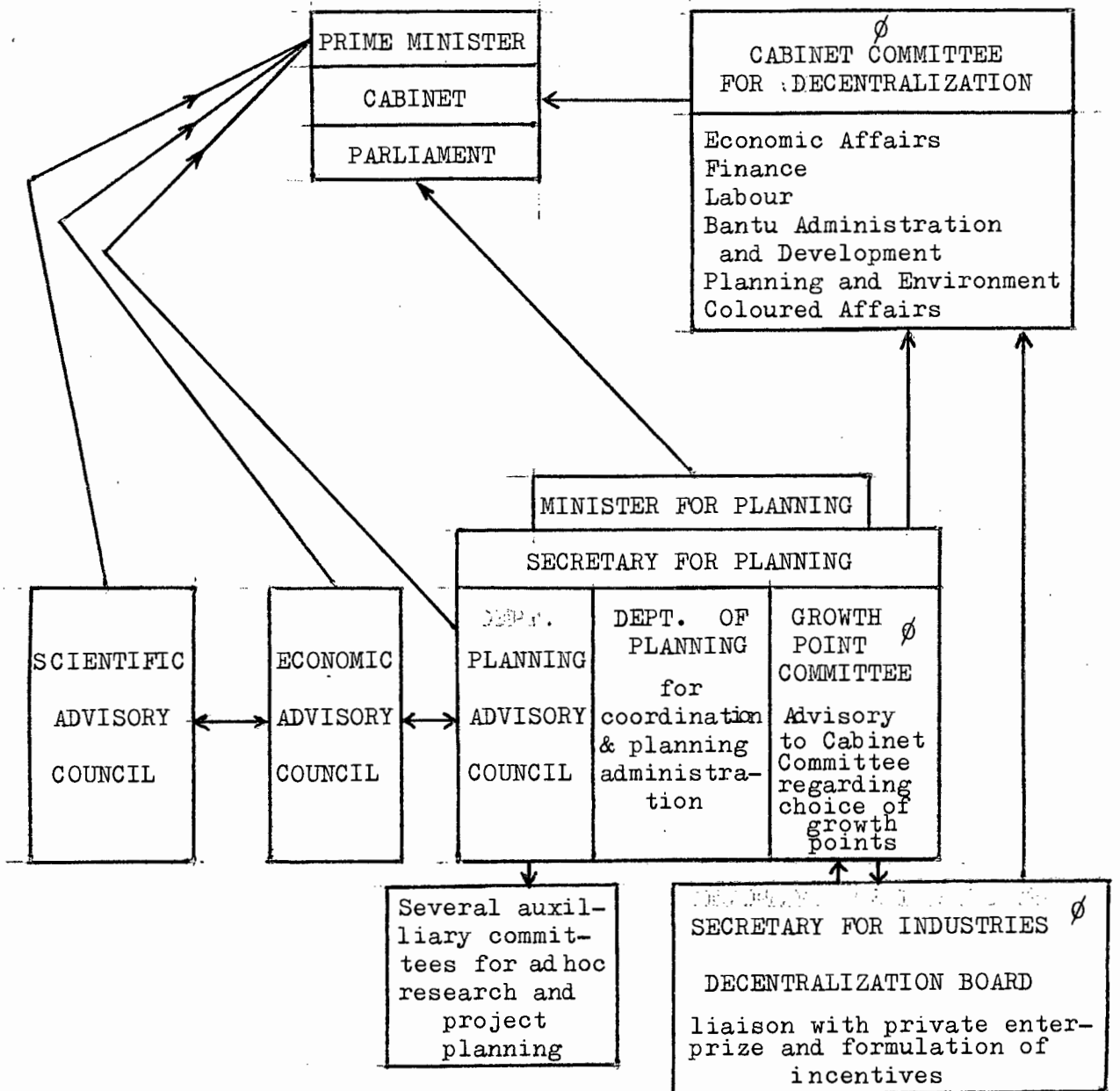
the Government deemed that it has become essential to encourage industrial entrepreneurs to establish factories in the areas where abundant labour is available.

The availability of labour in itself has, however, not been sufficient encouragement, neither have the incentives that were offered to undertakers. The government has now considerably extended the assistance that may be offered to undertakers in the extended list of decentralization points as shown in the white paper. The incentives are incorporated in Annexure A.

3.2.1.5. The organisation for planning

The organisation for implementing the Government development policy has been structured as in the following diagram.

Diagram vi



As shown in the diagram, the Department of Planning and of the Environment now handles planning consultation at the top Government level and the co-ordination of all development bodies, including government departments as well as public corporations which provide either services or development capital to private undertakers.

To handle decentralization of industries by the establishment of new growth points, there have now been established also a Cabinet Committee, a Growth Points Committee and a Decentralization Board.

Annexure B, compiled from the white paper, shows the extended list of decentralization points designated by the Government.

These proposed growth points may be considered as existing of four layers (a) new metropolitan growth points of which Saldanha now qualifies as one, (b) new administrative capitals and other growth points in the Bantu Homelands, (c) border industries or their equivalent in the Cape, viz. expanded existing towns with industrial estates to provide employment for Coloureds, and (d) the existing regional capitals in each of the socio-economic regions.

Map No. 8 illustrates the position.

3.2.1.6. The system for planning

As far as the country's planning system is concerned, the Cabinet has adopted^Ø the general principles contained in the following synopsis of the recommendations made by a State Advisory Committee^{ØØ} in regard to the functional relationship between the Central, Provincial and Local Government agencies with regard to physical planning -

A. Planning by the Central Government

In order to render the country's surface receptive for the physical aspects of development taking place and that will follow, a National Physical Development Plan should be evolved, prepared and made public as soon as possible.

The National Physical Development Plan must, whilst being as specifically indicative as possible of present knowledge, concepts and plans, always be flexible and adaptable and at all times be adjusted to new discoveries, new technological development, new social requirements and new political, social and economic trends of thought.

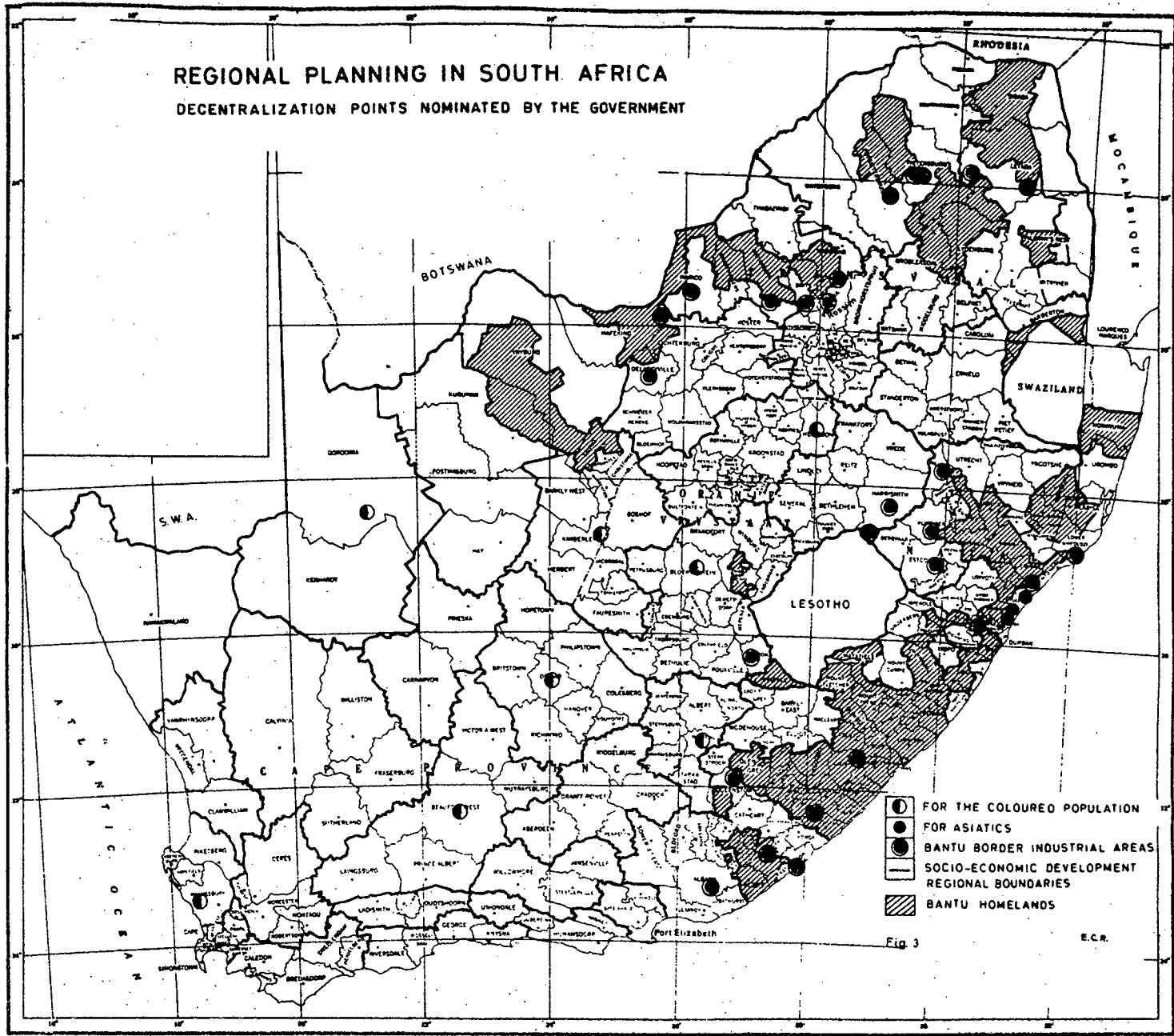
On one large map of the country and accompanying regional plans with explanatory statements, this development plan must, inter alia, show

Ø Reference No. 10.

ØØ Reference No. 11.

REGIONAL PLANNING IN SOUTH AFRICA

DECENTRALIZATION POINTS NOMINATED BY THE GOVERNMENT



- FOR THE COLOURED POPULATION
- FOR ASIATICS
- BANTU BORDER INDUSTRIAL AREAS
- SOCIO-ECONOMIC DEVELOPMENT
- REGIONAL BOUNDARIES
- ▨ BANTU HOMELANDS

Fig 3

E.C.R.

- (a) Socio-economic development or planning regions
- (b) Existing and accepted features and development such as
 - (i) Bantu Homelands, areas proclaimed in accordance with the Group Areas Act for occupation by the different population groups
 - (ii) Existing cities, towns and all population concentrations with information about their origin, existence and continued existence and with full analyses of their social and economic make-up and micro-infrastructure
 - (iii) The macro-infrastructure such as road, rail and air routes, stations, sea and airports, power stations and main, subsidiary and distributing power lines
 - (iv) Existing water storage and development schemes, irrigation schemes based on those sources, intensive and extensive agricultural areas with their present contribution to the country's agricultural production
 - (v) Known and proved mineral deposits under the present state of their exploitation and use
 - (vi) Existing recreational and/or tourist attractions with information on already developed facilities
 - (vii) Decentralized economic growth points with indications of their stage of development, types of industries located there and most important sources of raw material and market areas and their labour sources
 - (viii) Existing population and population trends.
- (c) Immediate or other plans and known trends that will change the existing situation set out in (b)
- (d) The potential of each area to house population, supply work and recreation facilities for the population
- (e) Changes that must be made, new areas that must be developed, and the movement of population, water, power and raw materials that are necessary to give effect to the development and growth pattern flowing from the country's Governmental/social policy.

The Committee also recommends that the National Physical Plan should comply with and satisfy the following broad requirements:

- (a) It must give the inhabitants and other nations, prospective industrialists, developers and investors and State Departments,

provincial and local authorities a clear picture of the immediate and future plans of the Government in regard to the physical development of the country in order that they may absorb the national, social and economic policy.

- (b) It must give landowners in all parts of the country the opportunity of obtaining an indication of the present and the future purposes for which their land may be required or used.
- (c) It must give an indication of the tempo and priorities of development desirable in each region or sub-region in order on a nationally balanced basis, to utilize resources, allocate available national capital investment spatially and according to needs of the economic sectors, influence population migration, control production and give effect to the Economic Development Programme.
- (d) It must give the lower governmental and planning authorities an image of the Government's plans and intentions so that they may in the fulfilment of their various functions work towards the execution of Government policy and the Government's future plans for the physical development of the country.
- (e) The National Physical Development Plan must be approved by the Government region by region and any change, amendment and adaption must be submitted to the Cabinet for approval, rejection or amendment.
- (f) Just as every individual, landowner, developer, investor, provincial or local government, each State Department must dovetail its future planning and development to fit the National Plan. As the plan should never be seen as static or inflexible, amendments may be made by the Cabinet where necessary.

B. Planning by the Provincial authorities (e.g. the Cape Provincial Administration)

The Committee defined the functions of the Provincial authority in regard to physical planning as follows:

(a) General

The Provincial Administrations must continuously be au fait with the National Physical Development Plan, its information, prescriptions and provisions; must note any amendments made to the Plan from time to time; must gather information, comment and assist at the request of the Prime Minister's Planning Advisory Council; must undertake surveys on its own initiative and can make representations and recommendations to the Council

in connection with that Council's proposals regarding the National Plan.

(b) Direct Provincial planning

The Provincial authority shall be responsible for planning the regions, if any, shown on the National Plan and if no regions are shown, shall determine the regional or sub-regional boundaries with the Advisory Council's approval and shall in the preparation of such plans, take cognisance of the National Plan and such plans shall be submitted to the Cabinet and in its approved form be made part of the National Plan.

(c) Provincial planning with local authorities

The Provincial authority may determine and proclaim metropolitan planning areas. Metropolitan areas are regarded as those in which the boundaries of local authorities are so near to one another and their tempo and type of development such that these municipal areas and the land inbetween cannot reasonably be retained as isolated units especially where they can affect one another and where it is obvious that proper co-ordination and integration of land use and development is necessary.

(d) The Province supervising local authorities

Those local authorities outside metropolitan areas continue to plan as at present bearing in mind the metropolitan and regional plans.

3.2.2. The Provincial Administration and its local government authorities in the Cape

3.2.2.1. Ordinance 33 of 1934

As stated in the introduction to this thesis, the framework within which and processes whereby physical planning takes place in the Cape Province, is embodied in the Townships Ordinance No. 33 of 1934, as amended. A copy of the Ordinance forms Annexure C and a schedule of the regulations promulgated in terms of it from time to time, Annexure D.

The whole of the Cape Province falls under one of the following types of local authority, i.e. either a municipal council, divisional council, village management board or local area who are all in turn under the wing of the Provincial Administration which is responsible to an elected Provincial Council. The result is that it is possible in terms of the Ordinance, to accomplish or enforce land use control over the whole or parts of the Province either in respect of each local authority or portion thereof individually, or in the form of

joint town planning, i.e. where two or more local authorities join forces in their planning efforts.

The following number of local authorities exist at present in the Cape Province:

91	Divisional Councils
172	Municipalities
62	Village Management Boards
8	Local Boards
<u>98</u>	Local Areas
<u>431</u>	Total.

Up to 30th June, 1973, 103 local authorities^Ø had applied and have been authorised in terms of Chapter 4 of the Townships Ordinance to prepare town planning schemes for their respective areas of jurisdiction or portions of their areas. A list of local authorities to which Chapter 4 of the Ordinance applies, has been obtained from the Local Government Department (Land Use Section) of the Cape Provincial Administration and forms Annexure E. In most of these local authorities schemes have been or are in the process of being prepared. In other cases planning is "dormant".

Members of local authorities are elected periodically by the ratepayers in their area from whom they (the Councils) also derive their main source of income through property and other rates and taxes. In a few instances, e.g. for the construction of proclaimed main roads, the local authorities are subsidised to a large extent by the Provincial Administration.

Part 33.3.1. How planning is done in terms of the Ordinance

For purposes of this thesis it is essential to be aware of, in the first place, the procedures that are followed in carrying out the three most important functions of the Ordinance, namely the subdivision of estates, the establishment of townships and the preparation and approval of town planning schemes and in the second place how the planning itself of subdivision/townships and town planning schemes are undertaken and what the product of that planning looks like.

3.3.1.1. The procedures3.3.1.1.1. Minor and rural subdivisions

A "minor" subdivision" defined in section 1 of the Ordinance means the subdivision of land for other than agricultural purposes into a maximum of 10 portions.

Rural subdivisions, defined in section 196 of Ordinance 15 of 1952 means the subdivision of land in rural areas into portions smaller than 25 morgen. In terms of section 2 of Act 10 of 1944, the Minister of Lands delegated his powers to control these rural subdivisions to the Administrator. The Minister has, however, by Act 70 of 1970, obtained the control of the subdivision of "agricultural land" as defined in that Act.

The procedure followed in the case of minor and rural subdivisions is briefly that the applicant completes a portion of a prescribed form issued by the Provincial Administration and submits it with 7 copies of a plan of the subdivision to the local authority concerned who has to complete a further part of the form and submit it within 8 weeks to the Surveyor General with its recommendation. From that point different procedures are followed -

3.3.1.1.2. Minor subdivisions

The Surveyor General can either approve of the application or submit it to the Townships Board. The Townships Board can in the latter event either advise the Surveyor General that he may approve thereof or can itself approve or refuse the application. Should the Board issue approval, it may impose such conditions as it deems fit. The owner has the right to appeal to the Administrator against the Board's decision.

In cases where the subdivision is contrary to a town planning scheme or where the local authority does not support the application,

the Townships Board cannot itself approve thereof but can recommend to the Administrator that it be approved in which event the local authority is invited to comment further before the matter is submitted to the Administrator for final decision.

Endowments on the subdivisions are payable on the sale price of the erven according to a scale determined from time to time by the Administrator.

An approval expires if not acted upon within 2 years. It is in the Administrator's discretion to extend the validity period.

3.3.1.1.3. Rural subdivisions

The Surveyor General deals with subdivisions of 25 morgen and greater but if he suspects township establishment, he can refer it to the Townships Board. Rural subdivisions into portions less than 25 morgen must be submitted to the Townships Board by the Surveyor General.

All applications for the subdivision of agricultural land as defined in Act 70 of 1970 are referred to the Soil Protection Section of the Department of Agricultural Technical Services for consideration and disposal.

Applications for rural subdivisions in proclaimed areas, e.g. the Orange and Fish River irrigation schemes, are first referred by the Provincial Administration to the Department of Planning. The National Transport Commission's approval is also required where the subdivisions abut a national or special road.

3.3.1.1.4. Township establishment

Especially sections 11 to 26 of the Ordinance have a bearing. Applications are submitted on a prescribed form supplied by the Provincial Administration. First part of the form is completed by the applicant who forwards it to the local authority for completion of the other part and transmission to the Administration. The Administration sees to the collection of application fees, advertisement of applications, reference of applications to interested Government Departments and other instances for comment as well as the obtaining of further information that may be necessary from the applicant and local authority. After all these steps have been complied with, the applications are referred to the Administration's Technical Advisors and the Townships Board for a recommendation. As soon as the physical planning has been settled to the satisfaction of the Board, draft conditions of township establishment are compiled by the Administration and referred to the applicant and local authority for comment.

One of the most important aspects of township establishment is the determination whether or not there is need and desirability for the establishment of a particular township. Factors that are important here are e.g. the proximity of other similar development, demand for erven measured by the extent of unsold and unbuilt upon erven in the area, availability of services, etc. Promoters are encouraged in all cases where there may be doubt about need and desirability, to submit an application for the consideration of this principle before incurring expenditure on detail planning etc.

In all cases where there are differences of opinion between either the applicant, the local authority, any objectors or the Townships Board, the problem is submitted to the Administrator for a ruling.

The conditions attached to a township approval issued by the Administration follow a standard pattern and are so imposed that all interested parties' interests are satisfactorily protected. Basic services are required in all cases and endowments are levied in respect of private townships in accordance with scales prescribed by the Administrator. As far as this aspect is concerned, each application is considered on merit and there are often special factors that may warrant a departure from the standard tariff. The present trend is that promoters prefer supplying a higher standard of services in exchange for a reduction of land and cash endowments^{1/0}.

Townships in this province are usually finalised quicker than in other areas and the processing of an application by the Provincial Administration is usually only 8 to 12 months⁰⁰. Statistics show that the Cape Provincial Administration annually approves many more erven than the number of houses built and this factor coupled with the prompt attention to township applications, serves to absolve⁰⁰⁰ the Administration from blame for the alledged shortage of erven vide the Niemand Report⁰⁰⁰⁰.

The establishment of coastal townships have increased tremendously over the last 3 or 4 years and this state of affairs can be related closely to the speculative sale of erven. These

0, 00 and 000 Vide verbal information obtained from the Townships Section, Department of Local Government, Cape Provincial Administration.

0000 In Chapter 5 of the Report of the Commission of inquiry into the occurrence of ruling high selling prices of vacant residential sites and unplanned land being acquired for township development (Niemand Report, Government Printer RP74/1970) it is maintained that there is an imbalance between demand and supply of erven and that the rate at which townships are established is too slow.

tendencies have necessitated a survey of existing townships, holiday resorts etc. The basic information for the survey has been collected and serves to assist the Administration when considering new applications especially as far as the need and desirability aspect is concerned.

Administrative tasks that follow township approval include extensions of time for registering townships, determination of erf values for the payment of endowment, collection of endowment and amendments to already approved township layouts.

Holiday layouts/camps/resorts involving the establishment of dwelling units, have also become popular in the last few years especially along the coast. In such cases township registration is not insisted upon, but the promotor is allowed to erect a number of houses/bungalows/chalets on one property which may be let to holiday makers on only a temporary basis. It is a further requirement in such cases that the promoters enter into a written agreement with the local authority wherein they undertake to provide, install and maintain services to a satisfactory standard and acknowledge that approval of the project does not include any subdivisional rights whatsoever^Ø.

3.3.1.1.5. The preparation of a town planning scheme

When a local authority decides to prepare a scheme for its area, it applies for the Administrator's authority to do so. In granting the Administrator's authority, the Provincial Administration usually furnishes the local authority with guidance on how it should go about preparing its scheme. On receipt of the Administrator's authority, prescribed notices giving notice of the local authority's intention are published and after the last notice the provisions of Chapter 4 of the Ordinance apply to the whole or a specified portion of the area under its jurisdiction and it may thereafter by resolution adopt provisions for its town planning scheme. Any provisions so adopted, whether they concern the zoning of an area or the regulations of the scheme, become binding on the local authority and the property owners immediately and may not be amended or departed from without the approval of the Administrator.

Ø This paragraph vide verbal information obtained from the Townships Section, Local Government Department, Cape Provincial Administration.

Preparation of the scheme can be done by the local authority's officials themselves, a town planning committee, a competent consultant or under supervision or in close consultation with the provincial town planners. In the course of preparation due cognisance must be taken of the guidance provided by the Administration in the form of e.g. section 35 of the Ordinance, the Second Schedule to the Ordinance and P/N460/1937 (Annexure F). Whilst the scheme is being prepared, it is known as a scheme in the course of preparation. Once the draft scheme has been completed by those charged with preparing it, the proposed zoning map, final statement and motivating report are submitted to the Council concerned and thereafter usually forwarded to the Administration with the Council's resolution thereon, for consideration in principle by the Administration's planners and the Townships Board and other interested departments. Once the Administration's advisors (the planners and the Board) and the local authority reach mutual agreement in principle or come as near as possible to doing so, the scheme is advertised for objections in accordance with P/N460/1937. Any objections, which must be in written form, (unless the Council and/or Executive Committee are prepared to hear verbal amplification of written objections) are considered and reported on by those who prepared the scheme as well as the council whose further resolution in the light of the objections is referred back to the Administration with copies of the objections. Once the Administration's planners and the Board have made their recommendations on the objections, the scheme as a whole is submitted to the Administrator for consideration and a decision on the objections. At this stage the scheme is known as a scheme awaiting approval. No schemes in the Province have been finally approved and proclaimed as required by the Ordinance. Whatever the status of the scheme may be, it may only be amended by complying with the provisions of section 35 bis of the Ordinance or departed from by complying with the provisions of section 57 of the Ordinance.

3.3.1.1.6. Amendments to town planning schemes (section 35 bis)

The local authority first decides as to whether the proposed amendment, which may or may not arise from an application from an individual owner, should be agreed to or not. If the local authority is in favour of the amendment, it submits the proposals to the Provincial Administration for consideration in principle. The application must be fully motivated from a planning point of view

and where applicable, accompanied by the required fee.

On receipt of the application, it is studied to judge whether it is suitably motivated. If there is a lack of motivation, it is referred back to the local authority for full motivation. If the motivation submitted is suitable, the Provincial town planners are asked to comment thereon. In some cases Government Departments or other Departments of the Administration have to be approached for their views should they have an interest in the matter. The Provincial planners report to the Townships Board and the Board submits its recommendation. If the Board recommends approval and the other departments consulted concur, the local authority is requested to arrange for advertising the proposal for objections. In some instances it may be necessary and reasonably possible to require the local authority to draw the attention of the nearby owners that may be adversely affected by the proposal in writing to the advertisement. A revision of an existing town planning scheme follows basically the same pattern as amendments.

At this stage the local authority's attention is also drawn to the provisions of section 35 ter of the Ordinance relating to the determination of an enhancement levy in the form of land and/or money or the determination of compensation. Both these aspects are dealt with by the local authority in full consultation with the owners concerned and if agreement between the two parties is not reached arbitration procedures are instituted to decide on the dispute.

When the prescribed period for the lodging of written objections has expired, copies of the objections with the Council's comments thereon are submitted to the Administration and in most cases where serious objections have been lodged, the town planners and Townships Board are approached once again. If an agreement regarding an enhancement levy is available, it is studied and submitted to the Administrator for a decision usually simultaneously with the amendment proposal. An amendment to a town planning scheme may be finally approved before the Administration is in a position to approve of the agreement on an enhancement levy at the same time.

All applications by property owners/developers/agents for amendments of a town planning scheme, should in the first instance be submitted to the local authority concerned. Should the local authority, however, be opposed to the proposal applied for, it will advise the applicants accordingly who then have the right to make

representations direct to the Administrator to exercise his power of amending town planning schemes. Such applications from the owners direct are referred by the Administration to the local authority for full comments whereafter the same procedure is followed as for an application agreed to and submitted by the local authority.

3.3.1.1.7. Departures from town planning schemes (section 57)

There are numerous instances where for very good reasons, it may not be possible to comply fully with the provisions of a town planning scheme but where it would perhaps not be justified from a planning point of view, to amend a scheme. In such cases nothing prevents an owner from applying to his local authority for a relaxation or departure from the town planning requirements.

If a relaxation is supported by the local authority, it is submitted on a properly motivated basis and where possible with a plan illustrating the intended contravention, to the Provincial Administration for approval. A considerable amount of discretion and common sense is required to judge whether such departure applications should be approved or not for a serious precedent is tantamount to amending a town planning scheme. Where an important planning principle is at stake, the Administration calls for a planning report and the matter is usually submitted to the Administrator for a ruling. Other cases are disposed of at departmental or administrative level by the Administration. A considerable amount of delegation of power has been made by the Administrator to certain local authorities to approve themselves, without reference to the Administration, of certain departures from town planning schemes.

When a relaxation has been turned down by a local authority, the applicant, if all his local efforts to make the council change its mind, have failed, has the right to lodge a properly motivated appeal with the Administrator. Such appeal is subject to a fee and on receipt thereof, the Administration consults with the local authority and on having heard its views on the matter and having approached its (the Administration's) planners and the Board for advice, submits the appeal to the Administrator for a ruling.

3.3.1.2. The planning itself

3.3.1.2.1. Town Planning Schemes

There being no specific requirements in the Ordinance as to the studies and investigations that should precede the formulation of a planning scheme, each local authority, be it a divisional council or

municipality, be it in a metropolitan, urban or rural area, is left to its own resources and know-how, guided in a very limited way by the Provincial Administration and its qualified yet restricted planning manpower. Writer dares to say that the standard of planning varies from local authority to local authority and from consultant to consultant. Data necessary for planning purposes has to be extracted from the country's census reports. It is only where joint planning has been embarked upon or where the results of limited regional research done up to now, are available that very rough and rudimentary higher order and bigger scale planning frameworks exist and are used as guides by planners for local authorities. Regional data essential for planning at all scales is very limited or non-existent because up to now regional planning in the true sense of the word is non-existent.

Generally speaking, the following studies are carried out in the course of preparing a town planning scheme -

- (a) Land use surveys and in the town centres also use of floor area on the different floors with an analysis of the types of business functions.
- (b) Age and condition of buildings, especially after inspection may have indicated areas ripe for redevelopment or urban renewal.
- (c) A survey of services and mapping of the major service lines and channels.
- (d) A land ownership survey especially where there are major land owners e.g. the State. Identify especially local authority land for possible allocation for public functions such as housing, parking areas and parks.
- (e) Land values especially in the central area and areas where redevelopment seems imminent.
- (f) Regional communications and resource orientation in respect of industry. A questionnaire to industrialists usually forms part of this survey.
- (g) A demographic study carried out by means of a questionnaire and by method of statistical sampling. Out of the result an age/sex table is computed in 5 year age intervals in order for comparison with the national average to be made. Numerous other conclusions are made e.g. division into main employment categories, family sizes, income groups and shopping habits, use of public amenities such as sportsgrounds, museums etc. Simultaneously, a careful traffic analysis can be made to determine daily trips, vehicle ownership, origin/destination of other trips, etc.

- (h) Out of this demographic study flows population projections from which the future needs for the following, say 20 - 25 years are calculated. Ideally speaking, a programme of space allocation phasing urban land use over say 5 yearly periods. should, but rarely, form part of the calculations.
- (i) Traffic counts are held on a sampling basis to determine volume of traffic at certain points especially during day time peak hours at the same time determining origin/destination of trips.
- (j) The traffic volumes along certain routes are also projected over the planning period (which incidentally is not prescribed by the Ordinance either) vis a vis the expected population growth and increase in urban amenities such as places of employment, shops, schools, etc. The improvement and widening of roads along certain routes and creation of new routes or by-passes are then planned accordingly.

The future land use results and improvements emanating from all these studies and projections are then indicated in different colours or notations on a zoning map to which landowners and developers will be statutorily bound. A set of planning regulations (final statement) accompanies and forms part of the zoning map. In these regulations detailed development control measures are prescribed for each of the zones shown on the zoning map. A set of the Provincial Administration's model regulations for town planning schemes forms Annexure G. The more complex the planning area is, the more comprehensive and sophisticated the planning regulations usually are. The model regulations referred to, can be seen as an elementary guide only.

As already mentioned, the way in which planning is undertaken may differ and this point is illustrated by the following examples -

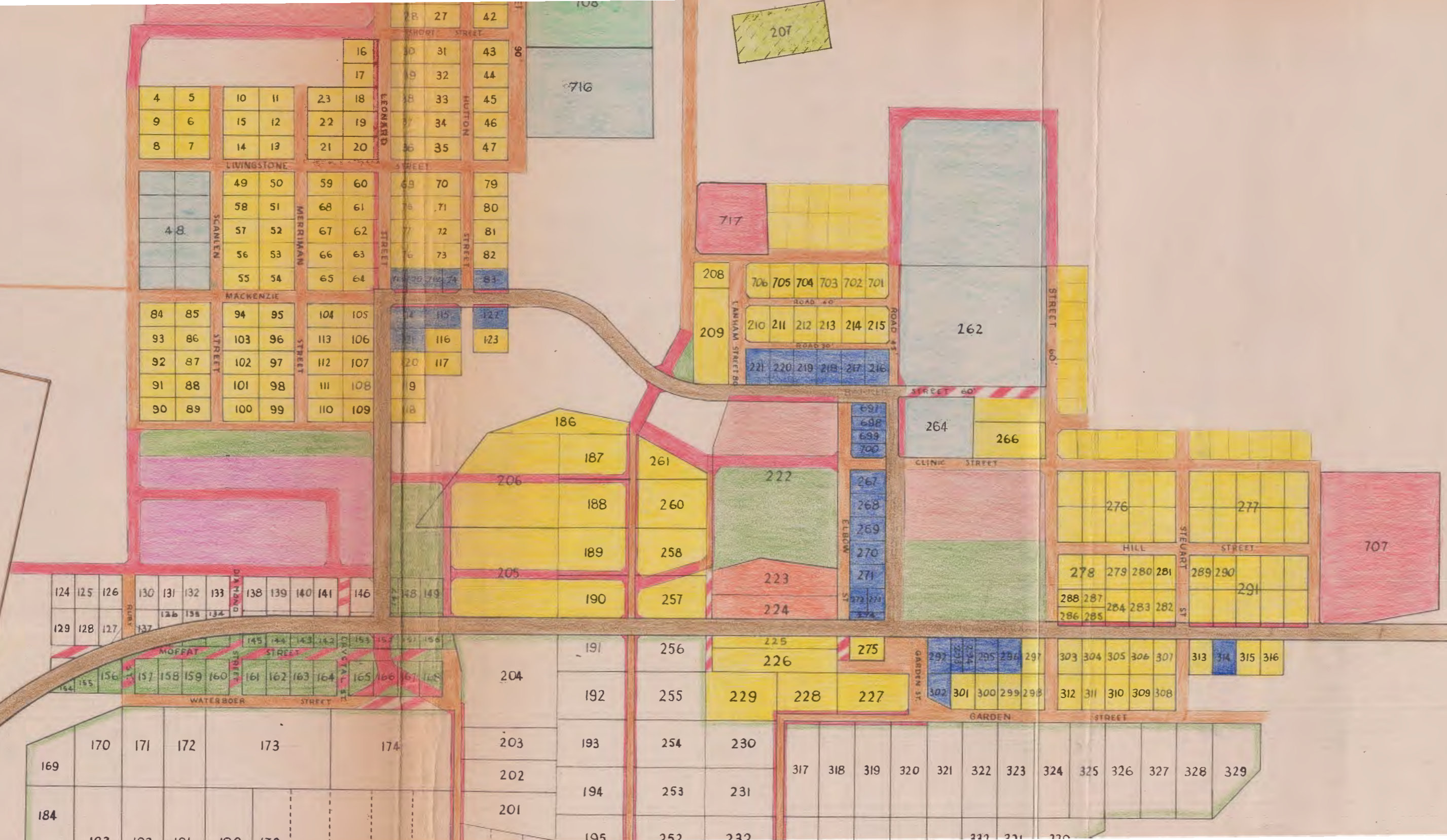
Example 1 (1967) A small inland town (e.g. Danielskuil)

In such a situation a town planning scheme is usually prepared by the Town Council itself assisted by a Provincial planner. The scheme virtually merely recognises existing land use on the zoning map and the planning merit of each development project mooted, is thereafter assessed as and when application is made. This position maintains until the time is considered ripe for detailed planning studies whereafter a revision of the scheme may be undertaken.

A typical town planning scheme for a small town is shown on Map No. 9.

KLEURLING GROEPSGEBIED
(PROC 50 van 23.2 '73)

BESTAANDE
BANTOEWOONBUURT
3



- SINGLE RESIDENTIAL
- GENERAL RESIDENTIAL
- EDUCATION
- BUSINESS
- PUBLIC OPEN SPACE
- PRIVATE OPEN SPACE
- GOVERNMENT
- LOCAL AUTHORITY
- INDUSTRY
- CEMETERY
- AGRICULTURE
- NEW ROADS AND ROAD WIDENING
- ROADS TO BE CLOSED
- ROAD CLOSURE REZ. TO P.O.S.
- MAIN ROAD
- OTHER ROADS

369	370	371
373	374	375
380	379	378
GLADST		
341	342	
350	343	
349	344	
348	345	
347	346	
ROUX STREET		
351	352	
358	353	
357	354	
356	355	

VICTORIA
429 430

Example 2 (1968) An extremely sought after large coastal holiday town outside a metropolitan area (e.g. Hermanus)

The Town Council commissions a firm of planning consultants to prepare a town planning scheme. They tackle the task briefly under the following headings:

- .. The town in the regional context
 - . The topography of the region
 - . Population distribution in the region
 - . Industry in the region
 - . Transportation in the region
 - . Recreation in the region
- .. History and physical aspects of the town
 - . History of town development
 - . The geology and soils of the area
 - . The topography
 - . The climate, flora and fauna
- .. Population and employment
 - . Population totals and projections
 - . Population changes 1921 - 1966
 - . Annual growth rates of various population groups
 - . The age and sex structure of the population
 - . Age and sex distribution - permanent and visitors
 - . Employment
 - . Nature of employment of economically active in sample
 - . The future population
 - . Permanent and holiday distribution
 - . Distribution of permanent and holiday population according to accommodation types
- .. Services and retailing
 - . Transportation
 - . Road traffic and accidents
 - . Public utilities
 - . Water
 - . Electricity
 - . Retailing
 - . Retail buying pattern: permanent residents and visitors
 - . Suggestions by shoppers for improvement of retail and other facilities
 - . Classification and floor space of retail establishments
- .. Factors which influence the planning of the town

- . Topography
- . The existing development
- .. Planning standards
 - . Schools
 - . Shopping
 - . Open spaces
 - . Off-street parking
 - . The balance between various uses
- .. Elements of the plan
 - . The residential zones i.e. special, intermediate, general
 - . Shopping and business
 - . Schools
 - . Open space
 - . The industrial areas
 - . The road structure
- .. Implementation
 - . Regulations
 - . Zoning map.

Example 3 (1969) A large area falling within metropolitan sphere and touching on a number of local authorities (e.g. The Cape Flats)

Planning resources (manpower and data) already pooled by means of a Joint Town Planning Committee tackle the planning and before a town planning map is presented, research studies are conducted under the following heads -

Place - Generalized land use.

- Drift geology - for natural resources such as silica sand, limestone and clay deposits.

- Agricultural land.

People - A population study for present growth and projections for future population for the metropolitan area.

- Residential patterns and needs.

Production - Survey of industrial development and trends.

- Allocation of land for industry.

- Relation of industrial to residential areas.

Services - Distribution - Retail centres and position in a hierarchy.

- Retail centres in relation to residential areas.

- Technical services.

- Public utilities.

Social needs - Schools.

- Health.

- Recreation.

- Cultural and religious.

Transportation - Journey to and from work - road and rail.

- Journey to and from recreation - road and rail.

- Transportation of goods.

Some of these studies were completed, some in outline form only, and others were postponed as being essential only for a later stage of the planning process. The collection of facts for their own sake was avoided and research for data on existing conditions and trends was motivated directly by the specific problems met with in the formulation of planning goals.

A preliminary report setting out the potential of the planning

area for urban development, the implications arising from this development and a schematic plan for a "viable" physical form capable of embodying and integrating the development, was prepared for the purpose of seeking policy directives from higher authority and thereafter formulating goals.

Having adopted certain assumptions, goals and objectives as a terms of reference, the planning body eventually produced a provisional town planning map, a generalized version of which appears as Map No. together with a statement dealing broadly with the following subject matter related to the area of study.

<u>Population</u>	Demography
	Increase of population
	Growth rates
	Migration
	Estimates of future population
	Planning districts
	Population density
	Shortfall of land for urban settlement
	Areas not available for Coloured residential settlement
	Areas partly available for Coloured residential settlement
	Potential areas for Coloured residential settlement
	Bantu population
	Combined needs of the two socio-economic regions affected by the planning area
<u>Form of development</u>	
	Early development of the planning area
	General form of development proposed
	Particular form of development proposed
<u>Central places</u>	Metropolitan central places
	Central places in the planning area
	Location of main intermediate centres
	Existing centres in the region
	Proposed intermediate centres for the planning area
<u>Communications</u>	The Arterial Road system
	The railway system
	Airways

<u>Land use</u>	Residential use
	Business areas
	Industry
	Open spaces
	Education
	Provincial general hospitals
	Sanatorium and mental hospital
	Institutions for the care of the Disabled and Others
	Cemeteries
	Sewage disposal
	Defence land
	Agriculture
	Silica sand deposits.

A typical town planning scheme for part of a metropolitan area is shown on Map No. 10.

Example 4 The old town planning schemes in the province

The majority of town planning schemes of days gone by, yet still statutorily in force to this day, were prepared on the basis of an upward projection (covering up to 20 years) of information obtained from a land use survey tempered by proposals made after an in loco inspection. The projections and proposals were then merely recognised by means of land use and density zoning on a map with rudimentary planning control regulations.

Example 5 Joint planning for coastal area (e.g. George/Knysna Lakes district).

Of late (1972) a joint town planning committee has been constituted in order to formulate a suitable plan whereby further development and subdivision of land in an ecologically and environmentally important and sensitive sub-region could be guided and controlled. This led to the preparation of a plan and report that provided the basis for a recreational land use classification of the area concerned and other parts of the Cape Coast. An excerpt from the classification is shown on Map No. 11 hereafter which should be read with the report on the classification system and which forms Annexure P.



EXISTING RESIDENTIAL AREAS COLOURED		OPEN SPACE		SEWAGE DISPOSAL	
PROJECTED RESIDENTIAL AREAS		CEMETERIES		ARTERIAL ROADS	
RESIDENTIAL AREAS BANTU		AGRICULTURE		EXISTING RAILWAYS	
INDUSTRY		GOVERNMENT AND PUBLIC USES		PROJECTED RAILWAYS	
INTERMEDIATE CENTRES					

GENERALIZED PLAN

Typical town planning scheme for part of metropolitan area.

N.B. THIS PLAN IS DIAGRAMMATIC AND NON-STATUTORY

Joint Planning: Recreational classification of a coastal area



- Red = Class 2: General recreation area
- Yellow = Class 3: Natural environment area
- Purple = Class 4: Unique natural area
- Green = Class 5: Primitive area (Wilderness and Transitional)
- Blue dot = Class 6: Historical and cultural sites

3.3.1.2.2.Subdivision/Township establishment

It seldom happens that a new township is established on its own i.e. as an isolated new settlement. (Exceptions are of course some coastal or recreational developments). Generally though, subdivision in the form of township establishment, involves extensions to existing towns or the conversion of nearby agricultural land into erven.

Where there are town planning schemes, zoning and planning regulations also control development in new subdivisions/townships in the scheme area. In the absence of a town planning scheme separate township conditions pertaining to each erf in the township are registered against the title of the property. Standard conditions in this regard generally correspond with the Provincial Administration's model regulations for town planning schemes already referred to (Annexure G).

In order to make out a properly motivated case for the need and desirability of subdivision a statistical analysis of the population growth in the area, the percentage undeveloped erven in the area, and prices of existing erven together with an indication of the location of the site and its distance from work opportunities and whether services are available.

After geological and topographical surveys have proved the land developable, the proposed layout of erven is evolved generally on the following lines once the type and density of development has been decided on -

- (a) Exclude unusable land. This generally means slopes of 1 in 5 and steeper, river banks and damp land to be protected in the form of public open spaces.

- (b) Determine the size of the developable land and calculate the number of erven on the rough basis of 5 erven per hectare. Based on approximately 4 erven per person, the future population in the township can be approximated after adding between 10% to 25% of the population on for those to be housed in flats, maisonettes or row housing. The amount of land to be reserved for business, government, church, school and public open space can be calculated according to normal standards. It is customary to group residential erven in cells of between 300 and 500 erven and orientate them toward their own small centre consisting of say 3 shops, a primary school, flats and its own system of formal park and other open spaces. As a rule of thumb 2000_m² would suffice for a church, 4 ha for a primary school, about 600_m² for the three shops and parking of 1200_m² at 30_m² per motor car on a suitably located site near the shops and church.
- (c) Sketch the hierarchy of traffic routes viz. regional roads of 30 m width; collector roads of 20 m to 25 m to channel traffic to the regional roads or central area. Collector roads are also usually bus routes and should therefore not have grades higher than 1 in 15.
- (d) Site the different functions in their relatively correct positions taking site suitability into account, e.g. schools and the business centre should be on reasonably level land, furthest dwellings not to be more than say $\frac{3}{4}$ kilometre from the school and shops and traffic to be channelled via collector/distributor roads to the most important internal and external functions. Access roads to erven not to be more than say 15 m.
- (e) Test circulation of residents along different routes, check that road gradients are in order, ensure proper stormwater drainage along streets avoiding "damming up" effect at street corners.
- (f) If a very large layout is involved, 3 to 5 residential cells can be grouped to form a neighbourhood/suburb with its own secondary school and higher order shopping centre which should fit in with the hierarchy of centres in the larger town pattern.
- (g) Alternative topographical features e.g. trees, streams, mountainous terrain should be suitably recognised and incorporated in the layout. Streets to be orientated so as to optimise use of winter sun but avoiding prevailing winds etc.

- (h) A guide from the Provincial Administration reflecting acceptable standard^{notations} and a schedule of endowments form Annexures H and I, respectively.

For a layout plan of a typical approved township, refer to Map No. 12.



LEGEND

- SINGLE RESIDENTIAL
- GENERAL RESIDENTIAL
- EDUCATION
- PUBLIC OPEN SPACE
- LOCAL AUTHORITY
- BUSINESS
- OTHER ROADS

TYPICAL TOWNSHIP LAYOUT

Part 43.4. Focus on aspects in the Western Cape that have a bearing on its future planning.3.4.1. Regional boundary of the Western Cape

With various researchers and institutions using different boundaries, the "Western Cape" region has never been clearly demarcated. Map No. 13 gives an indication of the whole area and some of the relevant boundaries. The widest demarcation is used with regard to African Labour policy, implying that in the area to the West of the "Eiselen Line" the African population should not be permanently settled and that for permanent employment preference should be given to Coloured labour. Taking a restricted view of the "Western Cape", the core is Economic Region 01 with two major additional Regions 04 and 05 on the outside.

Annexure J, table 1[∅], shows the 1970 population for these three Economic Regions. Defined as E.R.'s 01, 04 and 05, the Western Cape in 1970 had -

64% of the population in the area west of the Eiselen Line
 38% of the population of the Cape Province (excluding homeland areas)
 7,5% of the total population of the Republic.

This amounts to -

13,8% of the White population of the Republic
 45,8% of the Coloured people
 1,9% of the Asians
 1,1% of the Africans.

Of the total population in the region -

57,2% are Coloureds
 32,0% are Whites
 10,0% are Africans.

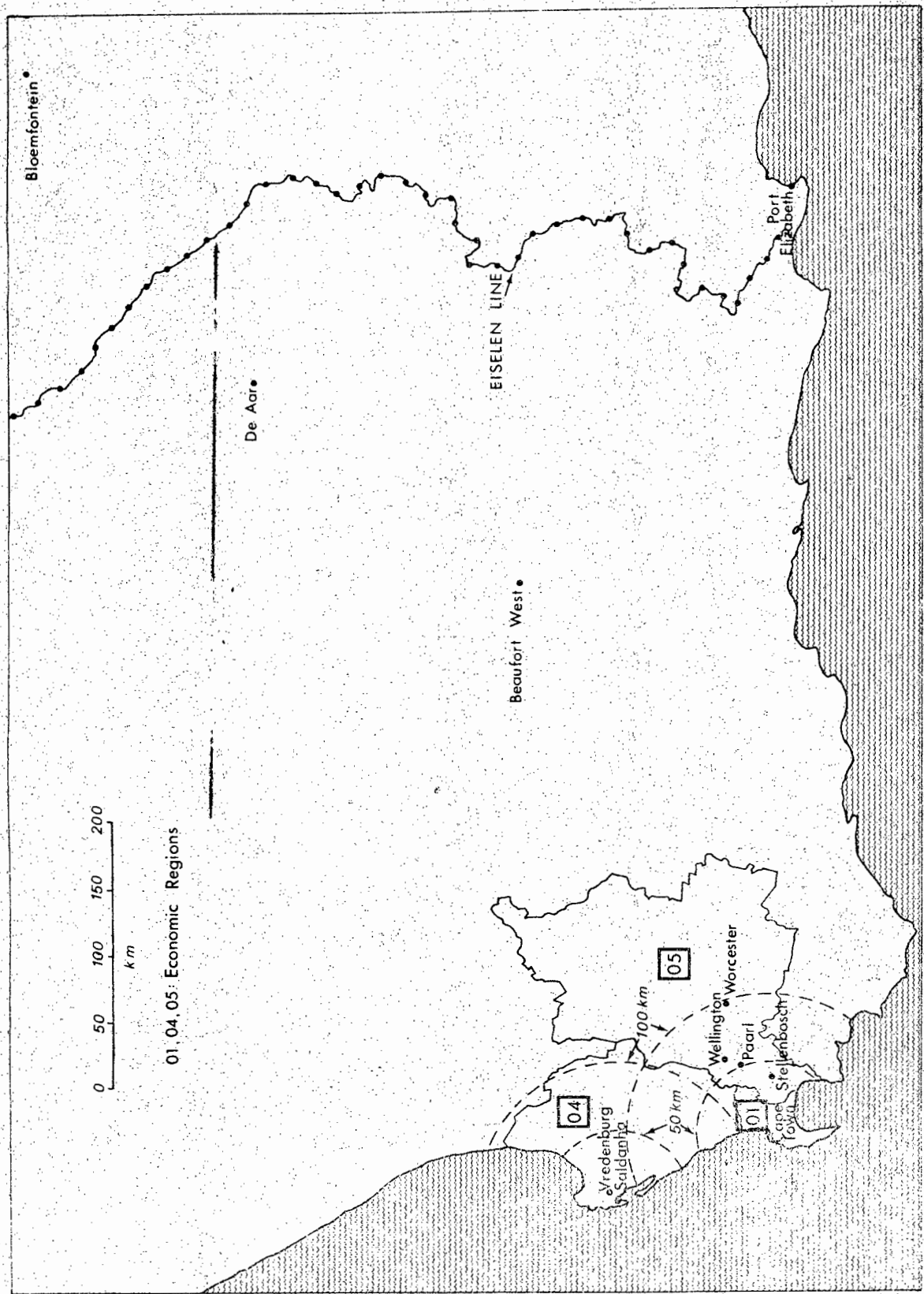
All these statistics writer feels are pointers to the importance of the area and are indicative of the need to declare it one of the top priority areas in which to concentrate planning effort.

3.4.2. Socio-economic characteristics of the Western Cape

Only limited empirical information is available from the 1970 census, with particular lack of regionally disaggregated data. The object of this section is, however, to outline broad perspective.

∅ All tables in Annexure J obtained from reference No. 12.

The Western Cape (Economic regions 01, 04 & 05)



3.4.2.1. Population pattern

Annexure J, tables 2 to 4, provide basic facts about the population of the Western Cape and its racial composition between 1951 and 1970.

The region has a mid 1973 population of 1,750,000 and it has been growing at an annual average rate of 2,9% and 3,3%, respectively, for the 1950/60 and 1960/70 decades, the Coloured growth rate being the highest and double that of the Whites.

Important regional differences occur with Cape Town (01) experiencing the fastest growth for all three racial groups.

In comparison with the average rate of population growth of the Coloured group for the country as a whole and for the Cape Province (about 3,4% for the 1960 decade), the average growth rate of 4,3% for Cape Town indicates a major migratory movement to the city.

For future development in the Western Cape the expected population growth and its regional distribution, is of considerable importance yet because of numerous variables determining fertility, mortality and migration, extrapolation is risky. However, a tentative extrapolation for the next two decades is shown in Annexure J, table 5, and is largely dependent on the following assumptions.

- (a) A substantially reduced growth rate of the total population in Cape Town.
- (b) A slowing down on the overall growth rate of Coloureds which is not fully reflected in the projected growth rates because of expected inward migration from the rest of the Cape.
- (c) Further increase in the African population of the area on account of perhaps the pull-effect of employment opportunities and the push-effect of unemployment elsewhere.
- (d) Rapid economic development in the South Western Cape (04) creating a strong sub-regional pull-effect related to expansion of major residential complexes economically dependent on Cape Town.
- (e) The Boland area (05) is expected to experience declining growth rates since new growth points may be situated outside the area while agriculture may further decrease in labour intensity.

It should be noted that notwithstanding the assumption of rather dramatic population growth in the South Western Cape, the relative share of population of the Cape Town region would only decrease from 67,5% in 1970 to 61,7% in 1990 while that of the 04 region would increase from 6,6% to 16,1%. The declining share of the Whites in

04 region is a significant factor questioning the possibility of such rapid development within that area.

3.4.2.2. Labour force and employment

A first approximation of the future growth of the labour force in the Western Cape, is given in Annexure J, table 6. The projections are based on the present available data and past trends as well as assumptions about changes which seem probable taking into account expected developments.

A breakdown of the employment structure into the economic regions, sectors and race groups appear in Annexure J, tables 7.1 to 7.4.

Significant trends which were obvious during 1960/70 have been extrapolated e.g. the stronger movement of Coloured workers into finance and commerce and out of agriculture. Adjustments of the current employment pattern are particularly significant in area 04 where an urban-industrial structure may be superimposed upon a rural-agriculture structure.

3.4.2.3. Composition of regional product and income

In Annexure J. table 8, data on the regional product for the Western Cape and thus its economic structure, is shown. While manufacturing, electricity and construction (i.e. the secondary sector) are dominant in Cape Town (31%) and the Boland (31,4%), agriculture is still responsible for almost half of the regional product in the South Western Cape.

The need for new growth points in the Western Cape, has sometimes been motivated by pointing out the unbalanced and lagging growth in the region compared to the country as a whole. However, the data in table 8 give no clear indication for such inference. But since it reveals nothing about the growth potential of the various sectors (in terms of employment and production) the lack of clear evidence is no proof to the contrary either.

3.4.2.4. Urbanization

The degree of urbanization in the sub-regions during 1960 and 1970 is shown in Annexure J, table 9. With Cape Town dominating in terms of population, the relatively low degree of urbanization of the South Western Cape is of less importance. Even within that area the degree of urbanization has increased significantly over the past decade.

Apart from increasing urbanization, the influx of people into the Western Cape region is significant for future development. This is part of a more general process of urbanization and the shift from agriculture to industry.

The relatively high rate of population increase maintained in the Western Cape over the past decade demonstrates the net immigration into the area.

Analysis^Ø of settlement data from 1936 to 1970 indicates an area of continuous growth stretching from Cape Town to Malmesbury, Ceres, Worcester-Robertson and along the south coast to Somerset West. This area has been the centre for immigration both within the Western Cape and the wider region. The Saldanha/Vredenburg/Langebaan area has not experienced such continuous population growth with only Vredenburg growing more rapidly. Closer investigation of the urban hierarchy in the Western Cape reveals the absence of any complementary metropolitan area to Cape Town. The next in rank as major country towns are Paarl, Worcester and Stellenbosch which are quite small compared to Cape Town and which do not have the potential at this stage to grow into major metropolitan areas.

3.4.2.5. The Western Cape in national perspective

The information presented in the previous paragraphs indicate that the Western Cape (ER's 01, 04 and 05) constitute

7,5% of the total population in South Africa in 1970

8,2% of its labour force

12,5% of the G.D.P.

10,8% of the personal income of the country.

However, Western Cape industry at present comprises relatively more lagging industrial sub-sectors and less dynamic sub-sectors than industry in South Africa as a whole.

The aforementioned trend is more significant if attention is paid to the labour intensity of the leading and lagging sub-sectors and to the possible impact of current policy of industrial decentralization and homeland development. Firstly, the sub-sectors with low growth expectations have in the past been relatively labour-intensive while those with a high national growth potential but with a small share in the Western Cape industry, are also relatively labour intensive. In addition these growth sectors reveal stronger

Ø Reference No. 12, page 33.

forward and backward linkage effects; which is significant for induced growth and the creation of employment opportunities. Secondly, present efforts to initiate industrial growth points inside or near the homelands, emphasize so-called "footloose" industries, where the proximity of the market of natural resources or of complementary industrial and service establishments is not so critical and where transport cost of the final product is low compared to its value. While the Western Cape has in the past attracted such industries (e.g. clothing and textiles), this will become more difficult in future due to cheaper labour in the new growth points and because of direct and indirect assistance to these areas within the policy of decentralization. So far only one growth point has been selected for decentralization benefits within the Western Cape in contrast with a large number elsewhere in the country.

In the absence of a broader industrial base and some major growth stimuli, autonomous growth of the regional economy may not be sufficient during the next decade or two to absorb the growing labour force at increasing levels of income.

3.4.3. Regional pattern of development in the Western Cape

3.4.3.1. Growth potential of Cape Town

The growth potential of Cape Town can be considered from an economic and from a physical perspective with a strong interrelationship between these and other (e.g. political) aspects. Relative to the overall area, total employment per capita production values and some other criteria of metropolitan development, Cape Town cannot be regarded as over-concentrated. Some regional planners regard towns of 300,000 inhabitants as of optimal size^Ø, but factors like the degree of differentiation required in a metropolitan area and world wide trends in urbanization, indicate dynamic regional centres of much larger size. The issue about the future growth of Cape Town, however, is not its absolute size, but the cost of expansion and the implications of its peninsular character. At present standards of land utilization and with current norms regarding conventional means and financing of transport, increasing problems seem to arise in commuting between residential and employment areas.

Ø Reference No. 13, Chapter 5.

Further expansion is dependent on factors such as the following -

- (a) Changing of standards and regulations with regard to housing densities, both for Coloureds and Whites.
- (b) A shift towards public transport induced by traffic congestion and changing cost relationships.
- (c) A changing pattern of location of industries and services within the Cape Town area.
- (d) The supply of funds from Central Government or local sources to improve the supply of housing and transport.
- (e) The growth of new industries in the secondary or tertiary sector.
- (f) An urgently needed comprehensive and fully integrated development ^{plan} policy for the whole of the Western Cape region.

The provision and cost of mass transport and housing might be regarded as two significant obstacles to further rapid development. Taking into account private as well as social costs and benefits, it is difficult to establish clearly the effect of higher population densities - some cost elements increase rapidly with higher densities while other elements show decreasing cost per residential unit or suggest indirect benefits of concentration in the form of better qualities of social and cultural amenities.

Much will also depend on the location of new stimuli or growth industries. The proposed developments in the Saldanha/Vredenburg/Langebaan area may be of significance for Cape Town since the combination of the major projects and their combustion effect might create significant spill-over effects for the Cape Town economy. At the same time a new growth point with heavy industry base might decrease the migratory influx into Cape Town relieving the city of some of the burden of higher population density.

3.4.3.2. Alternative lines for expansion

With joint town planning co-ordinating only some aspects of forward planning and not even always effectively so perhaps in the absence of an effective metropolitan administration^Ø and due to the diversity of local and provincial authorities and Government departments, forward development planning is complicated. This makes it difficult to obtain clarity about the locational aspects of expansion. The following five trends seem to be crystallizing out but naturally have

Ø For research undertaken in this regard in respect of Cape Town, see Reference No. 14.

to be thoroughly tested through further planning studies on a comprehensive basis -

- (a) North-eastward development along the Cape Town-Paarl axis i.e. towards Milnerton, Durbanville, Kraaifontein, etc.
- (b) South-easterly development of the Cape Flats.
- (c) Raising density of living in the central city and some of its inner suburban areas.
- (d) Northward development in the direction of Milnerton/Bloubergstrand and Mamre/Silverboom.
- (e) The evolution of a new growth point in the Saldanha/Vredenburg/Langebaan area which may in the long term play a significant role in the evolution of a Western Cape growth axis.

3.4.3.3. Recapitulation of planning problems^Ø

3.4.3.3.1. General physical problems

The main physical problems, created largely by expansion and economic forces, and normally more acute in the modern metropolitan area, but common to all large towns, are here classified under several interrelated headings; these include -

Geographic conditions -

Topography and geology, climate, natural resources, etc.

Transportation -

Spectacular increases in vehicle volumes and advances in all modes of travel have and will continue to influence urban form and decentralization.

Land use -

The maintenance of a balanced use of land in response to a multitude of ever changing factors, with flexibility to meet conditions of rapid growth and change.

Services and utilities -

Water supply is, and will probably remain of overriding importance with desalination and re-use of water becoming real prospects for consideration as alternate sources. Nuclear power generation is not far off and its advent will create many new problems.

Communal facilities -

Disposition of residential, commercial and industrial activities will have a decided influence on and be influenced by the

location, character, and treatment of community facilities. Facilities to be considered in this context cover a wide range and include public buildings to house administrative, educational, cultural, recreational, health, safety and service needs; public works and utilities to provide water, power, heat, light, communications, sewage treatment, flood control, and transportation; and public open space for parks, playgrounds, malls and landscaping.

Natural amenity -

Preservation and prevention of despoilation of natural amenities, and avoidance of water and atmospheric pollution.

Housing -

Provision of sufficient and suitable homes for all sections of the population, constitutes a major national as well as local problem.

Urban renewal -

The timely elimination of depressed and derelict areas and the prevention of premature decay.

3.4.3.3.2. Specific metropolitan problems

Problems of physical extension

Features such as mountains, rivers and seaboard which allow restricted but adequate accessibility for small scale development, cause problems in overall accessibility with growth on a metropolitan scale. For example, topographically induced linear urban shapes necessitate tenuous transportation linkages, restrict optimum location of land uses and increase costs of services.

As the city expands, intrusion into relatively undeveloped rural areas is accelerated through continuous growth in ownership of the motor car. In such circumstances the need to preserve natural amenities, protect them from despoilation and conversion, becomes more and more acute.

Extended size and the progressive spread of urban development render some degree of decentralization inevitable in a metropolitan area. Decantation of certain activities no longer appropriate to the central city area, is a natural ecological process.

Similarly, transportation systems based mainly on the needs of separate independent communities are no longer effective. With economic regional integration and the widespread movement of persons and goods throughout the area, a comprehensive and efficient

transportation system is essential, not only between urban centre and sub-centres, but also between and within sub-centres themselves.

Social problems

The concentration into a metropolitan complex of hundreds of thousands of persons having the relatively easy spatial mobility which modern means of transport allow, could lead to serious social disorganisation within such an area.

The anonymity resultant on mass congregation and the diminution of human scale caused by massive development tend to break down the informal social groups essential for communal welfare. Not surprisingly, such tendencies have often been cited as basic causes for many social problems associated with city life.

Social relationships may indeed provide some of the most intractable of all metropolitan problems. Of what purpose will it be to the thousands who seek the metropolitan way of life if the quality of their community life is degraded even while their material life prospers? Cities and towns are for people and the interests of society must be paramount.

In vast residential areas a major task is the avoidance or elimination of sterile, functional and structural uniformity and the development of new and richer forms and groupings for single family units.

Industry and metropolitan growth

More than any other factor it is the technological revolution and the attendant growth of manufacturing industry that provide the economic base for the emerging metropolis.

Dependent as they are on many factors, the location and extent of industrial development cannot be judged solely on physical criteria. The problem touches almost every aspect of the country's economy, and is connected with social, strategic, political and even psychological factors, any one of which could have powerful influence on the growth and development of the country as well as the region. Consequently excessive or overdue emphasis on one aspect, without due consideration of the others, could have serious repercussions; a balanced synthesis is essential. One thing is clear, one cannot afford the luxury of an ad hoc and compartmentalised approach - however efficient the machinery of co-ordination.

Public utility services

In the field of public utility services South Africa is perhaps more fortunate than many other countries confronted with problems of metropolitan growth; here public services such as hospitals, schools, police protection, electricity, cemeteries, water supplies and communications are the responsibility of public or quasi-public authorities competent to plan and provide these facilities on an area-wide basis. Rail transportation and communications, public assistance and welfare, are national responsibilities, while significant contributions, both in regard to finance and planning, are made by the Central Government in respect of arterial roads and low-cost housing.

Many urban services, however, are seldom organised on an effective regional basis; notable examples are fire protection, refuse disposal and sewerage systems. Sewerage and sewage disposal, provided originally to serve separate communities, often present major problems as urbanisation reaches metropolitan scale. Apart from the cost of conversion to rational systems based on natural topography and efficient disposal and treatment areas, attempts at the rationalisation needed to cope with widespread urban growth are frequently frustrated by well-nigh insuperable obstacles which arise from separate local administrations and sectional interests.

Similar complications also occurs in the provision of nature reserves, beach amenities and other recreational space needing area-wide provision.

General maps

The following general maps of the Western Cape illustrate -

- (1) Agricultural land use and land above the 100m contour line (i.e. mountains presenting a physical barrier to development)(Map No.14).
- (2) The existing road and rail network serving the region on the seaward side of the mountains. (Map No. 15).
- (3) A possible regional structure for the Western Cape coastal regions and the 1960 per capita gross geographical product. This indicates a wide range in productivity and a core-periphery structure. (Map No. 16).

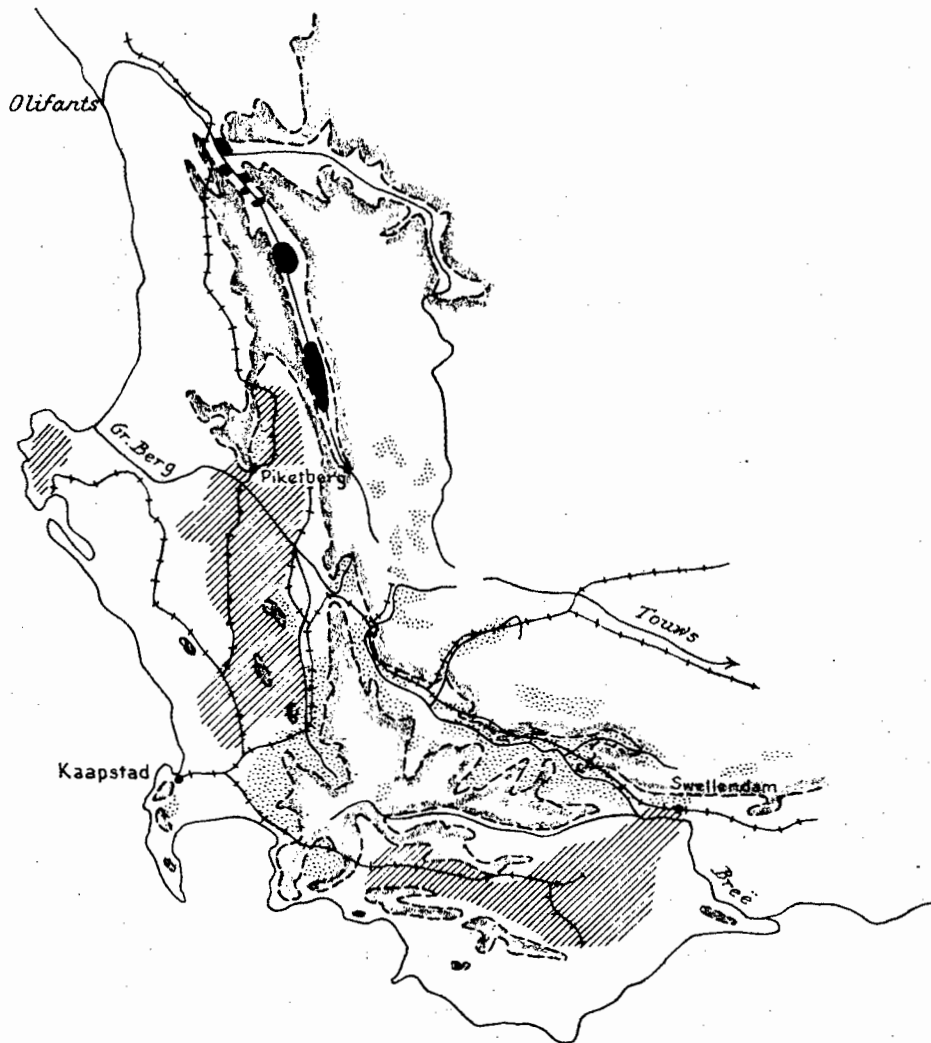
SUIDWES-KAAPLAND • SOUTH-WESTERN CAPE PROVINCE

Map NO.14.

TOPOGRAFIE EN LANDBOUGGRONDGEBUIK
TOPOGRAPHY AND AGRICULTURAL LAND-USE

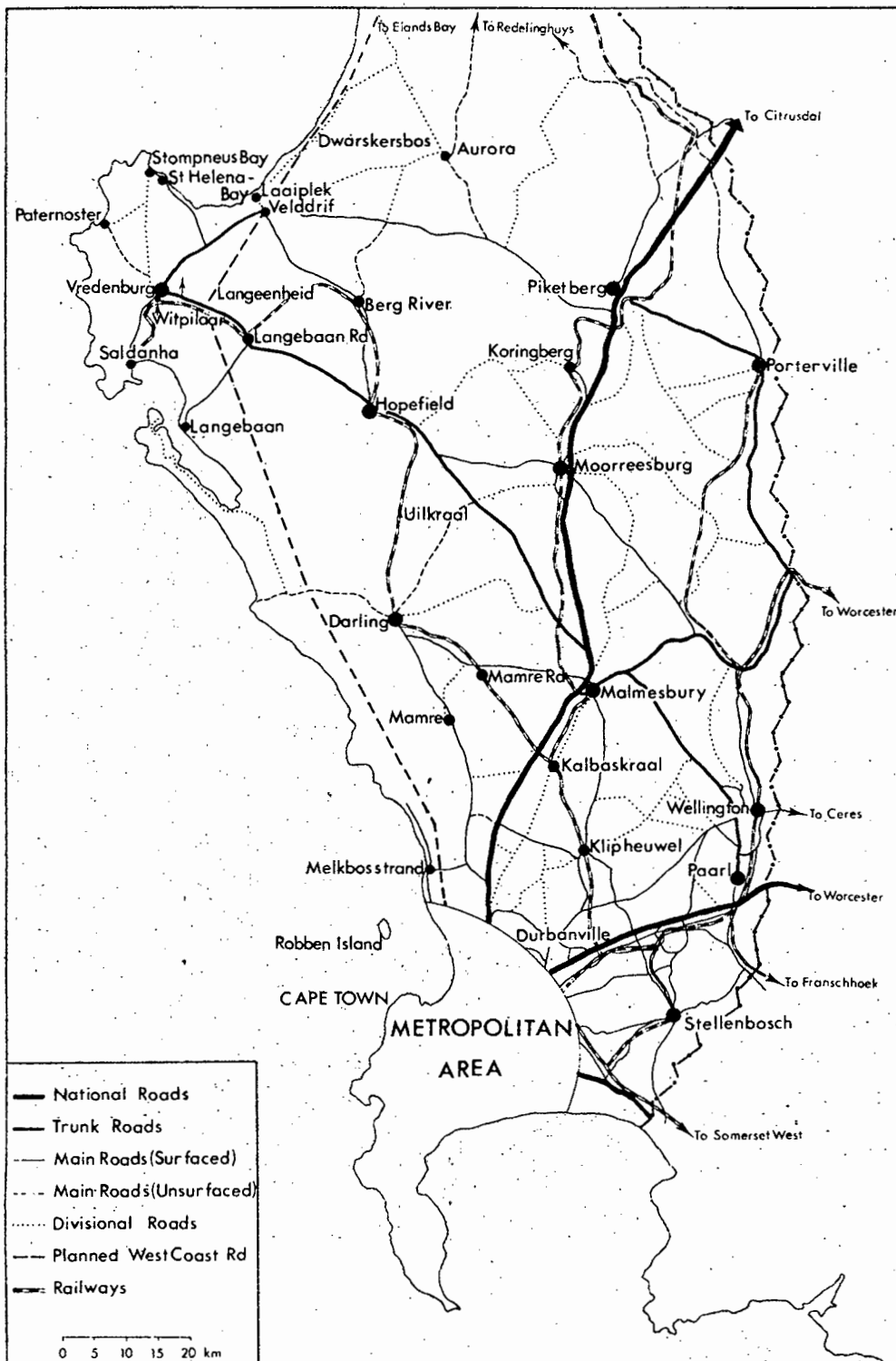
(Volgens/After M.Cole : South Africa, 1961)

Myl 10 0 10 20 30 40 50 Miles



- | | | |
|---------------------------|---|-------------------------------|
| Koring |  | Wheat |
| Sitrus |  | Citrus |
| Wingerde en Sagte Vrugte |  | Vineyards and Deciduous Fruit |
| Grondoppervlakte bo 1000' |  | Land Area above 1000' |

Road and Rail Network : Cape Town-Saldanha Region



WESTERN CAPE COASTAL REGIONS

REGIONAL STRUCTURE AND PER CAPITA GROSS

GEOGRAPHICAL PRODUCT (1960)

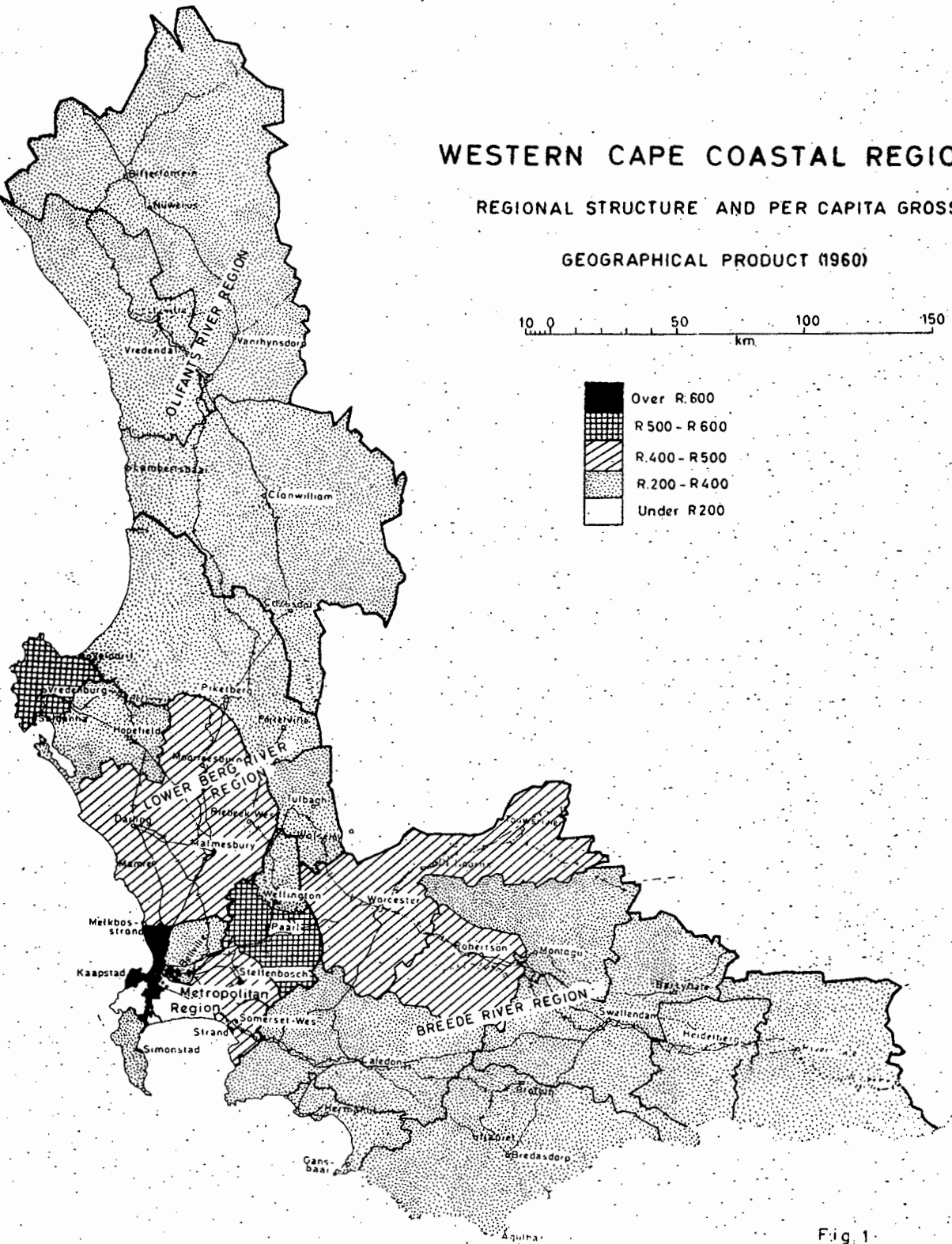
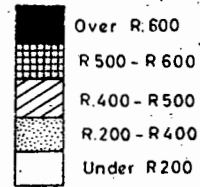
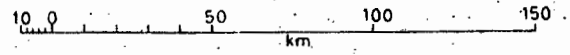


Fig. 1

SECTION 4

AN EVALUATION

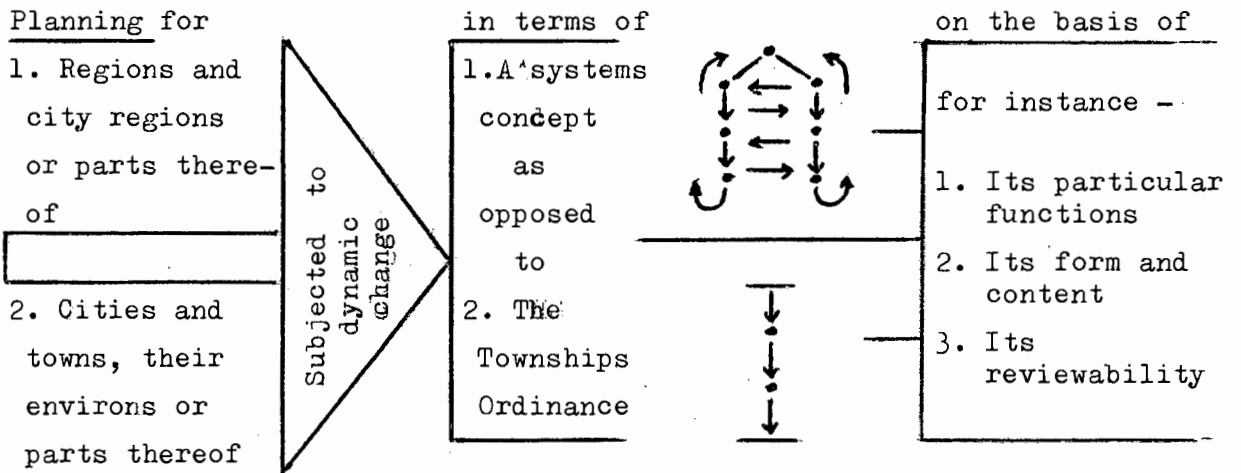
Part 1

The criteria selected for evaluation

The writer wishes to accentuate 2 important planning criteria that he feels are rather apparent from the foregoing sections, namely

1. the scale of planning and
2. the system of planning.

It is the intention to attempt an evaluation of



and where necessary, picking up the legal/administrative/organizational links of the planning chain for evaluative purposes especially in so far as the chain is at present anchored to the Townships Ordinance. Writer is not going to try and geographically or otherwise define "Regions/City Regions/Cities/Towns/environs and parts thereof" other than by saying that the Western Cape (ER's 01, 04 and 05) could for certain purposes be regarded a region embracing a city region, a city, towns as well as their environs and parts.

Part 2.The evaluation4.2.1. Planning for regions and city regions or parts thereof
(Regional plans) in terms of a systems concept4.2.1.1. Functions

A regional plan performs the following closely related functions -

- (1) Interpreting national and regional policies: It must be prepared within the framework set by national and regional policies. It interprets these policies in terms appropriate to the area in question.
- (2) Establishing aims, policies and general proposals: It should contain a statement of the planning authority's aims for the area and the strategy, policies and general proposals which are designed to achieve these aims.
- (3) Providing the framework for city and town plans: Just as regional plans are prepared within the context of national and regional policies, so they set the context within which local plans must be prepared. Thus the broad policies and proposals in the regional plans form a framework for the more detailed policies and proposals in city and town plans.
- (4) Indicating areas requiring priority treatment.
- (5) Providing guidance for development control for items of regional importance.
- (6) Providing basis for co-ordinating decisions: The preparatory stages of the plan will provide a forum for discussion between the various committees who deal with e.g. housing, roads and open spaces. They will also offer an opportunity to bring together, through consultation and negotiation other public bodies who are likely to be concerned with important aspects of the plan. Later the plan itself will provide a co-ordinated basis upon which these various interests can develop the individual programmes of work for which they have executive responsibility.
- (7) Bringing main planning issues and decisions before the higher level of authority and public: The regional plan will be the means of bringing the planning authority's intentions and the reasoning behind those intentions, to the attention of the higher authority and the public.

4.2.1.2. Form and content

The following schedule indicates the range of subject matter generally appropriate to written statements and supporting information presented with a regional plan.

<u>Heading</u>	Included in written statement and supported by fuller argument in the report of survey where appropriate
1. Introduction	Brief description of component documents and supporting documents Arrangement of the written statement.
2. Area of the plan	Existing structure i.e. social, economic and physical systems of the area.
3. Context	National and regional setting Sub-regional framework.
4. Aims	Statement of aims.
5. Strategy for the area	Reasoning:- description and comparison of alternative strategies examined, e.g. evaluation against stated aims, comparison with resources likely to be available Explanation of chosen strategy:- policies and general proposals on the scale, distribution and form of the development or other use of land relationship between policies interim policies on unresolved issues priorities, linkages in timing, co-ordination of agencies relationship to general proposals in neighbouring areas.
6. Sub-areas and priority areas	Description of sub-areas e.g. central area of town, coastal area Amplification of policies and general proposals related to sub-areas Priority areas: priority, location, cost, agency, justification for priority.
7. Subjects of the plan	Population Employment and income Resources Housing Industry and commerce Transportation Shopping Education Other social and community services

Recreation and leisure

Conservation, townscape and landscape

Utility services

Other subjects, e.g. minerals, agriculture, etc.

As far as subjects of the plan are concerned, there will be complex interrelationship between them and the treatment of these will require additional explanation in the regional plan. The plan will cover long periods and the degree of detail with which subjects are treated will vary. For the earlier stages of a plan, the full range of matters will usually be dealt with but as the plan looks further ahead, it will not be possible for all detailed aspects to be distinguished and the treatment will be more generalized. The reader is referred to Annexure K in which examples^Ø have been used freely to illustrate the range of matters that will be relevant to many plans for regions and city regions. The examples are intended to be a general guide and should not be taken as a comprehensive checklist.

Whilst survey techniques are not prescribed, the guiding principle is that the statement should contain a description of the methods used in the collection and evaluation of data in sufficient detail to demonstrate the validity of the basis for decision. It is an essential discipline in the preparation of the plan to ensure that what is proposed is realistic and the plan should demonstrate that as far as can be foreseen.

4.2.1.3. Reviewability

Since policies in the regional plans are stated in broad terms, allowing for some freedom in the way the detailed implications are worked out, it will not be necessary to amend the plan or bring it up to date very frequently, provided of course that the policies are soundly based. Frequency of review is at the discretion of the planning authority informed by continuous monitoring of change affecting the area which may call in question the assumptions on which the plan is based.

The higher authority, however, retains the right to direct an alteration of the plan.

Regional plans will not be related to a fixed end date but will

t

take account of the time factor by high-lighting short-term priority projects, summarising the stages of implementation, setting out its population projections at 10 year intervals based on projections by e.g. the Department of Statistics and the open-endedness of some policies in the plan.

4.2.1.4. Note

Examples of types of regional plans formulated on the basis of the above described process, are numbered 2 to 7 at the end of Section 2 of this document.

4.2.2. Planning for cities and towns, their environs or parts thereof (city and town plans) in terms of a systems concept

4.2.2.1. Functions

The following closely related functions are common to most city and town plans and are complementary to certain functions of the regional plans.

(1) Applying strategy of regional plan.

City and town plans must conform generally to the approved regional plan, they will develop the policies and proposals in it showing as precisely as possible the changes proposed in the development and other uses of land.

(2) Providing detailed basis for development control.

The broad guidance on development control in the regional plan will be refined where city and town plans are prepared. This will give more precise information to developers by allocating sites for particular purposes, by defining areas to which particular development control policies will apply, and by explaining those policies in terms of standards and other criteria.

(3) Providing basis for co-ordinating development.

The planning policies and proposals in city and town plans will be used as a basis for co-ordinating public and private development and expenditure over the areas covered by them.

(4) Bringing local and detailed planning issues before the public.

While the regional plan is intended to bring before the public matters which affect the region as a whole, a city or town plan will be concerned to draw their attention to more detailed planning issues in parts of the region; it will do so in terms that it will inform property owners and developers how their interests will be affected and where the opportunities lie.

4.2.2.2. Form and content

In all cases they will contain a map that demonstrates the land use implications of the policies and proposals in the plan. It does not aim to give a comprehensive picture of all land uses at some date in the future but defines only those sites where the local authority is committed to change of specified nature. It identifies the areas within which specific development control policies are to operate.

A written statement will be needed to describe the background of the plan, the decisions it contains and how they were arrived at. It should contain an account of the area as it is now, an analysis of its problems and assets, a summary of the prospects of change and the alternative forms it might take in conformity with the regional plan. A full exposition of local policies, proposals and standards under appropriate headings of use or subject will be given. The guidance to private developers will be more selective in character but it should at least be specific on e.g. the quantity of uses to be provided, standards to be achieved, fixed access points and other matters not open to negotiation. All information should be realistic and reliable.

The order in which it is intended that interdependent proposals in the plan will be carried out and how they fit in with other areas must be shown rather than programming proposals to specific dates.

The statement will indicate whether short term action is to be undertaken by the local authority, by other public authorities, by private developers or by a combination of these and powers that may have to be used to carry out proposals shall be listed.

4.2.2.3. Reviewability

Because city and town plans will be more detailed, precise and usually of shorter term than regional plans, they will become out of date sooner and may require to be altered, reviewed or replaced. Normally the decision regarding these matters, rests with the local authority - though they may be directed to take action by higher authority - and they will be guided by trends in the area and by the need to take account of the consequences of any alteration of the regional plan.

4.2.2.4. Note

Examples of types of city and town plans formulated on the basis of the above described process, are numbered 2 to 7 at the end of Section 2 of this document.

4.2.3. Town, city and "regional" planning in terms of the Townships Ordinance

4.2.3.1. Town planning schemes for towns

Town planning schemes, as they have been approached in terms of Chapter 4 of the Ordinance, overwhelmingly display concentration on the physical occupation of two-dimensional space. They seem to confine themselves to broad areal differentiation. Whilst physical descriptions of space are valuable, they are open to a series of substantial objections:

- (1) They are dependent on crude classifications of land use which are often arbitrary.
- (2) They tell little about the distribution of residential and working populations so important in transportation planning.
- (3) They are not incremental or dynamic and are based on past standards and associations.
- (4) They are small town oriented providing a framework of analysis which might do for an uncomplicated simply structured small urban area, but are not adequate for the planning of city regions.

4.2.3.2. Town planning schemes for cities

In a similar manner planning in terms of the Ordinance for large cities has been concerned very much with land areas resulting in the city being treated to a large degree as an extension of local planning. There has been insufficient awareness of the need for different methodologies, techniques and planning policies on a city region scale as opposed to those practised on more localised and detailed scales of planning.

Three concerns are implicit in this type of planning:

- (1) To ensure a good quality of environment partly as a reaction to the nineteenth century industrial city. This results in a system of control over activities occupying land so that undesirable associations, juxtapositions and relationships are avoided and desirable ones promoted by zoning.
- (2) To allocate land in order to prevent waste, premature or partial use or to relieve overcrowding i.e. to provide the right amount of space for the right purpose at the right time.
- (3) To phase growth in order to guide the location and programming of both public and private investment in sewers, drains, water supply, electricity, communications, roads and public transport.

Unfortunately, when this essentially local approach is applied to a city region, it runs into considerable difficulties as it is preoccupied with the local environment and land allocation.

But in actual fact on the scale of a city region -

- (1) the first concern is not very relevant,
- (2) the second is more difficult to accomplish as planning moves from the local to the city level, and
- (3) the third idea of a meshing of development and investment opportunities is absolutely crucial but is neglected.

Overall the result is a "master plan" approach where a grand design is produced, a snapshot of the future city twenty years hence with all its parts properly arranged. In actual fact this type of plan cannot effectively anticipate and cater for the growth of a large urban area. It is too inflexible and inappropriate particularly when applied to a large city and too unwieldy for quick revision. The city is viewed as a static arrangement of patterns of land use twenty years hence. Unfortunately, this type of plan does not necessarily promote good environmental qualities although it may prevent the worst abuses.

4.2.3.3. Joint planning

Should it be deemed expedient for two or more local authorities to act jointly (by the constitution of joint committees) in the preparation or adoption of a joint planning scheme, section 33 of the Cape Townships Ordinance enables such joint action to be required yet the same provisions in the Ordinance relating to town planning schemes as discussed above, pertain to joint schemes which up to now are the only existing statutory means or opportunity for planning verging on metropolitan and regional scales in the Cape.

The following weaknesses are inherent in this system:

- (1) Joint town planning schemes have no defined terms of reference in the Townships Ordinance as are provided for town planning schemes in the Second Schedule to the Ordinance.
- (2) The Townships Ordinance makes no specific provision for the implementation of Joint Scheme proposals, it relies entirely on the local authorities concerned and the Provincial Administration.
- (3) Joint Committees in terms of their budget and financial system, have found themselves unable to pay for metropolitan or regional planning.

- (4) There tends to be a duality of responsibility of the technical staff to both a Joint Committee and the local authority which they represent and this makes it difficult for communication with e.g. the Press.
- (5) Participating local authorities tend to be concerned with their own areas rather than the whole.
- (6) Joint schemes are in reality only advisory as they depend on the Provincial Administration for implementation in its capacity of overseeing authority. Also the Provincial Administration cannot always ensure that all local authority proposals of regional significance come before the Committee and as a result the Committee is unable to co-ordinate regional developments.
- (7) Because of their higher authority status, Government bodies cannot be bound by plans or resolutions passed by Joint Committees, a factor which is a serious setback to efficient planning.

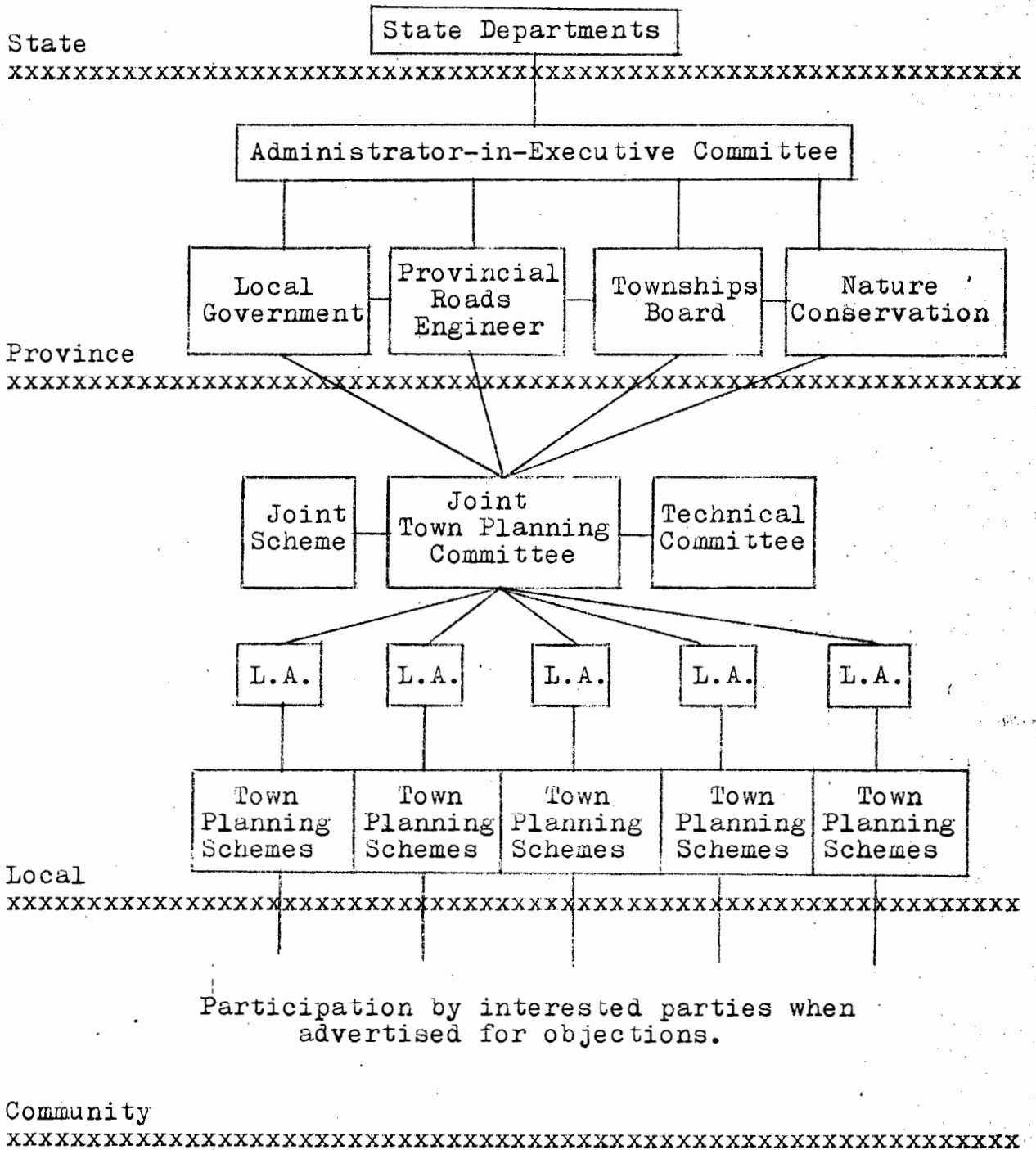
However, joint planning does seem to have the following positive aspects:

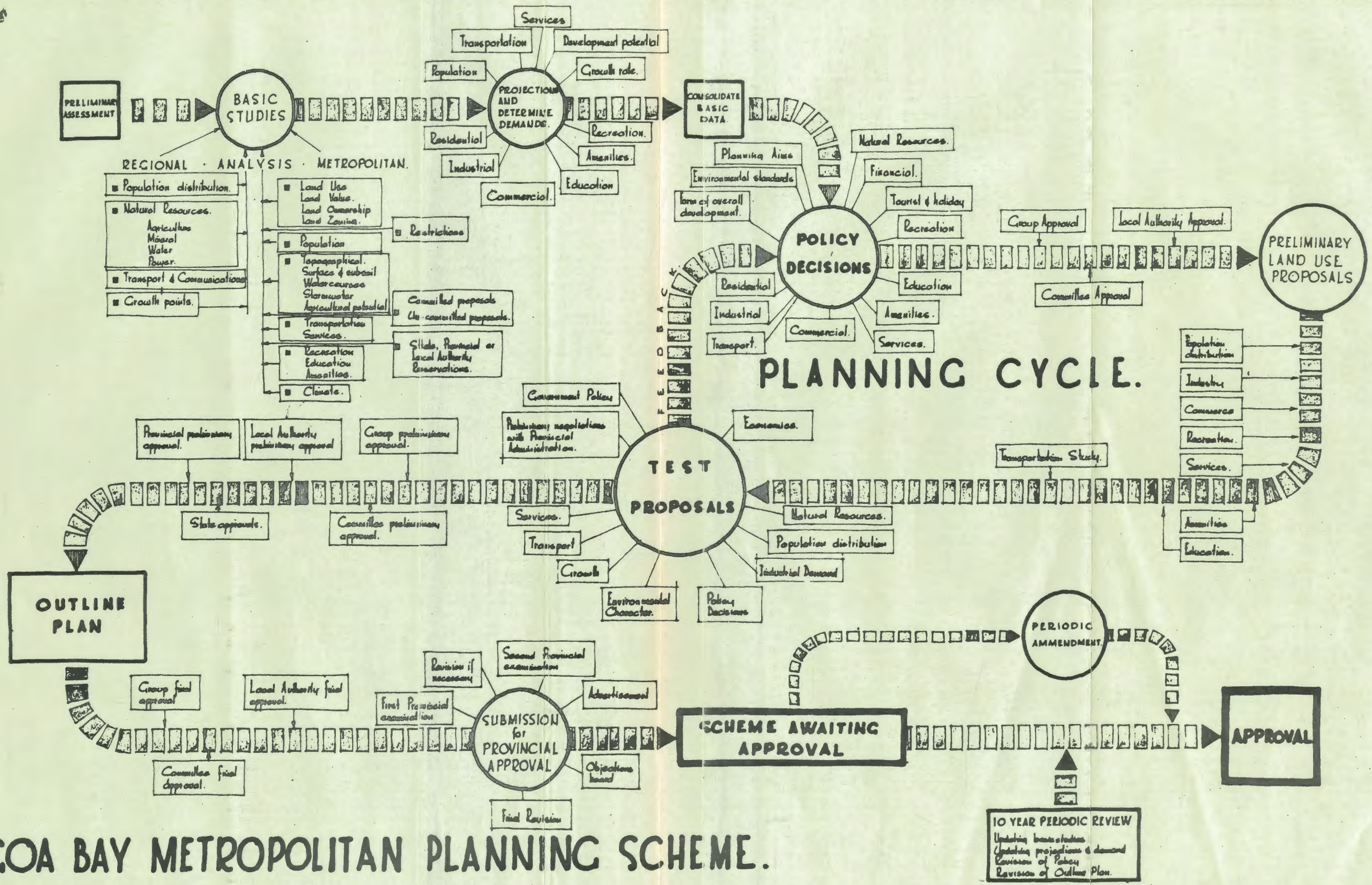
- (1) The technical sub-committees of Joint Town Planning Committees manage to liaise between all levels of government.
- (2) Co-ordination of local authority plans and the solving of particular problems by the establishment of special sub-committees can be accomplished.
- (3) It caters to a degree for the democratic process and the vital concern of local authorities with planning as well as the vital need to involve local authorities for success and effectiveness of plan implementation.
- (4) It serves as a platform for expressing the views of local authorities which is an important and necessary function.

The structure of the existing Joint Town Planning System is illustrated in the following diagram, No. vii.

The flow chart in diagram No.viii indicates the procedural system through which the Greater Algoa Bay Metropolitan Planning Authority is channeling its joint planning efforts. It must be realised that the aforementioned body, although its name does not indicate so, is in fact a joint town planning committee constituted in terms of the Ordinance and functions within the framework provided by the Ordinance. To writer's mind this flow chart indicates that a systems approach is possible if the Ordinance is used correctly but certain modifications to the Ordinance that will be discussed later, are necessary in order to bring out the best in such an approach.

Diagram vii - Structure of existing Joint Town Planning System





ALCOA BAY METROPOLITAN PLANNING SCHEME.

PLANNING PROGRAMME NET.

4.2.3.4. The planning methodology assessed

4.2.3.4.1. The decision to adopt planning

Although the Ordinance does make it possible for the Administrator to compel local authorities at all the above scales to embark on planning schemes, the preparation of schemes have taken place largely on a voluntary basis and mostly at local urban scale with only a handful of joint schemes i.e. in the major metropolitan areas and certain rural coastal areas of the Province. The hesitancy of the Provincial Administration to apply pressure on unwilling local authorities can be understood in view of especially -

(1) The lack of financing provisions

Local authorities are given powers to raise loans for carrying out the purposes of a scheme. The capital sums required are so enormous and often have to be spent so much in advance of the time when the improvements have become absolutely essential that local authorities with all the other demands on their resources, sometimes ~~sometimes~~ find it impossible to raise the money if the interest and redemption is to be met out of existing revenue. In many cases proposals are held in abeyance and properties are kept reserved for the scheme for many years. In other cases very vital proposals are abandoned for fear of the financial consequences. Schemes therefore tend to be more timidly prepared than the situation requires and than would be the case if the local authorities and planners knew that sufficient funds would be available to implement purposeful positive schemes.

(2) Difficulties with the planning organisation and staff

Every local authority of any size has departments for the administration and implementation of the major functions and services for which it is responsible.

It is universally recognized that land use planning has become one of the most vital activities of a local authority and that planning decisions (or their absence) often have more far reaching consequences than most others a council has to make. Land use planning is of equal importance to a local authority as financial planning - in fact the one depends on the other.

Most local authorities have no qualified planning staff whatsoever. Their schemes are prepared by consultants for a taxed fee and they can only do a limited amount of work in preparing the scheme and piloting

it through its various stages toward approval. At this stage or even earlier, the consultant of necessity moves on to other fields.

In the state in which the consultant leaves it, however, the scheme is still in its infancy. The most important and possibly the most difficult parts of the work still have to be done: the drawing up of detailed proposals for all parts of the town to fit into the broad framework which is all that the planning scheme is at this stage; the preparation of a programme for implementing the planning proposals; the periodic reassessment of the objectives of the scheme itself in the light of changing circumstances and last but by no means least, the examination of all proposed development, whether undertaken by private individuals or by the local authority itself to ensure that it does not merely comply (in the negative sense) with the planning regulations but that it positively contributes to the development of the town as the coherent, harmonious co-ordinated entity which the scheme should endeavour to make it.

This requires that the official charged with the planning function must have training and experience including those aspects of each of the disciplines which affect planning and that he must be able to co-ordinate the work of the various specialists who may have to be called in.

Yet the administration of the scheme as left by the consultant, is often delegated to an official with no such qualification whatsoever.

No wonder then that the planning effort in the Province has been concentrated in the metropolitan centres and the bigger local authorities in both urban and rural areas where their organisations provide for specialist administrative and professional planning personnel.

4.2.3.4.2. Planning function and content of plans

The only reference to planning function in the Ordinance is the general requirement that -

"35(1) Every town planning scheme shall have for its general purpose a co-ordinated and harmonious development of the area of the local authority to which it relates (including where necessary the reconstruction of any part thereof which has already been subdivided and built upon) in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare as well as efficiency and economy in the process of such development."

As far as the contents of plans are concerned, these seem to be specified in the Second Schedule to the Ordinance in the form of "Matters to be considered in the preparation of the scheme". Thus the planning function and contents of plans advocated by the Ordinance are the same for all scales of planning in the Provincial planning system and it is left to normal democratic processes at local authority level to adopt planning goals and objectives relevant to each facet of the system being planned. However, the fact that planning is undertaken at different levels of planning agency and geographical scales in the same system, points to the need to establish performance criteria for each definable scale.

4.2.3.4.3. The description of the system(s) being planned

All purposeful action is based on the possession and use of information. However, the Townships Ordinance or regulations thusfar promulgated in terms of it, do not give much notion at all of the information needed to describe the systems it is seeking to control, nor of the method(s) of obtaining information. Provincial Notice 460/1937 (Annexure F) does require local authorities, when preparing town planning or joint town planning schemes, to prepare a "Civic Survey Map" on which particulars in regard to existing conditions shall be shown together with "Such other information as the local authority may deem useful". This has led to either no relevant information or the collection of information for its own sake, unselective and uncritical, wallowing in facts and figures, impressions and maps, charts and diagrams, trends and influences to which many of the plans bear little if any relationship. There is no prescribed form in which information should be gathered, usually rendering that usable information useless for purposes of updating at a later stage.

Voluntary assembly of data usually only takes place where the local authority has specialised staff or competent consultants to advise it.

4.2.3.4.4. Simulating the system(s) by projection

Neither the Ordinance nor its regulations seem to be concerned with the ways in which the future, with which plans are concerned, may be anticipated by it by means of projecting single aspects of the system(s) or a comprehensive projection. Perhaps the most important use of projections is in helping to implement planning by charting the course of change to be steered in appropriate detail. This use

is critical in deciding what projections to undertake, how they shall be made, what degree of refinement and detail they shall contain and what time intervals shall be used.

4.2.3.4.5. Plan implementation through guidance, control and review

There is no statutory requirement in the Ordinance for compulsory review of planning which, when it does take place, happens sporadically and on an unco-ordinated and ad hoc basis and merely leads to extensions of already rigid plans. There is no statutory time limit placed on the validity of planning amendments or waivers and this basically amounts to adding fragments onto already rather rigid plans which are the result of the manner in which ^{the} planning system is throttled and tends to be a closed instead of open system through a lack in the law laid down in the Ordinance.

4.2.3.4.6. Non-recognition of the time factor

Most town planning schemes ignore the dimension of time: Far more land is zoned for urban development than will be required in the foreseeable future and at the same time no provision whatever is made for the sequence in which the land is to be developed, e.g. -

(1) Residential land

One of the most characteristic features of Cape towns and cities is the vast area which they cover in relation to their population and that they continue spreading further and further into the surrounding countryside. Of equal importance as the increasing urban population, is the extremely low density at which most of the suburban areas are planned due to the belief that tradition demands and pockets can afford something like a minimum of $\frac{1}{4}$ acre for each family. A third aspect which is rarely stressed is the fact that at any particular time, there is far more land subdivided and available for development than may actually be required[∅].

The motive for most subdivision of land is pure speculation. In order to make subdivision of land profitable, it is not necessary to find people who want to build in the near future or, indeed ever. All that is necessary is to be certain of finding people wanting to buy a piece of land or those who can be persuaded to do so. Not that speculation is wrong or immoral, but the point is that subdivision of land is not necessarily always related

[∅] Confirmed by recent statistics made available to the Press by Local Government Department of the Cape Provincial Administration.

to the need for erven for building purposes.

Consequently, the sequence in time in which various parts of a town are subdivided and developed, is not related to convenience or efficiency or economy and the local authority is left to try to provide public services at different points at the same time.

Even under the best of circumstances it has proved extremely difficult to turn down proposals to subdivide land on the grounds of "need and desirability". When an owner shows that the area is physically suitable for subdivision and that there is a market for the resulting erven and can additionally show that the land has been zoned for residential purposes, it becomes virtually impossible to refuse approval.

Town planning schemes thus fail to prevent unnecessary subdivision and rather aid the very opposite.

The subdivision of land lays down a pattern for development which could be quite unsuitable for conditions prevailing even 25 years hence. However, once laid down, it is virtually impossible to change it, and where it is possible, it can be done only at great cost.

(2) Agricultural land

Unnecessary or at least premature loss of some of the best agricultural land is brought about by unnecessary or premature subdivision. In relation to the total area of the Republic, the amount of land used for urban purposes is very small. The country's agricultural resources being so limited, preservation and correct utilisation of such fertile soil as exists, should be a prime consideration in national, regional and local planning. On national level effective voluntary soil conservation measures are encouraged by the Soil Conservation Act and as far as the preservation of agricultural land in urban and peri-urban areas are concerned, both legislation and practice have lately been tightened up vide Act 70 of 1970. Although the Townships Ordinance states in passing that land may be zoned for agricultural purposes, there is no suggestion or injunction that fertile land should be preserved.

(3) Zoning for intensive uses

Zoning for intensive uses tends to be done on an even more unrealistic basis with the treatment of business zoning being possibly the worst. Over-zoning for business leads to many difficulties and unsatisfactory results e.g. ribbon development

along the frontage of main traffic arteries causing congestion and scattered development when there is excessive freedom of choice.

Why does over-zoning occur? Mainly because planning schemes are often thought to require the determination of the final or optimum pattern for a town and the attachment of final urban use to each and every portion of land usually resulting in the distribution of intensive zoning to a greater number of land owners than was essential.

The harmfulness of over-zoning for intensive use lies in the difficulty, if not impossibility, of reversing it to sane levels once it has been established that the original level was unnecessary.

4.2.3.4.7. Endowments/betterment

When the Cape Townships Ordinance was passed, it was felt that considerable funds would become available from the collection of betterment to offset claims for compensation and the cost of implementing the positive aspects of schemes.

The betterment clauses have, however, not worked in practice because -

- (i) it is not so difficult for an owner whose property is required for implementation of the scheme or is zoned as non-conforming use, to prove that the property has been injuriously affected;
- (ii) it is difficult to prove conclusively to what extent a property has increased in value purely through the coming into operation of a scheme;
- (iii) reference in the Ordinance to "the coming into operation of a scheme" by legal inference refers to a finally approved and proclaimed scheme of which there are none in the Province yet. (The reason for this being that a scheme in its unproclaimed state, i.e. either in the course of preparation or awaiting approval, is by virtue of sections 35 bis and 57 of the Ordinance considered to be more flexible and manageable.

Is there justification for some form of development contribution? As a start, let us analyse briefly what sort of conditions are imposed when an owner of a piece of land wants to subdivide it into a township:

In short he will be required to make available, at his own cost, all the land required for the community needs of his township. In addition he will be required to provide certain services and to grant the local authority an endowment in cash, in land or in both for developing the township.

Another example is where the owner of a few erven in a purely residential township, applies to use the erven more intensively. If there is a need for the more intensive use and the area can be satisfactorily replanned to serve the purpose, the owner may be required to, e.g. widen an existing street, provide off-street parking and loading and off-loading facilities at his own cost.

None of the aforementioned conditions are considered outrageous.

On the other hand the density of development permitted by many town planning schemes, is extremely high. In other cases the densities permitted may be at or even below generally accepted maximum standards but are still grossly in excess of what the existing facilities such as parking areas, roads, parks and services can justify. In its present form a town may be totally unsuited for coping with intensive urban uses and the high densities that may be permitted. To replan it for these purposes and to provide facilities and amenities on a scale commensurate with the density of development permitted, is extremely costly particularly as the local authority has to pay the inflated prices of land brought about by the densities it itself has allowed to develop. Small wonder then that many local authorities, whilst permitting high density and intensive use of land, find it impossible to bear the cost of providing the very things which should be part and parcel of such development.

Attempts to introduce betterment have resulted in strong opposition from many quarters. It is seen as e.g. an attempt to mulct the developer of his hard gotten gains and as a means whereby revenue is collected by permitting a density of development far higher than good town planning should permit.

Betterment is probably not the entire answer to the financial problems in planning. Levies will come in slowly whereas many of the most vital improvements in a town planning scheme may have to be made at an earlier stage. The betterment fund should therefore be supplemented by facilities for long term loans at low rates of interest or alternatively subsidies from either the central or provincial authorities.

Section 35 ter of the Ordinance, introduced in 1969, as radically amended in 1973, see Annexure C₁, is a renewed effort on the one hand to assist local authorities financially through the levying by the Administrator of development contributions (in the form of money and/or land) where an amendment to a town planning scheme (in the course of preparation or awaiting his approval) is considered to beneficially affect the land involved and on the other hand to assist the land owner by providing for compensation where land is adversely affected.

4.2.3.4.8. Suitable planning guides

Isolated local authorities and independent town planning consultants, with the best will in the world, are not well placed to frame effective town planning guides. The central controlling authority, the Provincial Administration, deriving broad experience from reviewing at some time or other every town planning and subdivision scheme, is in a far better position to formulate models as basic guidelines for town planning. Descriptive terminology and draughting codes should be standardised so that there is a common language for reading all planning schemes. Model standards and clauses should of course be adaptable within limits to suit specific circumstances.

It is essential that before a planning scheme is prepared, some basis must be laid down of the lines on which work is to proceed. The directives given in the Second Schedule to the Ordinance are far too vague and generalized to ensure that local authorities will of necessity prepare schemes in a desirable way. It may be argued that more interference by the Administrator might stifle local initiative but uncontrolled scope given to local authorities can lead and probably has, to the commission of irretrievable blunders.

4.2.3.4.9. Co-ordination between planning agencies

Many Acts and Ordinances have been passed dealing wholly or partly with town planning (see Annexures L and M). Numerous authorities have been charged with some or all of the tasks of planning and many of these authorities are expressly permitted to ignore town planning schemes. This does not necessarily say that those authorities are not conscious of the need for correlating their activities or complying with town planning schemes or that they consistently flout such schemes.

Granted even the best intentions, these authorities are functioning under separate legislation and to a large extent in isolation from

each other. All of them leave their mark on the face of towns and cities. If these marks are not to be disfiguring and if the work of all these bodies is not to be mutually contradictory and in conflict with town planning schemes themselves, there must be far greater co-ordination.

4.2.3.4.10. Zoning as a planning tool

The most widely used and accepted of planning control tools is also that inherent in the Cape Townships Ordinance, namely land use and density zoning. "Zoning, including its administration and its judicial review represents the unique American contribution to the solution of disputes over competing demands for the use of private land"^Ø.

The following are reasons given for making use of zoning^{ØØ} -

- (a) to lessen congestion in the streets
- (b) to secure safety from fire, panic and other dangers
- (c) to promote health, morals or general welfare
- (d) to provide adequate light and air
- (e) to prevent overcrowding of land and buildings
- (f) to avoid undue concentration of population.

Floyd^{ØØØ} says that "Zoning is the most important administrative or police power affecting land utilization. Its effect is far reaching. The result is that an owner is not permitted to decide the use of his land on a speculative or purely economic basis. He is not able to use it in his own interest but is forced to consider others."

However, it may well be seen that the aim of zoning does not contradict the workings of free enterprise machinery but rather attempts to predict as closely as it can what private initiative wishes to do and also to make provision for those things that private enterprise would neglect. This implies something close to perfect prediction of the form development would take and presents difficulties.

Comprehensive survey and plan produce more information than the individual processes relative to individual entrepreneurs and make a far more likely base for total decision making. Here we strike a paradox: if use and density zoning is too rigid, it cannot cope with the growing complexities and subtleties which the urban situation

^Ø Reference No. 17, page xvi.

^{ØØ} Reference No. 18, pages 30 to 34.

^{ØØØ} Reference No. 19, page 104.

demands. If on the other hand it is too flabby, it interferes with the stability of the land market, land values being based upon the potential which land has for development. A rigid system can be administered with less possibility of corruption and a lower level of administrative competence, while a flexible system requires sophisticated decision-making on the part of the administrative body which needs to be efficient and imaginative and honest enough to deal well with day exigencies promptly as they arise.

Zoning controls either use or density:

Use

Use zoning is premised on keeping areas, districts, zones, away from other zones in the belief that by doing so, a rational distribution which optimizes the total resources of the community is achieved. However, the notions of zoning as they stand now, seem to be based on ideas that these categories within the city's economy are quite properly static, and that problems exist which cannot be solved. Industries are segregated from residences because they have smoke, noise and bad traffic problems. However, some do, some do not. One of the implications is that a complete new look has to be taken at the conception of zoning.

Density

The three pillars of density zoning are bulk, height and coverage,

Bulk is the total floor area permitted on a site and controls the pressures exerted on the land by people and their vehicles. While in many respects misleading in practice, it is nevertheless a usable tool for regulating the distribution of the population. Height and coverage restrictions are more dubious tools and are more often than not of doubtful utility, producing supposedly desired effects e.g. the garden in front of the house, the house isolated in space, the skyline of the city. Allowing light and sun to buildings and streets, is one of the aims of height and coverage control but here again more serious study is required to clarify the efficiency of the tools available.

4.2.3.4.11. Non-use of existing powers

There has been no concerted effort made in terms of the Ordinance to structure planning machinery so that it must recognise the pressures of growth and change outlined earlier and not merely endeavour to cope with them once they reach crisis proportions. What is required is a positive fortification of the planning process which will lead to the

identification of those problems that do exist timeously, and the application of suitable precautions. Whilst it may be possible through joint planning, the Ordinance has placed no onus on any planning agency to prepare on a regional and, where necessary, metropolitan scale, the long term framework type plans which would recognise policies at national scale, structure their own policies and provide the lower levels of authority with the targets that their individual and collective town planning systems should aim to achieve and to which their planning objectives should be attuned. Writer regards the planning approach in terms of the Ordinance, with these deficiencies, to be directly opposed to the systems concept advocated.

Part 3Conclusions

Writer feels an important task for those concerned with improving the Province's planning system is to define clearly the roles, responsibilities, methods, interaction and procedures of each desired level of planning in relation to the powers and structure of government. There exists a tightrope with a technical strand and a government strand. It is difficult enough to form either of these strands and their plaiting is even more difficult. Over and above taking into account and utilizing the existing system of local government in the Cape Province (the question of replacing that system is a field of study in itself), writer wishes to present the following general conclusions from his study up to this point:-

4.3.1. Metropolitan urban areas are continuing to grow and fuse together (See Map No.17 for the situation in the Cape Division)

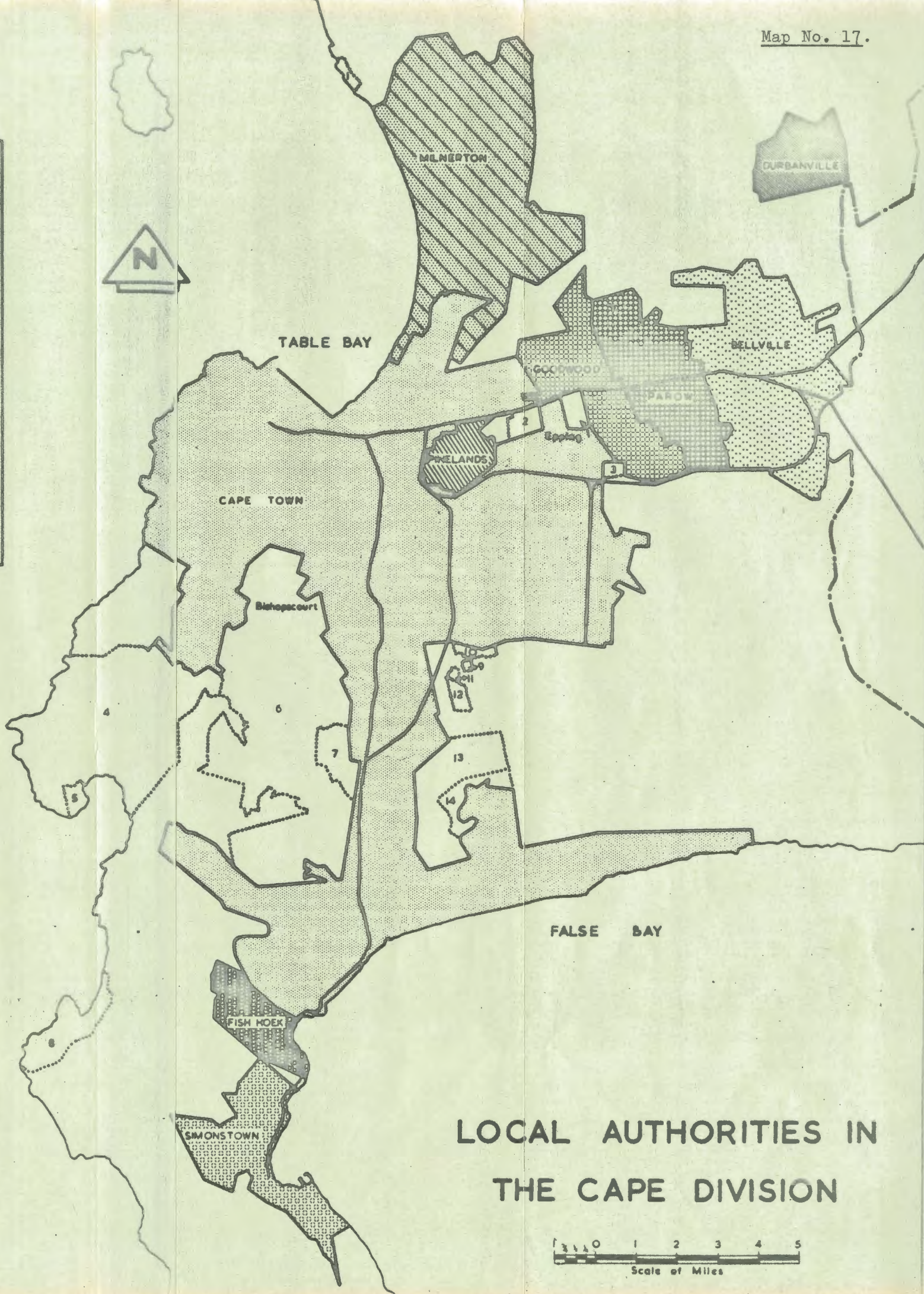
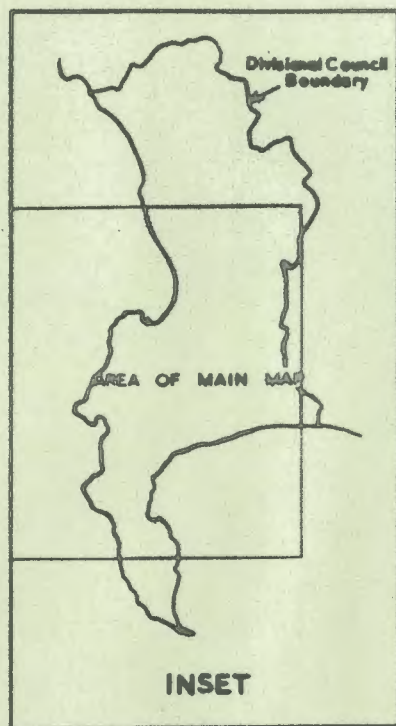
Metropolitan urban areas will continue to grow. They will consume a lot of space. Their spheres of influence and interaction will be regional, national and international. They will be the spatial expression of a highly fluid, fluent and mobile society. Problems of physical planning will be compounded as more people lose their firm allegiance to place. They will also be compounded by the tendency of metropolitan urban areas to run into each other, forming an overlapping, interacting and intricate series of service systems and catchment areas. It is difficult to define valid and viable planning areas for such complexes.

4.3.2. Government structures, particularly those of local government are finding it difficult to deal with these complex forms

It may be unreasonable to expect that government systems should be changed to facilitate the planning of the complex metropolitan regions which are evolving. Even when a large urban area is within a province, its government is usually so fragmented that it is difficult for it to assume a single metropolitan identity which is suitably recognised and respected by that province.

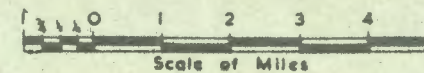
4.3.3. A higher government than local government will probably have to deal with urban regions

Inevitably, higher levels of government will have to take over the task of planning the growth, change and continued operation of the large metropolitan areas. Regional planning through the co-operation of local governments is a restricted approach. Regional



CDC LOCAL AREAS	
1	Blouberg Strand
2	Thornton
3	Matroosfontein
4	Hout Bay
5	Hout Bay Harbour
6	Constantia
7	Bergvliet
8	Kommetjie
9	Ottery Station
10	Welton
11	Ottery Garden
12	Ottery
13	Grassy Park
14	Ronde Vlei

LOCAL AUTHORITIES IN THE CAPE DIVISION



plans prepared with a centralized metropolitan viewpoint tend to be effective only if they attract the support and interest of central government. It seems as if it will be necessary and must be made possible for a strengthening of the tier of authority between central and local systems for urban regional planning and management.

4.3.4. Physical planning of metropolitan areas is becoming more and more enmeshed with and part of the general process of Government

Such planning will be concerned with co-ordinating Central Government decisions which affect development (particularly investment decisions) among themselves and with those of local government and private enterprise. The chief means of doing this, will be by integrating the public works programmes of departments and the operation of Government services and by controlling the release of land for urban purposes and its use and re-use.

4.3.5. There are levels of planning just as there are levels of Government: the methodologies of each level are quite different in emphasis

The three levels of planning which would be encountered in metropolitan areas are urban regional planning, local detailed planning, and a level between them, metropolitan planning.

As planning moves from regional to local, its emphasis changes from social and economic development and the general physical envelope in which this takes place, to detailed physical arrangements and qualities. Regional planning emphasizes functional considerations; local planning is preoccupied with the pleasant. While planning is a general progression from the general to the particular, there is a need for understanding local potential and local aspirations before they are too compromised by centralised decisions.

4.3.6. Regional and metropolitan planning should be much less the enlargement of local planning as it seems to have been up to now

Regional and metropolitan planning must contain a clear set of stated assumptions about the ways of life in its planning area of the future. The physical pattern will arise out of this. Physical planning should be broad and strategic. It should be concerned with efficiency and feasibility. Major environmental issues will arise but they will be broad in nature e.g. concerned with the general pattern of major open spaces and use of water features, with the degree of water and air pollution caused by different forms of development, with the use of the best topographic and climatic areas for living.

Physical planning will be concerned with major locations of activity and channels of communication. In structuring the pattern of development, particular attention will be paid to e.g. open space systems, transport routes and the location of central places.

The ponderous evaluation of long term alternatives is likely to be superseded by a more dynamic, flexible and continuing development, monitoring and adjustment of short term policies. Such policies would be based on as many considerations as possible. Some form of data bank would be necessary for such an approach. It would need to be continually updated and would have to be easy to operate. Theoretical perfection of such an information system might have to be sacrificed to obtain sensitive and speedy generalizations of and relationships among urban phenomena.

4.3.7. Metropolitan planning should be the mediator between regional and local planning

One drawback of the type of regional planning mentioned above is that it is unspectacular, and its importance is difficult to communicate. This is a deficiency which has to be made good by communicating vivid accounts of the metropolitan and local physical arrangements that are envisaged for the future. Metropolitan planning must be well informed on regional and local planning issues. It will allocate major land uses and designate the routes of major roads and railways. Its form will vary considerably depending on the roles and powers of local and regional planning authorities.

4.3.8. Local planning should be concerned with direct physical qualities and relationships and should become more flexible and constructive

Local planning will have to be concerned with the details of layout of small areas, with subdivision, development and redevelopment control. Ideally speaking, systems should become more sophisticated and designed not to prevent the worst occurring but to encourage the best by sensitive concern for the quality of the local environment and the wishes of the inhabitants. It should be fairly clear what a man can do with his land, when, and why. A sophisticated system would outline fairly general rules which would be applied and clarified in contested cases by the hearing of appeals. This is a procedure which demands considerable planning skills and resources, but is equitable and rapidly develops a feel for the feasible.

4.3.9. Planning should be unashamedly technical and public

Planners are often perplexed by political considerations, especially as they usually advise laymen who are often politicians. But their reports, opinions and advice should be uncompromisingly technical in nature. In an ideal world each planning authority could publish important technical reports so that the issues which they raised would be publicized. This would improve the quality of technical advice and decisions made contrary to good technical advice would then have to demonstrate the overriding importance of other considerations.

SECTION 5REMEDIES

In an effort to rectify some of the defects in the present planning process followed in terms of the Ordinance, proposals for effective regional, metropolitan and town planning in the Cape follow. Writer is of opinion that his proposals can be effectuated without radical amendments to the Ordinance itself initially, and their success or effectiveness need not be prejudiced by this fact. Due cognisance has been taken of the system for planning adopted by the Cabinet and as far as practically possible, the planning principles advocated by the "systems" concept dealt with earlier have been adjusted and suitably worked in to suit circumstances in the Cape.

5.1. Regional planning5.1.1. Authority responsible

Provincial Administration possibly through a technical regional planning advisory board (TRPAB) constituted for each region.

5.1.2. Goals of regional planning

The following tentative and brief set of goals are suggested to guide the establishment of each TRPAB:

- (1) To co-ordinate Government, Provincial and local authority (where necessary also metropolitan) planning in terms of -
 - Land use
 - Transportation
 - Services
 - Economic policy.
- (2) To prepare and review regional plans and statements including -
 - (a) A development guide plan of the region indicating policy on potential land use, main transportation routes, and service areas.
 - (b) A phasing plan showing a possible programme for the above.
 - (c) Local zoning plans within the region.
 - (d) Supporting data and statements on the basis outlined for purposes of the intended National Physical Plan.
- (3) To act as an advisory body to the following authorities on matters falling within their jurisdiction:
 - (a) The Administrator, through the Director of Local Government,

- on issues relating to -
the rezoning of land within local plans.
- (b) The Administrator, through the Provincial Roads Engineer,
on issues relating to -
the proclamation of new arterial roads
the phazing and standards of design.
- (c) The South African Railways, through their Joint Technical
Transport Committee, on -
the future demands for mass rail transport
facilities
the possible location of such routes.
- (d) The Administrator, through the Director of Local Government,
on -
the location and phazing of regional services
the location of regional recreational areas
the advisability of boundary adjustments between
local authorities.
- (e) The Minister of Community Development, through his Regional
Representative, on -
the location and phazing of housing areas.
- (f) The Minister of Planning, through his Regional Representative,
on -
the establishment of new industrial areas
the reservation of land for the exploitation of
natural resources.
- (g) The Administrator, through the Director of Nature
Conservation, on -
environmental issues.

5.1.3. Power structure

In order to establish a viable TRPAB, with as few teething problems as possible, it is essential that it functions if at all possible, within the framework of existing legislation. As new legal requirements become known, the legislation could be modified to suit.

The attainment of the goals listed above thus requires:
The acceptance by the TRPAB of all statutory town planning schemes in the course of preparation by the local municipalities and divisional councils as a starting point. The alteration of these plans, on a "local" level, would be undertaken by the independent local authorities, and submitted to the Administrator in the usual way. The required co-ordination in the preparation of such local plans would be initially through

consultation between local authority and TRPAB at official level, and finally at the Townships Board at the time of implementation.

The regional plan, once prepared and adopted, would supercede any town planning scheme outside the designated "local plan" areas. It need not, and should not, become a statutory plan, with the inherent inbuilt disabilities, but rather a decision document, which would be implemented through the Administrator's Townships Board, the TRPAB via the Director of Local Government and the Administrator-in-Executive Committee.

5.1.4. Consultative structure

In order to operate within a framework of co-operation with the affected authorities, it is essential that procedures for consultation be clearly established. It is envisaged that these would take place by joint meetings at three levels:

Joint meetings

As a means of airing views of common interest, and to assure continuity in the spreading of information on planning proposals of joint concern, regular meetings (+ 6 per year) of officials from all affected authorities would be held. Such meetings would be of an advisory nature only, but their recommendations would be minuted and recorded by the Board. The existing, say, Technical sub-committee of a Joint Town Planning Committee could thus continue as such a body. In regions where there are yet no Joint Committee, they can be constituted in the usual way by the local authorities in the region. All proposals emanating from a local authority, which would affect an abutting local authority, should be first discussed at official level with that authority and the TRPAB, and then submitted to this joint meeting for comment.

These should include only:

- (a) Changes of land use on the boundaries of an authority.
- (b) Changes of land use within a local authority, which by reason of its scale, is considered by the TRPAB to affect an abutting authority.
- (c) Changes to the major transportation arterials within, or at the boundaries of a local authority.

At local authority level

Any new proposals proposed by the TRPAB affecting one or more local authority, would be placed formally before the Council of that authority by the Director of Local Government (presented, if necessary, by the TRPAB) and that Council's formal recommendations after consultations with any local bodies private or public, would be transmitted to the Director of Local Government (via the Joint Planning Committee if there is one).

At provincial level

All such recommendations and comments would then be considered by the Administrator through the Director of Local Government in conjunction with any consultative body he feels is necessary to deal with the issue.

At state level

The regional plan adopted by the Administrator, would be transmitted to the Department of Planning for eventual consideration by the Cabinet and incorporated in the envisaged National Physical Plan.

5.1.5. Implementation

Following the procedure laid down above, all proposals would be implemented through the Townships Board, the Director of Local Government, Provincial Roads Engineer, Director of Nature Conservation and TRPAB under powers delegated by the Administrator.

5.1.6. Statutory changes

The above re-organisation would initially necessitate only minor changes to the existing legislation.

5.1.7. Re-organisational requirements

It would appear that a strong, permanent TRPAB should be established within the framework of the Town and Regional Planning Section of the Provincial Administration, to be staffed with trained planners, assistants and a secretariat probably under the wing of the Director of Local Government. This would have to be financed ex Provincial revenue.

5.1.8. Evaluation of system

Such a system would appear to have the following advantages:

- (1) It recognises the existing political structure.
- (2) It would work within the existing power structure in implementation.
- (3) It accepts the existing consultative process at official level.

- (4) It would establish a strong body of professional men who would be in contact with all authorities in the Region, and would ensure a continuity in the planning process.
- (5) Little legislative change would be necessary initially.
- (6) Practical ways and means (other than those existing) of encouraging community participation where necessary, would have to be found.

5.1.9. Action required

In order to initiate the preparation of regional guide plans, the following steps would appear necessary:

- (1) The decision as to the boundaries of the "Regions". A large number of factors enter into such a decision, but the success of the Regional Planning Board is dependent on the rational delimitation of its regional boundaries. Annexure N contains a brief summary of such factors, and their effects.

(2) Establishment of the Regional Planning Board

Though it is conceded that the staffing of such a Board with suitable qualified personnel, is a matter of some considerable difficulty, this is a matter which can be left to the Provincial Administration.

(3) Representation on the Board

Once established, it is essential that at least all the authorities mentioned in 5.1.2. sub-paragraph (3) above, be represented on the Board and steps would have to be taken to have this approved in advance.

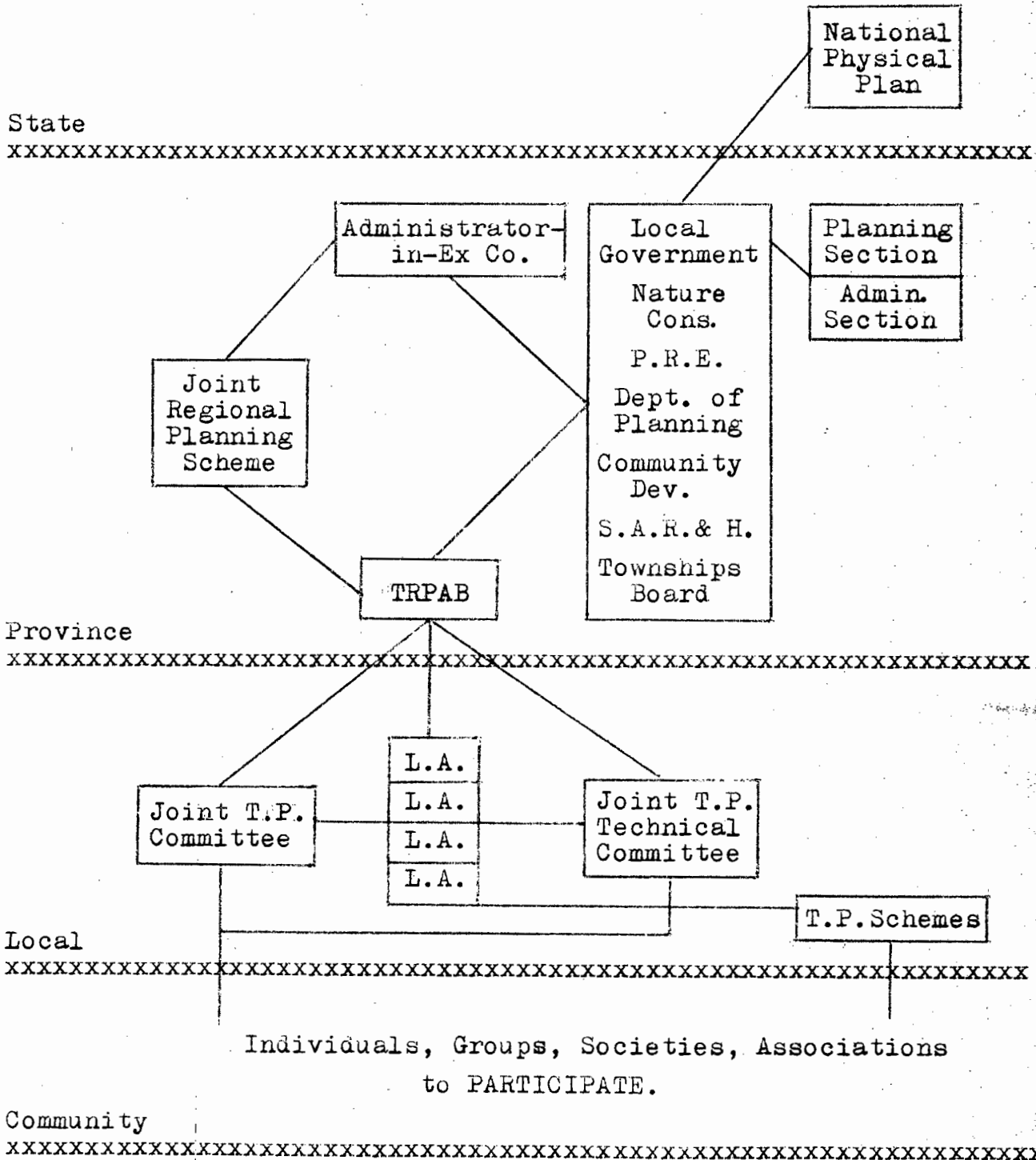
5.1.10. Conclusions

It is considered that anything more revolutionary at this stage would be so fraught with difficulties that it would not successfully be launched.

Once established, and proved viable, the Board's powers and duties could be expanded as circumstances dictate. A lack of rigidity in its establishment seems essential, so that it can accommodate change.

5.1.11. The possible structure of the proposed TRPAB system is illustrated in diagram ix on the next page.

Diagram ix - Possible structure of proposed Technical Regional Planning Advisory Board (TRPAB) system



5.2. Metropolitan planning

5.2.1. Responsible authority: Technical Metropolitan Planning Advisory Board (TMPAB) to be constituted.

5.2.2. The objectives of metropolitan planning

The requirements of an efficient system depend to a very great extent on the aims and objectives of metropolitan planning. Some of these objectives will therefore be stated to assist in considering the form of machinery required.

- (1) The integration of land Use and Transportation studies towards the achievement of a comprehensive policy on the development of the metropolitan area.
- (2) To review part or the whole of the metropolitan plan in (1) above from time to time so as to ensure continuity in the planning process.
- (3) To improve the physical environment of the metropolitan community as a setting for human activities - i.e. to make it more functional, beautiful, decent, healthful, interesting and efficient.
- (4) To promote the public interest, the interest of the community at large, rather than the interests of individuals, or specific groups within the community.
- (5) To ensure that day to day development is consistent with long term plans.
- (6) To bring professional and technical knowledge to bear on the making of political decisions concerning the physical development of the community.
- (7) To ensure that metropolitan plans are generally consistent with national/regional planning and policy at the metropolitan level.

5.2.3. The requirements for efficient metropolitan planning

To achieve the above objectives, a planning organisation having the following characteristics, would ideally be required:

- (1) Representation at all three Government levels as well as private corporate interests and responsible directly to the Provincial Administration.
- (2) Channels for ensuring that plans passed by the organisation are legally binding on all concerned.

- (3) A planning arm having the following:
 - (a) A self-sufficient and autonomous secretarial staff.
 - (b) A self-sufficient and autonomous technical staff.
- (4) A Director responsible to a committee constituted as above.
- (5) A budget in keeping with the needs of the research and planning to be undertaken.
- (6) Separate offices independent of any one local authority.

5.2.4. The status of metropolitan planning

- (1) It is essential that the authority or board controlling the metropolitan planning has a status above that of a local authority since it is concerned with wider matters than a local authority and it should be able to ensure co-operation at all levels of Government as well as implementation of proposals.
- (2) The Provincial Administration should not take on the function of metropolitan planning directly as it should remain the watchdog.

5.2.5. The proposed TMPAB and its functions based on foregoing factors

- (1) The metropolitan planning function would be carried out by a Technical Metropolitan Planning Advisory Board which would be directly responsible to the Administrator in Executive Committee.
- (2) To perform this function, the Board would have the advice of a Director and Planning Arm responsible directly to the Board.
- (3) The objectives of metropolitan planning as stated heretofore, would become the objectives of the Board which would actively promote them.
- (4) In carrying out its planning function, the Board should be obliged to consult the Metropolitan Local Authorities as represented by Joint Town Planning Committees in their presently constituted forms. These Committees would in turn be advised where possible, by Joint Technical Sub-Committees.
- (5) The Director and Technical staff of the Board would be responsible for the basic research and analysis of data required to formulate or review the metropolitan plan, possibly on the initiative of the Joint Town Planning Committee or of a local authority through the Joint Town Planning Committee if authorised by the Board.
- (6) The Board would be responsible for considering proposals promoted by the Joint Town Planning Committee and endeavour to resolve

any conflicts at the local authority level. Its recommendations would be submitted directly to Executive Committee. Final decisions would rest with the Administrator as is the case at present.

5.2.6. Joint Town Planning Committees

- (1) These Committees would retain their present liaison function; in addition the Committees would represent the interests of all metropolitan local authorities vis a vis the TMPAB.
- (2) Joint Town Planning Committees should have the power to adopt, on behalf of local authorities, submissions by the Board or by the Director of the Technical Arm acting on behalf of the Board.
- (3) As is the case at present, the Joint Town Planning Committees should be entitled to refer to individual local authorities for comment any matters they deem desirable.
- (4) The representative of each local authority on the Joint Town Planning Committees should also have the right to refer selected matters back to their own local authorities before exercising their delegated powers.
- (5) Joint Town Planning Committees should have the power to adopt planning proposals prepared either by Joint Technical Sub-Committees or by a local authority and submit these to the Board for consideration.

5.2.7. Joint Technical Sub-Committees

- (1) Joint Technical Sub-Committees would advise the Joint Town Planning Committees as is the case at present.
- (2) Joint Technical Sub-Committees would on request, advise the Director of the Board's Planning Arm.

5.2.8. Decision making structure

The following procedures would be followed:

- (1) The Planning Arm would be charged with the preparation of reports and plans for schemes and proposals generated largely by the Board but possibly also by the Joint Town Planning Committees or a local authority through Joint Town Planning Committees if authorised by the Board. In their preparation, the technical officers of local and other authorities would have to be consulted. After consultation as referred to above, the reports and plans would be placed before the Joint Town Planning Committees for consideration. These Committees through their

Technical Committees, would ensure that the influence and advice of the technical officers of all local authorities in the metropolitan area, as well as those of affected central government departments, are brought to bear on all proposals for incorporation in the Metropolitan Plan.

- (2) Having considered the proposals, after reference to local authority technical officials, Joint Town Planning Committees would adopt or make counter recommendations thereon to the Board.
- (3) The resolutions of the Joint Town Planning Committees, including reports by Joint Technical Committees, would be considered by the TMPAB who would endeavour to resolve any conflicts and make recommendations to Executive Committee.
- (4) Executive Committee decisions on proposals would then be incorporated into the Metropolitan Plan and, where appropriate, submitted to the Department of Planning for possible inclusion into the National Physical Plan.

5.2.9. Constitution of the proposed bodies

It is suggested that the bodies outlined above be made up of the following members:

(1) Technical staff

This group should consist of a permanent staff of professional planners controlled by a Director and supported by the necessary drawing office and secretarial staff. They would be directly responsible to the TMPAB for finances, and policy.

(2) Joint Technical Sub-Committees

These Committees would be composed of a technical officer from each of the metropolitan local authorities, together with technical representatives from Government and public bodies. The Technical Committees would have the right to co-opt any persons whom they consider could assist them in their deliberations.

(3) TMPAB

This Board could consist of the following:

- (a) A full-time Chairman (appointed by the Administrator) who would also serve on the Townships Board.
- (b) The Chairman of the Townships Board.
- (c) Local Government represented by, say, three councillors nominated by the Administrator from the local authorities in the metropolitan area.

- (d) Corporate private interests represented by, say, three persons appointed by the Administrator.
- (e) The Department of Planning would represent Central Government Departments.
- (f) The Chairmen of the Joint Town Planning Committees.
- (g) The Director of the Planning Arm of the TMPAB should be an ex officio member of the Board.
- (h) The Director of Local Government should also be an ex officio member of the Board.
- (i) Any other members the Administrator may deem fit to appoint. This Board would be served by the secretarial staff of the Technical Arm.

5.2.10. Evaluation of the system

Advantages

The structure proposed above, appears to have the following advantages:

(1) Technical staff level

It would foster the formation of a strong, and specialised staff with direct responsibility to the TMPAB as well as continuity of staff members and sufficient autonomy to promote confidence and an essential lack of local bias in its work.

(2) Joint Technical Sub-Committee level

These Committees would preserve the identity of Joint Technical Committees as an essential meeting ground of the many local authorities and allied bodies.

(3) Joint Town Planning Committees

These bodies would provide representation at the local authority level within the metropolitan region. They would also provide a platform for the interchange of views of elected representatives.

(4) TMPAB

Under the director of a dedicated chairman, this Board could direct its attentions to the promotion of the various aspects of co-ordinated metropolitan growth. It would not detract from the operations of the Townships Board, but would augment them and provide information and a framework within which the Townships Board could function with greater certainty.

5.2.11. Legislative changes

Should such a system be adopted, the changes necessary to effect them, appear to be minimal.

5.2.12. The possible structure of the proposed TMPAB system is illustrated in diagram x on the next page.

5.3. Town Planning

5.3.1. Responsible authority

Local authorities in consultation, where necessary, with TRPAB's and TMPAB's.

3.5.2. Objectives

Co-ordinated and harmonious development in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare as well as efficiency and economy in the process of such development and the carrying through to realisation of the development for which provision has been made in the town planning scheme but within the framework of a metropolitan or regional joint planning scheme which has been approved and includes the area of the town planning scheme.

5.3.3. Procedures

It will take some time before the envisaged metropolitan or regional joint planning scheme plans come to light and as far as town planning on a local basis is concerned, writer can see no alternative but to allow the broad format of the Ordinance as well as the use of land use and density zoning as the major planning tool to remain, but with certain improvements detailed below. It is envisaged that many of the difficulties already outlined in regard to the present technical planning process, preparation and implementation of town planning schemes, will to a great extent be remedied if the more sophisticated type of regional and metropolitan planning as postulated, comes to function and is carried out properly and the ways and means of ensuring this, can be prescribed.

5.3.4. Participation in joint planning

Each local authority will have the opportunity of actively participating in the formulative process involving the Metropolitan or Regional Planning Scheme of which its area will form part.

5.4. Improving the Ordinance

1. It is considered that the following revised section 34 of the Ordinance would pave the way for the approach to regional and metropolitan planning advocated in paragraphs 1 and 2 of this section.

"34.(1)(a) For the purpose of the preparation of a joint planning scheme by two or more local authorities, such local authorities shall appoint a joint town planning committee and may confer with or without restriction on such committee any powers which such local authorities may exercise to that end. The constitution and rules of procedure of such committee shall be subject to the Administrator's approval.

(b) Any joint town planning committee in existence at the time of coming into operation of this subsection shall be deemed to have been properly constituted in terms of this section.

(2)(a) The Administrator may, whenever he considers it expedient, establish a technical regional or metropolitan planning advisory board for the area in respect of which a joint scheme is being prepared or such larger area as he considers advisable.

(b) It shall be the duty of such planning advisory board to consider and make recommendations to the Administrator or the joint town planning committee on all matters relating to the planning and development of the area for which it is constituted and to carry out such other planning or advisory functions or duties as the Administrator may from time to time assign to it.

(c) The Administrator shall prescribe the constitution of each such planning advisory board, provided that each local authority, in the area, shall be given the right to nominate at least one member of its staff to serve on the board.

(d) The Administrator shall prescribe the rules of procedure of the joint planning advisory board and may, from time to time, amend or repeal such rules.

(e) Any of the local authorities preparing a joint scheme, may provide the joint town planning committee

and the planning advisory board with the services of such personnel as may be agreed upon with the joint committee or the board as the case may be.

(3) The expenses incurred by a joint town planning committee or a planning advisory board, shall be paid by the local authorities concerned in such proportions as may be mutually agreed upon, or failing agreement, determined by the Administrator, provided that the Administrator may, from funds voted for the purpose by the Provincial Council, make such contribution to the defrayment of such expenses as he may deem fit."

2. In the light of the new section 34 above, the Administrator in terms of section 60 of the Ordinance, should repeal Provincial Notice No. 460/1937 (Annexure F) and promulgate a new set or sets of regulations indicating in respect of the advocated scales for planning, the terms of reference of local authorities, joint planning committees and the planning advisory boards and a guide as to the process and procedures to be followed through each facet of planning from the date of the directive to embark on planning through the interim stages up to the point in the planning cycle where periodic review should take place. Guidance on how the review could be undertaken, should be included. To ensure that proper planning is undertaken, information on the basis of Annexure K should be required in respect of plans submitted.

3. Minor amendments to the Ordinance such as the cancellation of Schedule 2 of the Ordinance and all reference thereto as well as refined terminology and definitions where necessary, will naturally have to be effected.

4. Consideration should be given once the suggested system is functioning, to the question of whether the Administrator should shed a certain amount of his load on some or all of the planning bodies concerned though at all times ensuring democratic processes, proper opportunity for participation by those interested, etc. Once metropolitan plans have been approved, no reason can be seen why applications in terms of section 27 of the Ordinance should not be more readily entertained by the Administrator and in the

process of enforcement of section 27(2)(b) local authorities should be encouraged to formulate regulations along the lines of the planned unit development (PUD) approach by the New York City Planning Commission^Ø the general purposes of which are designed to deal with certain types of problems which arise in connection with large scale residential developments and to promote and facilitate better site planning and community planning through modified application of the usual standards and regulations in such developments. See Diagram xi.

For large scale residential developments involving several pieces of land but planned as a unit, the usual standards and regulations relating to subdivision may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and bulk controls. For such developments the PUD approach is designed to

- (a) allow greater flexibility for the purpose of securing better site planning for development of vacant land,
- (b) provide incentives toward that end while safeguarding the present or future use and development of surrounding areas,
- (c) achieve more efficient use of increasingly scarce land within the framework of the overall planning controls,
- (d) enable open space in large scale residential development to be arranged in such a way as best to serve active and passive recreation needs of the residents,
- (e) protect and preserve scenic assets and natural features,
- (f) foster a more stable community by providing for a population of balanced family sizes,
- (g) encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings,
- (h) and thus to promote and protect public health, safety and general welfare.

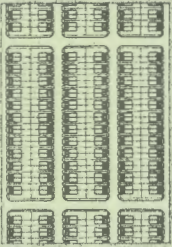
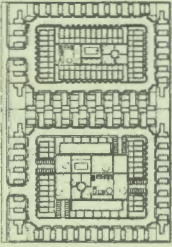
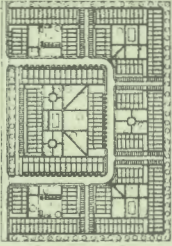
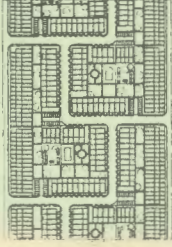
If necessary, further regulations in this regard can be promulgated by the Administrator. A move in this direction is indicated by a recently agreed upon code by the Provincial Administration for group

^Ø Reference No. 20.

Table of comparative advantages

Diagram xi.

Table shows land use and site utilization advantages of Planned Unit Development schemes (numbered 2, 3, and 4) over conventional subdivision scheme, 1.

	GROSS SITE AREA	STREET AREA	STREET AREA % OF GROSS SITE AREA	NET SITE AREA	COMMON OPEN SPACE	NUMBER OF DWELLING UNITS	ALLOWABLE FLOOR AREA PER DWELLING UNIT	ALLOWABLE COVERAGE PER DWELLING UNIT	ALLOWABLE NUMBER OF ROOMS PER DWELLING UNIT	
1 	20 ACRES	6.3 ACRES	31.4%	13.7 ACRES	NONE	semi-det: 198	1400 sq. ft.	700 sq. ft.	7.5	Figures based on: typical zoning lot of 2800 sq. ft. F.A.R. (Floor Area Ratio) of .5 O.S.R. (Open Space Ratio) of 150 lot area per room of 375 sq. ft.
2 	20 ACRES	5.6 ACRES	28%	14.4 ACRES	2.3 ACRES	detached: 59 semi-det: 23 townhouses: 62 garden apts: 56 total: 200	1840 sq. ft.	940 sq. ft.	9.5	Figures based on: net site area divided by number of dwelling units, and application of full bonuses resulting in: F.A.R. (Floor Area Ratio) of .575 O.S.R. (Open Space Ratio) of 120 lot area per room of 337 sq. ft.
3 	20 ACRES	4.1 ACRES	20.5%	15.9 ACRES	8.6 ACRES	townhouses: 213	1900 sq. ft.	980 sq. ft.	9.8	
4 	20 ACRES	5 ACRES	25%	15.0 ACRES	4.0 ACRES	townhouses: 210	1820 sq. ft.	975 sq. ft.	9.35	

and cluster housing development, a copy of which forms Annexure O.

5. Section 35 bis should lay down that any new provision prescribed in terms thereof by the Administrator at the request of a local authority or property owner and not being part of a general revision of a town planning scheme and which is subject to an enhancement levy, shall be valid for a period of, say, 2 years after which it shall, if not acted upon, automatically fall away and that compensation, if any, shall not exceed an amount equal to the enhancement levy paid.

SECTION 6SUMMARY

The Townships Ordinance provides the legal framework within which the subdivision of land and the planning of city, town and country in the Cape Province can take place at local authority level subject to a fair deal of control by the Provincial Administration. In the first instance, it has been the aim to seek a sound approach to planning against which the planning that takes place in the Province and the procedures by means of which it is effected, can be tested.

In this age of dynamic growth with its ever increasing problems and widening horizons for technological advance, there is need for a far greater awareness of processes of change in the human environment, the underlying reasons for them, the manner of accomplishment, the complex web of interactions between human groups and much greater still in the techniques of foreseeing and guiding change. Because synopticism is a way of dealing with complexity, the systems approach which is comprehensive, inter alia, in that it cuts across a variety of disciplines concerned with planning, has been chosen as a sound model for a framework within which human relationships with the environment can be studied.

The manner in which planning is tackled in the Province above but especially at and below Provincial level has been thoroughly gone into and the study has indicated that whilst the Ordinance does leave the door open for voluntary planning at different scales, the basis on which it is done, does not compare with the important elements of the systems approach.

Most planning that has taken place up to now, has failed in the sense that it is far too compartmentalized, does not take cognisance of all elements of the planning system, the most important one of which is "people" especially in so far as their environment, living, working, recreation and movement are concerned. As far as the Cape, it seems clear that the greatest emphasis has been put on "local planning" up to now and this approach has merely been extended to cover city complexes as well for which the restricted and rigid approach of local planning as explained in the text, is of course utterly inadequate.

Taking the Western Cape region as an example, projections of population coupled with the introduction of growth stimuli at Saldanha Bay, indicate tremendous growth of Cape Town and its environs in the next decade or two and the machinery for ensuring the preparation of a sound systems planning framework whereby this foreseen growth can be properly and timeously guided in all respects and accommodated, has become a matter of priority in especially this and possibly other regions of the Province.

The need for improvement having been clearly demonstrated, it has been endeavoured to find a practical way in which the present planning system can be improved so as to accord more closely with the principles of a systems approach of which writer feels the British development plan system is a very good example.

The solution that has been suggested initially involves only a slight amendment to the legislation itself but is one whereby it will be ⁱⁿ the power of the Administrator to constitute and define the functions of well represented and strong technical planning teams at regional and metropolitan levels, but with the specific purpose of undertaking studies/surveys, gathering information, interpreting and giving effect to higher level policies through the presentation to the Administrator as soon as possible of a plan in which their policies, general proposals and related information are contained and co-ordinated. The Administrator already has the power to make regulations, and as has been indicated in the text, a comprehensive range of subjects for close examination ^{should} by means of such regulations, be spelled out in no uncertain terms to the responsible planning bodies at Regional, Metropolitan and Local levels.

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INCENTIVES TO UNDERTAKERS AT THE NEW GROWTH POINTS

The concessions and inducements offered to industrialists to settle in approved decentralization points include the following:-

Loans at low rates of interest for purchasing industrial plants and for building construction as well as equipment and financing. (In Bantu Homelands the additional incentives include availability of buildings at an exceptionally low rental for the first five years. Of the remaining capital requirements up to 50 percent may be provided by the government on loan at a nominal rate of interest for the first five years.)

Factory buildings as well as housing for White personnel may be made available at low rentals. (In Bantu Homelands loans are available for housing on 20 year bases at an interest rate of 5 percent below the building society rate.)

Income tax concessions may be granted in respect of wages paid to Non-White during the first two years and the depreciation charge on buildings may be increased by 10 percent per annum. These measures will have the effect of compensating the undertaker for certain disadvantages such as lack of training of labourers and lack of scale.

The removal costs of factory equipment may be subsidized. Undertakers who move their factories from the Pretoria-Watersrand-Vereeniging area to approved decentralization points will be refunded the full costs involved in the removal. This includes dismantling, crating and transporting equipment and machinery and the travelling costs of personnel.)

Railage rebates of up to 20 percent and rebates on harbour dues may be granted in respect of own manufactures which are sold outside consumers.

(f) A price preference of up to 10 percent on tenders for goods sold to government authorities will be allowed. This means that goods sold to government authorities are subsidized by 10 percent of the competitive tender price.

These incentives carry conditions such as the requirement that at least 2½ African workers be employed for every one White employee.

DECENTRALIZATION POINTS

I FOR AFRICANS

(a) Border Areas

Brits, Rosslyn, Rustenburg, Delareyville, Zeerust, Mafeking, Pietersburg, Potgietersrus, Phalaborwa, Tzaneen, Harrismith, Estcourt, Hammersdale, Ladysmith, Grahamstown, King Williams Town, East London (Wilsonia and Berlin), Newcastle, Richards Bay, Queenstown, Zastron.

(b) In the Homelands

Babalegi (Hammanskraal), Montshieva, Seshego, Witzieshoek, Sithebe, Butterworth, Umtata.

II FOR COLOURED

Beaufort West, Bloemfontein, De Aar, Heilbron, Kimberley, Molteno, Upington, Darling.

III FOR INDIANS

Stanger, Tongaat, Verulam.

**TOWNSHIPS ORDINANCE
NO. 33 OF 1934.**

**(including amendments up to
31st December, 1971)**

**ORDONNANSIE OP DORPE
NO. 33 VAN 1934.**

**(insluitend wysigings tot op
31 Desember 1971)**

No. 33, 1934.

¹Ordinance to regulate the establishment of townships and the subdivision of estates and to provide for the preparation and approval of town-planning schemes. [Promulgated 14th September, 1934. Came into operation 1st January, 1935 (Sec. 64.)] E.

CHAPTER 1. — DEFINITIONS.

Definitions.

1. In this Ordinance, unless inconsistent with the context,

“Approved township or subdivided estate” means a township or subdivided estate the establishment of which has been approved by the Administrator and ²*unless exemption has been granted from compliance with sub-section (6) of section twenty* notified as such under this Ordinance.

“Board” means the Townships Board constituted under section *two*.

“Deeds Registry,” in relation to any land, means the Deeds Registry established for that portion of the Province in which the land is situate.

“Erf” means every piece of land in a township or subdivided estate (whether approved under this Ordinance or not) registered in the Deeds Registry as an erf, stand, lot or plot, and shall include any piece of land other than a public place shown on a general plan of a township or subdivided estate or proposed township or subdivided estate.

“Establish” or “establishment,” in relation to a township or subdivided estate includes “extend” or “extension” of that township or subdivided estate.

“General plan” means a plan representing the erven and public places within a township or subdivided estate or proposed township or subdivided estate in their relative positions and includes a plan recognised and filed as a general plan in a Deeds Registry or Surveyor-General’s office prior to the commencement of this Ordinance.

“Government” means the Government of the Union of South Africa.

“Local authority” means the Divisional Council, Municipal Council, Village Management Board or Local Board within the area of which the township or subdivided estate or proposed township or subdivided estate is situate provided that the area of a Divisional Council shall not for the purpose of this Ordinance be deemed to include any municipal or Village Management Board or Local Board area within its boundaries.

³“Minor Subdivision” means any land subdivided or laid out, whether by actual survey, the erection of buildings or structures or in any other manner—

(a) into not more than ten erven, stands, lots or plots for residential, industrial, occupational or similar purposes, whether such land is situated within or outside the area of an urban local authority, or

(b) into any number of pieces for any purpose other than that mentioned in paragraph (a), where such land is situated within the area of an urban local authority, but does not include any subdivision or layout of land in respect of which application is made, or the Board has in terms of paragraph (b) of subsection ⁴(6) of section *nine* directed that application be made, for the establishment of a township or the subdivision of an estate.

^{4a}“owner” in relation to a township, subdivided estate or minor subdivision means the person registered from time to time in a Deeds Registry as the owner of the land

¹ See also O 12/38; O 16/53; O 17/54; O 10/58, and O 19/59. Provisions of this Ordinance not to apply in respect of land forming part of Cape Town foreshore while ownership in such land vested in Cape Town Foreshore Board—s.10(3)/A 26/50. As to exemption of Community Development Board from particular provisions of ordinances, of by-laws or regulations of local authorities and the conditions of establishment of a township, see s.20/A 3/66, as amended.

² Amended by s.1/O 30/48.

³ Definition inserted by s.1/O 19/59.

⁴ Amended by s.1/O 12/62.

^{4a} Definition substituted by s.1/O 28/68.

No. 33, 1934.

¹Ordonnansie om die stigting van dorpe en die onderverdeling van landgoedere te reël en om voorsiening te maak vir die opstel en goedkeuring van dorpsaanlegskemas. [Afgeskondig 14 September, 1934. In werking getree 1 Januarie, 1935 (Art. 64.)] E.

HOOFSTUK 1. — WOORDVERKLARINGS.

Woordverklarings.

1. Tensy dit uit die samehang anders blyk, het die onderstaande woorde in hierdie Ordonnansie die volgende betekenisse:—

“Goedgekeurde dorp of onderverdeelde landgoed” beteken ’n dorp of onderverdeelde landgoed, die stigting waarvan deur die Administrateur goedgekeur en ²tensy vry stelling verleen is van die nakoming van subartikel (6) van artikel twintig as sodanig bekend gemaak is kragtens hierdie Ordonnansie.

“Kommissie” beteken die Dorpekommissie soos saamgestel kragtens artikel twee.

“Registrasiekantoor van Aktes” beteken, met betrekking tot enige grond, die Registrasiekantoor van Aktes wat gestig is vir daardie gedeelte van die Provinsie waarin die grond geleë is.

“Erf” beteken elke stuk grond in ’n dorp of onderverdeelde landgoed (hetsy goedgekeur kragtens hierdie Ordonnansie of nie) wat op die Registrasiekantoor van Aktes as ’n erf, standplaas, lot of perseel geregistreer is en sluit in enige stuk grond, behalwe ’n openbare plek wat aangetoon word op ’n algemene plan van ’n dorp of onderverdeelde landgoed of voorgestelde dorp of onderverdeelde landgoed.

“Stig” of “stigting” sluit in, met betrekking tot ’n dorp of onderverdeelde landgoed, “uitbrei” of “uitbreiding” van daardie dorp of onderverdeelde landgoed.

“Algemene plan” beteken ’n plan waarop die betreklike ligging aangetoon word van die erwe en openbare plekke binne ’n dorp of onderverdeelde landgoed of voorgestelde dorp of onderverdeelde landgoed en sluit in ’n plan wat voor die inwerkingtreëning van hierdie Ordonnansie op ’n Registrasiekantoor van Aktes of Kantoor van die Landmeter-generaal as ’n algemene plan erken en gedeponeer is.

“Regering” beteken die Regering van die Unie van Suid-Afrika.

“Plaaslike owerheid” beteken die Afdelingsraad, Munisipale Raad, Dorpsbestuur of Plaaslike Bestuur binne die gebied waarvan die dorp of onderverdeelde landgoed of voorgestelde dorp of onderverdeelde landgoed geleë is, met die verstande dat die gebied van ’n Afdelingsraad vir die doeleindes van hierdie Ordonnansie nie beskou word as die gebied in te sluit van ’n Munisipale Raad of Dorpsbestuur of Plaaslike Bestuur wat binne sy grense geleë is nie.

³“Klein onderverdeling” beteken enige grond onderverdeel of uitgelê hetsy deur werklike opmeting, die oprigting van geboue of strukture of op enige ander wyse—

(a) in hoogstens tien erwe, standplase, lotte of persele vir woon-, nywerheids-, beroeps- of dergelike doeleindes, ongeag of sodanige grond binne of buite die gebied van ’n stedelike plaaslike owerheid geleë is, of

(b) in enige aantal stukke vir enige ander doel as dié vermeld in paragraaf (a), waar sodanige grond binne die gebied van ’n stedelike plaaslike owerheid geleë is, maar omvat nie ’n onderverdeling of uitleg van grond ten opsigte waarvan aansoek gedoen word, of die Kommissie ingevolge paragraaf (b) van subartikel (6) van artikel nege gelas het dat aansoek gedoen word, om die stigting van ’n dorp of die onderverdeling van ’n landgoed nie.

⁴„eienaar” met betrekking tot ’n dorp, onderverdeelde landgoed of klein onderverdeling beteken die persoon wat van tyd tot tyd in ’n Registrasiekantoor van Aktes geregistreer

¹ Verwys ook na O 12/38; O 16/53; O 17/54; O 10/58, en O 19/59. Bepalings van hierdie Ordonnansie nie van toepassing ten opsigte van grond wat deel uitmaak van Kaapstadse Strandgebied nie, solank die eiendomsreg op daardie grond by die Kaapstadse Strandgebiedsraad berus—a.10(3)/W 26/50. Insake die onthefing van die Gemeenskapsontwikkelingsraad van besondere bepalinge van ordonnansies, van verordeninge of regulasies van plaaslike besture en die stigtingsvoorwaardes van ’n dorp, kyk a.20/W 3/66, soos gewysig.

² Gewysig by a.1/O 30/48.

³ Omskrywing ingevoeg by a.1/O 19/59.

⁴ Gewysig by a.1/O 12/62.

^{4a} Omskrywing vervang by a.1/O 28/68.

included or to be included therein, and includes the successor in title to such owner in respect of any remaining portion of such township subdivided estate or minor subdivision, the liquidator or judicial manager of an owner which is a company incorporated or registered as such under any law and which is under liquidation or judicial management, the trustee or assignee of the estate of an owner which has been sequestrated or assigned, the executor or administrator of the estate of a deceased owner, the legal representative of an owner who is under any other legal disability and the authorised representative in the Republic of an owner who is absent from the Republic or whose whereabouts are unknown.

"Prescribed" means prescribed under this Ordinance or by regulation made thereunder.

"Proclaimed land" means any land which has been proclaimed by proper authority as a river diggings, alluvial or other diggings or mining area under any law relating to mining for precious or base metals or minerals or precious stones.

"Public place" means and includes the land comprising any street, road, square, thoroughfare, sanitary lane, park, recreation or sports ground, or open space shown on the general plan of a proposed township or subdivided estate or of an approved township or subdivided estate or of a township or subdivided estate in existence at the commencement of this Ordinance.

"Street" includes any street, road, avenue, lane, sanitary lane or thoroughfare shown on the general plan of a proposed township or subdivided estate or of an approved township or subdivided estate or of a township or subdivided estate in existence at the commencement of this Ordinance.

"The Court" means the Provincial or Local Division of the Supreme Court having jurisdiction.

"Township or subdivided estate" means any land subdivided or laid out, whether by actual survey, the erection of buildings or structures or in any other manner, for residential, industrial, occupational or similar purposes, but does not include a minor subdivision.

"Registrar," in relation to any land, means the Registrar of Deeds for the area within which the land is situate.

"Surveyor-General" means the Surveyor-General of the Province of the Cape of Good Hope.

"Urban local authority" means a Municipal Council, Village Management Board or Local Board.

CHAPTER 2. — THE ESTABLISHMENT OF TOWNSHIPS AND THE SUBDIVISION OF ESTATES GENERALLY.

Constitution of Townships Board.

72. (1) The Townships Board shall consist of the following members (hereinafter referred to as the ordinary members):—

(a) the Surveyor-General or his deputy;

(b) the Registrar of Deeds at Cape Town or his deputy;

⁷(c) not more than four persons appointed by the Administrator: provided that no person who holds a whole-time post in the service of the State shall be appointed under this paragraph;

^{7a}(d) not more than two persons appointed by the Administrator of whom one shall be employed in the office of the Director of Local Government and the other in the office of the Provincial Roads Engineer.

^{7b}(1A) With the approval of the Administrator, the Board may, either for general or special purposes, appoint from amongst its ordinary members committees of not less than two members each and may delegate to such committees, either absolutely or conditionally, such of its powers, functions or duties as the Administrator may from time to time approve.

⁵ Definition substituted by s.1/O 19/59.

⁶ Definition inserted by s.1/O 30/48.

⁷ [2] substituted by s.1/O 17/54. Persons holding office as members of the Board under repealed s.2 deemed to have been appointed under paragraph (c) of subsection (1) of this section — s.1/O 17/54.

^{7a} (d) added by s.1/O 25/69.

^{7b} (1A) inserted by s.1/O 25/69.

is as die eienaar van die grond wat daarin ingesluit is of ingesluit sal word, en omvat die regsopvolger van sodanige eienaar ten opsigte van enige restant van sodanige dorp, onderverdeelde landgoed of klein onderverdeling, die likwidateur of geregtelike bestuurder van 'n eienaar wat 'n maatskappy is wat kragtens enige wet as sodanig geïnkorporeer of geregistreer is en wat in likwidasie of onder geregtelike bestuur is, die trustee of beredderaar van die boedel van 'n eienaar wat gesekwestreer of afgegaan is, die eksekuteur of administrateur van die boedel van 'n oorlede eienaar, die regsverteenvoorder van 'n eienaar wie se handelingsbevoegdheid op enige ander wyse beperk is en die gemagtigde verteenwoordiger in die Republiek van 'n eienaar wat uit die Republiek afwesig is of wie se verblyf onbekend is.

“Voorgeskrif” beteken voorgeskryf kragtens hierdie Ordonnansie of regulasie daaronder gemaak.

“Geproklameerde grond” beteken enige grond wat deur 'n behoorlike owerheid as 'n rivierdelwery, spoel- of ander delwerye of myngebied geproklameer is kragtens enige wet wat betrekking het op die delwing van edel- of onedelmetale of minerale of edelgesteentes.

“Openbare plek” beteken en sluit in die grond wat bestaan uit enige straat, pad, plein, verkeersweg, sanitêre gang, park, ontspannings- of sportgronde of ope ruimte aangetoon op die algemene plan van 'n voorgestelde dorp of onderverdeelde landgoed of van 'n goedgekeurde dorp of onderverdeelde landgoed of van 'n dorp of onderverdeelde landgoed wat op die datum van die inwerkingtreding van hierdie Ordonnansie bestaan.

“Straat” sluit in 'n straat, pad, laan, gang, sanitêre gang of verkeersweg aangetoon op die algemene plan van 'n voorgestelde dorp of onderverdeelde landgoed of van 'n goedgekeurde dorp of 'n onderverdeelde landgoed of van 'n dorp of onderverdeelde landgoed wat op die datum van die inwerkingtreding van hierdie Ordonnansie bestaan.

“Die Hof” beteken die Provinsiale of Plaaslike Afdeling van die Hooggeregshof wat jurisdiksie het.

“Dorp of onderverdeelde landgoed” beteken enige grond onderverdeel of uitgelê, hetsy deur werklike opmeting, die oprigting van geboue of strukture of op enige ander wyse, vir woon-, nywerheids-, beroeps- of dergelike doeleindes, maar omvat nie 'n klein onderverdeling nie.

“Registrateur” beteken, met betrekking tot enige grond, die Registrateur van Aktes vir die gebied waarin die grond geleë is.

“Landmeter-generaal” beteken die Landmeter-generaal van die Provinsie die Kaap die Goeie Hoop.

“Stedelike plaaslike owerheid” beteken 'n Munisipale Raad, Dorpsbestuur of Plaaslike Bestuur.

Samestelling van Dorpekommissie.

⁷²(1) Die Dorpekommissie bestaan uit die volgende lede (hierna die gewone lede genoem);

(a) die Landmeter-generaal of sy plaasvervanger;

(b) die Registrateur van Aktes te Kaapstad of sy plaasvervanger;

⁷(c) hoogstens vier persone deur die Administrateur aangestel; met dien verstande dat geen persoon wat 'n voltydse betrekking in die diens van die Staat beklee, kragtens hierdie paragraaf aangestel mag word nie;

^{7a}(d) hoogstens twee persone deur die Administrateur aangestel van wie een in die kantoor van die Direkteur van Plaaslike Bestuur en die ander in die kantoor van die Provinsiale Padingenieur in diens moet wees.

^{7b}(1A) Met die goedkeuring van die Administrateur kan die Kommissie, òf vir algemene òf vir spesiale doeleindes, uit sy gewone lede komitees van minstens twee lede elk aanstel en kan hy aan sodanige komitees òf volstrek òf voorwaardelik enige van sy bevoegdhede, funksies of pligte deleger wat die Administrateur van tyd tot tyd goedkeur.

⁵ Omskrywing vervang by a.1/O 19/59.

⁶ Omskrywing ingevoeg by a.1/O 30/48.

⁷ [2] vervang by a.1/O 17/54. Lede van Kommissie wat deur Administrateur aangestel is voor die inwerkingtreding van hierdie Ordonnansie, word beskou as aangestel kragtens paragraaf (c) van subartikel (1) van hierdie artikel — a.1/O 17/54.

^{7a} (d) toegevoeg by a.1/O 25/69.

^{7b} (1A) ingevoeg by a.1/O 25/69.

(2) For the purpose of assisting the Board in any specific matter, the Administrator may appoint such number of additional members to the Board as he may deem necessary. Any such additional member shall for all purposes relating to such matter be a member of and have a vote on the Board.

(3) The Administrator may, subject to the provisions of sub-section (8) direct any number of additional members or any number of additional members and ordinary members to act as the Board in regard to any specific matter assigned to them by the Administrator.

(4) The Administrator may during the absence or incapacity of any member appoint a person to act as substitute for such member, and any such substitute shall, while so acting, for all purposes be a member of the Board.

(5) For the purpose of assisting the Board in any specific matter, the Administrator may appoint such number of assessors as he may deem necessary. Any such assessor shall be entitled to attend meetings of the Board when the matter in question is dealt with, but shall act in an advisory capacity only and shall have no vote on the Board.

(6) Appointments of members and assessors shall be subject to such conditions, including tenure of office, remuneration, fees and allowances, as the Administrator may prescribe: provided that allowances shall not exceed the rates applicable to the public service.

(7) If any member shall, without leave of the Board, have been absent from four consecutive meetings of which he has been notified, he shall automatically cease to be a member of the Board.

(8) Any three members shall form a quorum at meetings of the Board.

(9) The Administrator shall appoint a chairman and deputy chairman for the Board, and any person so appointed shall, if not already an ordinary member, for all purposes be a member of the Board. Whenever the chairman and deputy chairman are absent or for any reason incapacitated, the members present at any meeting shall determine by agreement or failing agreement, by lot which of them shall be chairman at such meeting.

(10) The chairman at any meeting of the Board shall have both a deliberative and a casting vote.

(11) No member or assessor shall be present at any meeting or take part in the proceedings of the Board while any matter in which he has directly or indirectly any interest is dealt with.

(12) Subject to there being a quorum at any meeting of the Board, any vacancy in the membership of the Board shall not invalidate the proceedings thereof.

(13) Meetings of the Board shall be held from time to time as the Board may decide: provided that the chairman may cause a meeting of the Board to be called at any time.

(14) The Provincial Secretary shall, subject to the law governing the public service, be responsible for providing all such officers as may be necessary to assist the Board in the performance of its functions, and all such officers shall be under the control of the Provincial Secretary. All executive and administrative work arising out of the performance of its functions by the Board shall be undertaken by the Provincial Administration.

2 bis. [Inserted by s.2/O 11/49; repealed by s.2/O 17/54.]

Duties of Board.

3. It shall be the duty of the Board^a

- (a) to enquire into any application referred to it under section *eleven* for permission to establish a township or subdivide an estate and, if it deem fit, to inspect the land affected by such application and where necessary the adjoining land;
- (b) in connection with any such application to consider and make recommendations in respect of any or all of the following matters:—
 - (i) the need or desirability of establishing a township or subdividing an estate on the proposed site.

^a Words deleted by s.2/O 19/59.

(2) Ten einde die kommissie in verband met enige bepaalde saak behulpsaam te wees, kan die Administrateur enige getal addisionele lede wat hy nodig ag, in die kommissie aanstel. Enige sodanige addisionele lid is vir alle doeleindes met betrekking tot so 'n saak 'n lid van, en het vir sodanige doeleindes 'n stem in, die kommissie.

(3) Die Administrateur kan, behoudens die bepalings van sub-artikel (8), enige getal addisionele lede of enige getal addisionele lede en gewone lede gelas om as die kommissie op te tree in verband met enige bepaalde saak wat deur die Administrateur aan hulle opgedra word.

(4) Die Administrateur kan tydens die afwesigheid of onbekwaamheid van enige lid iemand aanstel om as plaasvervanger vir so 'n lid op te tree, en enige sodanige plaasvervanger is, terwyl hy aldus optree, vir alle doeleindes 'n lid van die kommissie.

(5) Ten einde die kommissie in verband met enige bepaalde saak behulpsaam te wees, kan die Administrateur enige getal assessore aanstel wat hy nodig ag. So 'n assessor is geregtig om vergaderings van die kommissie by te woon wanneer die onderhawige saak behandel word, maar tree alleen in 'n raadgevende hoedanigheid op en het geen stem in die kommissie nie.

(6) Die aanstellings van lede en assessore is onderworpe aan die voorwaardes, insluitende ampsduur, besoldiging, gelde en toelaes, wat die Administrateur bepaal; met dien verstande dat die toelaes nie meer mag wees as die tariewe wat op die staatsdiens van toepassing is nie.

(7) As 'n lid sonder verlof van die kommissie van vier agtereenvolgende vergaderings waarvan hy in kennis gestel is, afwesig was, hou hy outomaties op om lid van die kommissie te wees.

(8) Enige drie lede maak 'n kworum uit op vergaderings van die kommissie.

(9) Die Administrateur stel 'n voorsitter en ondervoorsitter vir die kommissie aan, en enigiemand wat aldus aangestel word, is, indien hy nie reeds 'n gewone lid is nie, vir alle doeleindes lid van die kommissie. Wanneer ook al die voorsitter en ondervoorsitter afwesig of om enige rede onbekwaam is, bepaal die lede wat op 'n vergadering aanwesig is, by ooreenkoms of, by ontstentenis aan 'n ooreenkoms, by loting watter een van hulle die voorsitter op so 'n vergadering moet wees.

(10) Die voorsitter op 'n vergadering van die kommissie het sowel 'n beraadslagende as 'n beslissende stem.

(11) Geen lid of assessor mag teenwoordig wees op 'n vergadering of deelneem aan die verrigtinge van die kommissie terwyl enige saak waarin hy regstreeks of onregstreeks enige belang het, behandel word nie.

(12) Onderworpe daaraan dat daar 'n kworum op 'n vergadering van die kommissie is, maak 'n vakature in die lidmaatskap van die kommissie nie die verrigtinge daarvan ongeldig nie.

(13) Vergaderings van die kommissie word van tyd tot tyd gehou al na die kommissie besluit; met dien verstande dat die voorsitter te eniger tyd 'n vergadering van die kommissie kan laat belê.

(14) Onderworpe aan die wet wat op die staatsdiens van toepassing is, is die Provinsiale Sekretaris verantwoordelik vir die verskaffing van al die amptenare wat nodig is om die kommissie behulpsaam te wees by die uitvoering van sy pligte, en al sodanige amptenare staan onder die beheer van die Provinsiale Sekretaris. Alle uitvoerende en administratiewe werk wat by die uitvoering van sy pligte deur die kommissie ontstaan, word deur die Provinsiale Administrasie onderneem.

2 bis. [Ingevoeg by a.2/O 11/49; herroep by a.2/O 17/54.]

Pligte van Kommissie.

3. ⁸Dit is die plig van die Kommissie

- (a) om ondersoek in te stel na enige aansoek wat kragtens artikel *elf* aan hom verwys is vir verlof om 'n dorp te stig of 'n landgoed te onderverdeel en, indien hy dit wenslik ag, om die grond deur so 'n aansoek geaffekteer en, waar nodig, die aangrensende grond te inspekteer;
- (b) om in verband met enige sodanige aansoek oorweging te skenk aan en aanbevelings te doen ten opsigte van enige of al die volgende sake:—
 - (i) die behoefte of wenslikheid vir die stigting van 'n dorp of die onderverdeling van 'n landgoed op die voorgestelde terrein.

⁸ Gewysig by a.2/O 19/59.

- (ii) the suitability of the site with regard to position, water supply, soil, aspect, slope, climatic conditions, and to any other physical features, conditions or circumstances which may affect the proposal to establish a township or subdivide an estate on the proposed site, including the necessity for the provision of retaining walls for the support and protection of roads.
- (iii) the proposed design or lay-out of the township or subdivided estate.
- (iv) the allocation of districts or zones within the proposed township or subdivided estate for residential, commercial, industrial or other purposes or a combination of such purposes.
- (v) the regulation of buildings with particular reference to the maximum number which may be built upon each erf, the maximum area of each erf which may be built upon, open spaces in and about buildings, the position of buildings on each erf in relation to any street or other buildings and their character, use height and harmony in design.
- (vi) the provision of land for education, health and other Government or local authority purposes.
- (vii) the endowment, if any, which shall be made to, or in trust for, the local authority present or prospective and the form which such endowment shall take ⁸and the endowment which shall be made if no land is required to be provided for education purposes.
- (viii) the regulation of sales of endowed or other erven within a township or subdivided estate.
- (ix) any other matters material to the application which the Board may deem it desirable to bring to the notice of the Administrator or which the Administrator may refer to the Board.
- (c) on receipt of any objection to an application to give the applicant notice thereof in writing.
- (d) ⁸to consult any local authority concerned and thereafter to inform the local authority of the conditions which it is proposed to recommend to the Administrator under paragraph (f) so as to afford the local authority ^{10a} further opportunity of stating, within such period as the Board may specify, its views before the recommendation is made to the Administrator under paragraph (e).
- (e) to recommend to the Administrator whether such application should be granted or refused.
- (f) if the grant of such application is recommended further to recommend the conditions upon which it should be granted.
- ^{10a}(g) to undertake such investigations or surveys in connection with the town planning of local authority areas or any matters related thereto, and to prepare such plans and reports in regard thereto, as may be considered by the Administrator to be necessary for the purposes of this ordinance.

Provisions of this Chapter deemed to be in substitution for the provisions of other laws.

4. Should any of the regulations of a local authority within whose area of jurisdiction an application is granted be in conflict with the conditions set forth in the grant of such application under this Chapter, such regulations shall, to the extent of such conflict, be of no effect.

Applicant for subdivision of land to supply certain particulars to the local authority.

5. It shall be the duty of every owner when applying for permission to establish a township or subdivide an estate to supply particulars in writing to the local authority with the application in regard to the following:—

- (a) the source and approximate distance of the nearest drinking water supply.
- (b) the proposed provision for disposal of night-soil, slop water and refuse.
- (c) the distance from the nearest main thoroughfares, the manner in which the roads from the subdivided land are to link up with the said main thoroughfares, and the manner in which demarcated and existing roads on adjoining subdivided properties link up with the roads traversing the land proposed to be subdivided.

⁸ Words deleted by s.2/O 19/59.

⁹ Words to end of paragraph added by s.2/O 12/38.

¹⁰ Amended by s.2/O 19/59.

^{10a} (g) inserted by s.1/O 5/64.

- (ii) die geskiktheid van die terrein met betrekking tot die ligging, watertoevoer, grond, uitsig, helling, klimaatstoestande en enige ander kenmerke van die natuur, voorwaardes of omstandighede wat die voorstel raak vir die stigting van 'n dorp of die onderverdeling van 'n landgoed op die voorgestelde terrein, met insluiting van die noodsaaklikheid vir die voorsiening van steunmure vir die ondersteuning en beskerming van paaie.
- (iii) die voorgestelde ontwerp of aanleg van die dorp of onderverdeelde landgoed.
- (iv) die vasstelling van distrikte of wyke binne die voorgestelde dorp of onderverdeelde landgoed vir bewonings-, handels-, nywerheids- of ander doeleindes of vir sulke doeleindes gesamentlik.
- (v) die reëling van geboue met besondere verwysing na die maksimumaantal wat op elke erf gebou mag word, die maksimum-grootte van elke erf waarop gebou mag word, ope ruimtes in en om geboue, die ligging van geboue op elke erf in verhouding tot enige straat of ander geboue en die aard, doel, hoogte en ooreenstemming van ontwerp daarvan.
- (vi) voorsiening van grond vir onderwys-, gesondheids- en ander Goewermentsdoeleindes of vir die doeleindes van 'n plaaslike owerheid.
- (vii) die skenking, indien enige, wat aan of in trust vir die bestaande of toekomstige plaaslike owerheid toegeken moet word en die vorm waarin sodanige skenking moet geskied ⁸en die skenking wat toegeken moet word indien dit nie vereis word dat grond vir onderwysdoeleindes opsy gesit word nie.
- (viii) die reëling van verkopings van geskenkte of ander erwe binne 'n dorp of onderverdeelde landgoed.
- (ix) enige ander sake van belang in verband met die aansoek wat die Kommissie wenslik mag ag om onder die aandag van die Administrateur te bring of wat die Administrateur aan die Kommissie mag verwys.
- (c) om op ontvangs van enige beswaar teen 'n aansoek die applikant skriftelik daarvan in kennis te stel;
- (d) om ¹⁰enige betrokke plaaslike owerheid te raadpleeg en daarna die plaaslike owerheid in kennis te stel van die voorwaardes wat hy voornemens is om by die Administrateur ingevolge paragraaf (f) aan te beveel om sodoende die plaaslike owerheid ⁸n verdere geleentheid te gee om, binne die tydperk wat die Kommissie bepaal, sy sienswyse kenbaar te maak voordat die aanbeveling by die Administrateur ingevolge paragraaf (e) gedoen word.
- (e) om by die Administrateur aan te beveel of so 'n aansoek toegestaan of afgekeur moet word;
- (f) om, as so 'n aansoek vir goedkeuring aanbeveel word, verder die voorwaardes waarop dit toegestaan behoort te word, aan te beveel;
- ^{10a}(g) om die ondersoek of opnames in verband met die dorpsaanleg van plaaslike owerheidsgebiede of enige verwante sake te onderneem, en om die planne en verslae in verband daarmee op te stel wat die Administrateur vir die doeleindes van hierdie ordonnansie nodig ag.

Die bepalinge van hierdie Hoofstuk word beskou die bepalinge van ander wette te vervang.

4. Ingeval enige van die regulasies van 'n plaaslike owerheid, binne wie se gebied van jurisdiksie 'n aansoek toegestaan word, in stryd is met die voorwaardes soos uiteengesit in die goedkeuring van sodanige aansoek ooreenkomstig hierdie Hoofstuk, is sodanige regulasies tot die omvang van sodanige teenstrydigheid nie van krag nie.

Applikant vir onderverdeling van landgoed moet sekere besonderhede aan die plaaslike owerheid verskaf.

5. Dis die plig van elke eienaar, wanneer hy aansoek doen vir toestemming om 'n dorp te stig of 'n landgoed te onderverdeel om skriftelike besonderhede aan die plaaslike owerheid met die aansoek te verskaf, met betrekking tot die volgende:—

- (a) die bron en afstand naasteby van die naaste drinkwatervoorraad.
- (b) die voorgestelde voorsiening vir wegdoen van nagvuil, vuil water en vullis.
- (c) die afstand van die naaste hoofverkeersweë en die wyse waarop die paaie vanaf die onderverdeelde landgoed met genoemde hoofverkeersweë sal aansluit; asook die wyse waarop afgebakende en bestaande paaie op aangrensende eiendomme wat onderverdeel is, aansluit met die paaie wat loop oor die grond wat voorgestel is om onderverdeel te word.

⁸ Gewysig by a.2/O 19/59.

⁹ Woorde tot end van paragraaf toegevoeg by a.2/O 12/38.

¹⁰ Woorde geskrap by a.2/O 19/59.

^{10a} (g) ingevoeg by a.1/O 5/64.

- (d) the slope or level of building plots in relation to the nearest road; as well as the space along the front and lateral boundaries upon which no buildings may be erected.

Townships to be established only under this Ordinance except where land has previously been laid out.

6. After the commencement of this Ordinance no township shall be established or estate subdivided ¹¹or minor subdivision made except in accordance with the provisions of this Ordinance. Any land which at the date of such commencement has been laid out as a township or has been subdivided by means of actual survey into erven and public places and the plan of which has been registered in the office of the Surveyor-General shall be exempt from the provisions of this Chapter ¹¹except in so far as any portion thereof or any erf therein is further subdivided or laid out.

Transfer of certain erven although general plan not approved.

7. Where any person has to the satisfaction of the Administrator *bona fide* purchased before the 2nd December, 1927, any erf or block of erven in any township or subdivided estate, the general plan of which has not been approved under the provisions of the Township Ordinance, 1927 (Ordinance No. 13 of 1927) nothing contained in that Ordinance shall prevent transfer of such erf or erven being effected notwithstanding the fact that the general plan of the township or subdivided estate has not been approved nor the township or subdivided estate notified as an approved township or subdivided estate.

Cancellation or revision of unregistered plans approved prior to promulgation of Ordinance.

8. (1) Where any plan of subdivision of land was approved by any local authority before the commencement of the Townships Ordinance, 1927 (Ordinance No. 13 of 1927) but has not been registered in the office of the Surveyor-General and it is desirable in the opinion of the local authority that such plan should be revised or cancelled, such local authority shall have the power after giving one month's notice in writing to the owner of the land concerned to cancel or revise such plan, provided that such owner shall have the right of appeal to the Administrator from the decision of the local authority and that the Administrator's decision shall be final.

(2) Should the Administrator decide that such plan be not cancelled nor revised then it shall be the duty of such owner, within twelve months from the date of the Administrator's decision, to register such plan in the office of the Surveyor-General.

Minor subdivisions.

¹²9. (1) The owner of land who proposes to make a minor subdivision thereon shall make written application to the local authority for authority to do so in such form and accompanied by such information and documents as may be prescribed. Where there is no local authority, such application shall be made to the Surveyor-General.

(2) The local authority shall duly consider any application received by it and shall, within eight weeks of the receipt thereof, forward such application to the Surveyor-General together with such information as may be prescribed, and if it recommends the application, the conditions, if any, which it considers should be attached to the approval.

(3) The Surveyor-General may approve any such application if he is of opinion that no conditions need be imposed and, where the subdivision is within the area of a local authority, such local authority has recommended such subdivision without conditions and has stated that it would not be in conflict with the provisions of its town planning scheme, if any, whether such scheme is in the course of preparation or awaiting approval or has been approved.

(4) Any application not approved by the Surveyor-General in accordance with the preceding provisions of this section shall as soon as possible be submitted by him to the Board which may, subject to the provisions of subsection (5) grant the application if it is satisfied that the sub-

¹¹ Amended by s.3/O 19/59.

¹² [9] substituted by s.4(1)/O 19/59. This section not to apply to minor subdivisions already approved — s.4(2)/O 19/59.

- (d) die helling of gelykte van boupersele in verhouding tot die naaste pad; sowel as die ruimte langs die grense aan die voor- en sykante waar geen geboue opgerig mag word nie.

Dorpe mag slegs kragtens hierdie Ordonnansie gestig word, behalwe waar grond vroeër uitgelê is.

6. Na die inwerkingtreding van hierdie Ordonnansie mag geen dorp gestig of landgoed onderverdeel ¹¹of klein onderverdeling uitgevoer word nie behalwe in ooreenstemming met die bepalings van hierdie Ordonnansie. Grond wat op die datum van sodanige inwerkingtreding as 'n dorp uitgelê of onderverdeel is deur middel van 'n werklike opmeting in erwe en openbare plekke en die plan waarvan op die kantoor van die Landmeter-generaal geregistreer is, is vrygestel van die bepalings van hierdie Hoofstuk ¹¹behalwe vir sover enige gedeelte daarvan of enige erf daarin verder onderverdeel of uitgelê word.

Oordrag van sekere erwe alhoewel algemene planne nie goedgekeur is nie.

7. Waar enige persoon tot bevrediging van die Administrateur en voor 2 Desember 1927 te goedertrou enige erf of blok erwe in 'n dorp of onderverdeelde landgoed aangekoop het, die algemene plan waarvan nie goedgekeur is kragtens die bepalings van die Ordonnansie op Dorpe, 1927 (Ordonnansie No. 13 van 1927) nie, word, niesteenstaande die bepalings van daardie Ordonnansie, die transporteer van so 'n erf of erwe nie belet nie niesteenstaande die feit dat die algemene plan van die dorp of onderverdeelde landgoed nie goedgekeur is of dat die dorp of onderverdeelde landgoed nie verklaar is as 'n goedgekeurde dorp of onderverdeelde landgoed nie.

Intrekking of hersiening van ongeregisteerde planne voor afkondiging van Ordonnansie goedgekeur.

8. (1) Waar enige plan van 'n onderverdeling van grond deur 'n plaaslike owerheid voor die inwerkingtreding van die Ordonnansie op Dorpe, 1927 (Ordonnansie No. 13 van 1927) goedgekeur was, maar nie op die kantoor van die Landmeter-generaal geregistreer is nie, en dit volgens die mening van die plaaslike owerheid wenslik is dat so 'n plan hersien of ingetrek behoort te word, besit so 'n plaaslike owerheid die mag, nadat hy skriftelik kennis van een maand aan die eienaar van die betrokke grond gegee het, om so 'n plan in te trek of te hersien, met die verstande dat so 'n eienaar die reg besit om homself op die Administrateur te beroep teen die beslissing van die plaaslike owerheid en met die verstande dat die beslissing van die Administrateur finaal is.

(2) Ingeval die Administrateur besluit dat so 'n plan nie ingetrek of hersien moet word nie, dan is dit die plig van so 'n eienaar om binne twaalf maande vanaf die datum waarop die Administrateur sy beslissing gee, sodanige plan op die kantoor van die Landmeter-generaal te registreer.

Klein onderverdelings.

¹²⁹(1) Die eienaar van grond wat voornemens is om 'n klein onderverdeling daarop uit te voer, moet by die plaaslike owerheid skriftelik om magtiging daartoe aansoek doen in die vorm en vergesel van die inligting en dokumente wat voorgeskryf word. Waar daar nie 'n plaaslike owerheid is nie, moet sodanige aansoek by die Landmeter-generaal gedoen word.

(2) Die plaaslike owerheid moet enige aansoek wat deur hom ontvang word, behoorlik oorweeg en moet, binne agt weke van die ontvangs daarvan, sodanige aansoek na die Landmeter-generaal stuur tesame met die inligting wat voorgeskryf word en, indien die plaaslike owerheid die aansoek aanbeveel, die voorwaardes, indien daar is, waaraan die goedkeuring na sy mening onderworpe moet wees.

(3) Die Landmeter-generaal kan enige sodanige aansoek goedkeur indien hy van mening is dat geen voorwaardes opgelê hoef te word nie en, waar die onderverdeling binne die gebied van 'n plaaslike owerheid is, sodanige plaaslike owerheid sodanige onderverdeling sonder voorwaardes aanbeveel het en verklaar het dat dit nie strydig sal wees met die bepalings van sy dorpsaanlegskema nie, indien daar is, hetsy sodanige skema opgestel word of op goedkeuring wag of goedgekeur is.

(4) Enige aansoek wat nie deur die Landmeter-generaal goedgekeur word in ooreenstemming met die voorafgaande bepalings van hierdie artikel nie, moet so gou doenlik deur hom voorgelê word aan die Kommissie wat, onderworpe aan die bepalings van subartikel (5), die aansoek kan goedkeur as hy oortuig is dat die onderverdeling bevredigend is en dat dit nie

¹¹ Gewysig by a.3/O 19/59.

¹² [9] vervang by a.4(1)/O 19/59. Die bepalings van hierdie artikel is nie van toepassing ten opsigte van klein onderverdelings wat voor inwerkingtreding goedgekeur is — a.4(2)/O 19/59.

division is satisfactory and that it is not necessary to attach any conditions to such grant, or refuse the application if it considers the subdivision to be undesirable.

(5) If the Board is of opinion that approval should be granted to a minor subdivision which—

- (a) would be in conflict with the provisions of a town-planning scheme, whether such scheme is in the course of preparation or awaiting approval or has been approved, or
- (b) the local authority has refused to recommend or has recommended should only be approved subject to the imposition of certain conditions,

it shall submit the application and the local authority's views thereon to the Administrator together with its recommendation; provided that before coming to a decision on an application which the local authority has refused to recommend, the Administrator shall afford the local authority and the applicant a further opportunity of stating their views.

(6) If the Board itself is of opinion that in connection with any subdivision the imposition of conditions is desirable it shall—

- (a) submit the application to the Administrator together with its recommendation, or
- (b) refuse the application and direct that, if the applicant is desirous of proceeding with the matter, application should be made for the establishment of a township or the subdivision of an estate.

(7) Any applicant whose application to make a minor subdivision is refused by the Board may appeal to the Administrator.

(8) The Administrator shall in respect of minor subdivisions *mutatis mutandis* have the powers conferred on him by section *fourteen* and sub-sections (2), (3) and (3) *bis* of section *eighteen*.

(9) The grant of an application for the making of a minor subdivision shall lapse unless the separate registration of at least one erf, lot, plot or piece therein is effected in the Deeds Registry within twenty-four months of the date of notification to the applicant of such grant or within such further period as the Administrator may determine.

(10) The Surveyor-General shall not approve the diagram of any subdivision to which this section relates unless such subdivision has been approved in terms of this section. The approval of any such diagram by the Surveyor-General shall be *prima facie* evidence that such subdivision has been approved in terms of this section.

(11) No transfer ^{12a}or lease of any erf, lot, plot or piece in accordance with a subdivision approved in terms of this section shall be registered in the Deeds Registry unless a certificate is endorsed on the diagram thereof by the town clerk or secretary of the local authority that the lawful requirements of the local authority arising out of such subdivision (other than conditions imposed by the Administrator) have been complied with.

(12) Upon the separate registration in the Deeds Registry of any erf, lot, plot or piece in an approved minor subdivision, the Surveyor-General shall define any public place or street shown on the subdivisional plan thereof as if it were a portion of land referred to in sub-section (2) of section *twenty-three* of the Land Survey Act, 1927 (Act No. 9 of 1927), and thereupon the ownership of such public place or street shall vest in the local authority or, if there is no local authority, in the Administrator in trust for a future local authority.

No building plan to be approved if subdivisional plan not approved and reasonable ground exists for believing that Ordinance is being evaded.

10. (1) If a plan is submitted to a local authority in respect of a proposed building or buildings and the local authority is of opinion that such proposal is likely to constitute an evasion of the intent of the Ordinance and that a plan of subdivision of the land concerned ought first to be submitted, the local authority shall refuse to consider the said building plan until a plan of subdivision in respect of the said land has been submitted and has been approved under this Ordinance.

(2) No building shall thereafter be erected on such land unless the position assigned to it in relation to the boundaries of the erven represented on the plan of the proposed subdivision is in conformity with such boundaries.

^{12a} Words inserted by s.1/O 26/64.

nodig is om sodanige goedkeuring aan enige voorwaardes onderworpe te maak nie, of die aansoek kan weier as hy van mening is dat die onderverdeling onwenslik is.

(5) Indien die Kommissie van mening is dat goedkeuring geheg behoort te word aan 'n klein onderverdeling wat—

- (a) strydig sal wees met die bepalings van 'n dorpsaanlegskema, hetsy sodanige skema opgestel word of op goedkeuring wag of goedgekeur is, of
- (b) die plaaslike owerheid geweier het om aan te beveel of ten opsigte waarvan hy aanbeveel het dat dit slegs goedgekeur word onderworpe aan die oplegging van sekere voorwaardes,

moet hy die aansoek en die plaaslike owerheid se sienswyse daarvoor aan die Administrateur voorlê tesame met sy aanbeveling; met dien verstande dat, voordat die Administrateur 'n besluit neem oor 'n aansoek wat die plaaslike owerheid geweier het om aan te beveel, hy die plaaslike owerheid en die applikant 'n verdere geleentheid moet gee om hul sienswyse kenbaar te maak.

(6) Indien die Kommissie self van mening is dat die oplegging van voorwaardes in verband met enige onderverdeling wenslik is, moet hy—

- (a) die aansoek aan die Administrateur voorlê tesame met sy aanbeveling, of
- (b) die aansoek weier en gelas dat, indien die applikant met die saak wil voortgaan, aansoek gedoen moet word om die stigting van 'n dorp of die onderverdeling van 'n landgoed.

(7) Enige applikant wie se aansoek om 'n klein onderverdeling uit te voer, deur die Kommissie geweier word, kan hom beroep op die Administrateur.

(8) Ten opsigte van klein onderverdelings besit die Administrateur *mutatis mutandis* die bevoegdheede wat by artikel *veertien* en subartikels (2), (3) en (3) *bis* van artikel *agttien* aan hom verleen word.

(9) Die goedkeuring van 'n aansoek om die uitvoering van 'n klein onderverdeling verval tensy die afsonderlike registrasie van minstens een erf, lot, perseel of stuk daarin in die Registrasiekantoor van Aktes uitgevoer word binne vier-en-twintig maande van die datum van kennisgewing aan die applikant van sodanige goedkeuring of binne die verdere tydperk wat die Administrateur bepaal.

(10) Die Landmeter-generaal mag nie die kaart van enige onderverdeling waarop hierdie artikel van toepassing is, goedkeur nie tensy sodanige onderverdeling ingevolge hierdie artikel goedgekeur is. Die goedkeuring van enige sodanige kaart deur die Landmeter-generaal is *prima facie* bewys dat sodanige onderverdeling ingevolge hierdie artikel goedgekeur is.

(11) 'n Oordrag ^{12a}of *huurkontrak* van 'n erf, lot, perseel of stuk in ooreenstemming met 'n onderverdeling wat ingevolge hierdie artikel goedgekeur is, mag nie in die Registrasiekantoor van Aktes geregistreer word nie, tensy 'n sertifikaat op die kaart daarvan deur die stadsklerk of sekretaris van die plaaslike owerheid geëndosseer word dat die wetlike vereistes van die plaaslike owerheid wat as gevolg van sodanige onderverdeling ontstaan (uitgesonderd voorwaardes deur die Administrateur opgelê) nagekom is.

(12) Wanneer die afsonderlike registrasie in die Registrasiekantoor van Aktes van enige erf, lot, perseel of stuk in 'n goedgekeurde klein onderverdeling uitgevoer is, moet die Landmeter-generaal enige openbare plek of straat aangetoon op die onderverdelingsplan daarvan, afteken asof dit 'n stuk grond is waarna in subartikel (2) van artikel *drie-en-twintig* van die Opmetingswet, 1927 (Wet no. 9 van 1927) verwys word, en daarna berus die eiendomsreg in sodanige openbare plek of straat by die plaaslike owerheid of, indien daar nie 'n plaaslike owerheid is nie, by die Administrateur in trust vir 'n toekomstige plaaslike owerheid.

Geen bouplan word goedgekeur indien onderverdelingsplan nie goedgekeur is nie en as daar redelike grond bestaan om te vermoed dat die Ordonnansie ontduik word.

10. (1) As 'n plan aan 'n plaaslike owerheid voorgelê word ten opsigte van 'n voorgestelde gebou of geboue en die plaaslike owerheid die mening toegedaan is dat sodanige voorstel moontlik 'n ontduiking sal wees van die bedoeling van die Ordonnansie en dat 'n plan van die onderverdeling van die betrokke grond eers voorgelê behoort te word, moet die plaaslike owerheid weier om die genoemde bouplan in oorweging te neem totdat 'n plan van die onderverdeling ten opsigte van gemelde grond voorgelê en goedgekeur is ingevolge hierdie Ordonnansie.

(2) Geen gebou mag daarna op sodanige grond opgerig word nie tensy die plek daarvoor aangewys in verhouding tot die grense van die erwe aangetoon op die plan van die voorgestelde onderverdeling ooreenstem met sodanige grense.

^{12a} Woorde ingevoeg by a.1/O 26/64.

(3) The owner of the land or any other person interested shall have the right of appeal against such action by the local authority to the Administrator whose decision shall be final.

Establishment of township by local authority on direction of Administrator.

¹³10 bis. (1) If the Administrator is satisfied—

- (a) that any land has been or is being developed as a township without compliance with the provisions of this ordinance or any other law, or
- (b) that any land is required for building purposes or urban settlement, or
- (c) that the establishment of a township on any land is necessary for town improvement,

he may, notwithstanding any steps already taken by the owner for the establishment of a township on such land, but subject to the provisions of sub-section (2), direct the local authority within or contiguous to whose area of jurisdiction such land is situated to expropriate such land for the establishment of a township in accordance with the provisions of this ordinance and so much additional land as in his opinion is necessary for other purposes in connection with such township, including future extension, the provision of commonage and services and amenities.

(2) Before issuing any direction under sub-section (1) the Administrator shall advise the owner of the land concerned and the local authority to whom it is proposed to issue such direction, of his intention and that they may submit their representations in regard thereto within such period as he may specify.

(3) On receipt of any such direction under sub-section (1) the local authority shall forthwith proceed to expropriate the land required by the Administrator to be expropriated and shall thereafter take all necessary steps in law to establish on such land or on any portion thereof indicated by the Administrator a township in accordance with the provisions of this ordinance, and thereafter to dispose of the erven therein in such manner and on such terms and conditions as the Administrator may direct.

(4) For the purpose of the expropriation of land by a local authority under sub-section (3) the provisions of Chapter X of the Municipal Ordinance, 1951, in so far as they relate to expropriation, arbitration and compensation shall *mutatis mutandis* apply: provided that, notwithstanding anything to the contrary in the aforesaid chapter—

- (a) any person (other than the owner of the expropriated land or of any portion thereof) who has a right to occupy a building on such land by reason of the fact that he has at his own cost erected such building or has acquired such right from some other person for consideration, other than the payment of a rental only, shall for the purposes of the aforesaid chapter be deemed to have a right in respect of the expropriated land to the extent of the compensation payable for such building;
- (b) the Administrator may direct that any right such as is described in paragraph (a) shall not be extinguished, and thereupon—
 - (i) the owner of such right shall retain his rights and remain subject to his obligations thereunder, the expropriating authority being substituted for the owner from whom the land is expropriated, and
 - (ii) no compensation shall be payable in respect of such right either to the owner thereof or to the owner of the land;
- (c) the owner of the expropriated land shall be entitled to be compensated, in such amount as the Administrator may determine, for any costs which such owner may have incurred in connection with any preliminary work carried out prior to the date on which the preliminary notice of expropriation was first served on him, in respect of any proposed township to be laid out on the land.

(5) For the purpose of financing the expropriation of land under this section and the establishment of a township by a local authority, the Administrator may authorise a local authority to raise such loans as may be necessary, anything to the contrary notwithstanding in any other ordinance limiting the powers of such local authority or requiring compliance with a prescribed procedure.

(6) The provisions of section *two hundred and forty-nine* of the Municipal Ordinance, 1951, shall *mutatis mutandis* apply in respect of any direction given by the Administrator under this section.

¹³ Section inserted by s.1/O 17/55.

(3) Die eienaar van die grond of enige ander belanghebbende persoon besit die reg om homself teen sodanige handelwyse van die plaaslike owerheid te beroep op die Administrateur wie se beslissing finaal is.

Stigting van dorp deur plaaslike owerheid in opdrag van Administrateur.

¹³10bis. (1) Indien die Administrateur oortuig is—

- (a) dat enige grond as 'n dorp ontwikkel is of ontwikkel word sonder nakoming van die bepalings van hierdie ordonnansie op enige ander wet, of
- (b) dat enige grond vir boudoeleindes of stadsbewoning benodig word, of
- (c) dat die stigting van 'n dorp op enige grond vir dorpsverbetering nodig is,

kan hy, ondanks enige stappe wat reeds deur die eienaar gedoen is vir die stigting van 'n dorp op sodanige grond, maar onderworpe aan die bepalings van subartikel (2), die plaaslike owerheid binne of aan wie se regsgebied sodanige grond geleë is of grens, gelas om sodanige grond vir die stigting van 'n dorp ooreenkomstig die bepalings van hierdie ordonnansie en die bykomende grond wat na sy mening vir ander doeleindes in verband met sodanige dorp, met inbegrip van toekomstige uitbreiding, die voorsiening van dorpsgrond en dienste en geriewe nodig is, te onteien.

(2) Voordat die Administrateur enige lasgewing kragtens subartikel (1) uitreik, stel hy die eienaar van die betrokke grond en die plaaslike owerheid aan wie dit die voorneme is om sodanige lasgewing uit te reik, in kennis van sy voornemens en dat hulle hul verhoë in verband daarmee kan voorlê binne die tydperk wat hy bepaal.

(3) By ontvangs van enige sodanige lasgewing kragtens subartikel (1) moet die plaaslike owerheid onmiddellik voortgaan om die grond te onteien wat deur die Administrateur vereis word om onteien te word, en moet hy daarna alle nodige stappe ooreenkomstig die wet doen om op sodanige grond of op enige gedeelte daarvan wat die Administrateur aanwys, 'n dorp ooreenkomstig die bepalings van hierdie ordonnansie te stig en om daarna die erwe daarin van die hand te sit op die wyse en voorwaardes wat die Administrateur gelas.

(4) Vir die doeleindes van die onteiening van grond deur 'n plaaslike owerheid kragtens subartikel (3), is die bepalings van hoofstuk X van die Munisipale Ordonnansie, 1951, vir sover dit op onteiening, arbitrasie en vergoeding betrekking het, *mutatis mutandis* van toepassing; met dien verstande dat, ondanks enige andersluidende bepaling in voornoemde hoofstuk—

- (a) enigiemand (uitgesonderd die eienaar van die onteiene grond of van enige gedeelte daarvan) wat 'n reg besit om 'n gebou op sodanige grond te okkupeer omrede van die feit dat hy op eie koste sodanige gebou opgerig het of sodanige reg van iemand anders teen ander vergoeding as net die betaling van 'n huurgeld verkry het, vir sover dit die voornoemde hoofstuk betref, geag word 'n reg ten opsigte van die onteiene grond te besit in die mate van die vergoeding wat vir sodanige gebou betaalbaar is;
- (b) die Administrateur kan gelas dat enige reg soos dié wat in paragraaf (a) beskryf word, nie uitgewis word nie, en daarna—
 - (i) behou die eienaar van sodanige reg sy regte en bly hy onderworpe aan sy verpligtinge daarkragtens, en word die eienaar van wie die grond onteien word, vervang deur die owerheid wat onteien, en
 - (ii) is geen vergoeding ten opsigte van sodanige reg of aan die eienaar daarvan of aan die eienaar van die grond betaalbaar nie.
- (c) die eienaar van die onteiene grond geregtig is op die bedrag van vergoeding wat die Administrateur vasstel, vir enige koste wat so 'n eienaar aangegaan het in verband met enige voorlopige werk uitgevoer voor die datum waarop die voorlopige kennisgewing van onteiening vir die eerste keer op hom gedien is, ten opsigte van enige voorgestelde dorp wat op die grond aangelê gaan word.

(5) Vir die doeleindes van die finansiering van die onteiening van grond kragtens hierdie artikel en die stigting van 'n dorp deur 'n plaaslike owerheid, kan die Administrateur 'n plaaslike owerheid magtig om die lenings aan te gaan wat nodig is, ondanks enige andersluidende bepaling van enige ander ordonnansie waarby die bevoegdheid van sodanige plaaslike owerheid beperk of nakoming van 'n voorgeskrewe prosedure vereis word.

(6) Die bepalings van artikel tweehonderd nege-en-veertig van die Munisipale Ordonnansie, 1951, is *mutatis mutandis* van toepassing ten opsigte van enige lasgewing wat kragtens hierdie artikel deur die Administrateur gegee word.

¹³ Artikel ingevoeg by a.1/O 17/55.

Application to be made to Administrator for permission to establish a township.

11. ¹⁴(1) The owner of land who proposes to establish a township thereon or to subdivide an estate shall make application for permission to do so in writing to the local authority in such form as may be approved by the Administrator and accompanied by such information and documents as may be determined by the Administrator and such local authority shall forthwith transmit the application together with its comments to the Provincial Secretary. Where no local authority exists or where the local authority itself is the applicant, the application shall be made to the Provincial Secretary.

(2) If the land on which it is proposed to establish a township or subdivide an estate has been proclaimed under any mining law the consent of the Minister of Mines to such establishment shall be submitted with the application.

¹⁵(2A) If the land on which it is proposed to establish a township or subdivide an estate or which it is proposed to grant as commonage is subject to any right, registered in a Deeds Registry or the Mining Titles Office, to minerals or to mine or prospect for precious metals, precious stones, base minerals or natural oil, as defined in section 1 of the Mining Rights Act, 1967 (Act 20 of 1967), the consent to the application of the holder of such right and of every beneficiary thereunder shall be submitted therewith.

(3) If the land on which it is proposed to establish a township or subdivide an estate or which it is proposed to grant as commonage is subject to a mortgage bond, the consent of the mortgagee to the application shall be submitted therewith.

^{15a}(4) The applicant shall further submit a certificate by a duly admitted conveyancer that he has searched the records of the Deeds Registry and that the land is or is not subject to any registered servitude or interest belonging to another person; provided that in respect of State land the certificate to be submitted shall be a certificate by the Surveyor-General. If it is so subject the certificate shall fully disclose the nature and extent of each such servitude or interest and the applicant shall state what action he has taken or intends to take in regard to each such servitude or interest.

¹⁶(5) The Provincial Secretary shall upon receipt of an application publish once in the *Provincial Gazette* and three times at intervals of a week in a newspaper read in the area of the local authority concerned a notice stating that such application has been made, that it will be open to inspection at the office of the Provincial Secretary and such other place or places, if any, as may be stated in the notice and that objections to the application may be lodged with the Provincial Secretary by a specified date being not less than fourteen days after the date of the last publication of the notice; provided that such notice may be dispensed with in the case of an application to establish a township comprising, or to subdivide an estate into, not more than forty erven.

¹⁶(6) A copy of every objection received shall be sent by ordinary post to the owner.

¹⁶(7) A copy of the notice referred to in sub-section (5) together with a copy of the application form and the plan of the proposed subdivision shall be sent to any local authority, other than that through which the application was submitted, likely in the opinion of the Provincial Secretary to be affected, and the comments of any such local authority shall be sent to the Provincial Secretary within such period as he may indicate in each case.

¹⁶(8) The Provincial Secretary shall after dealing with and considering the application together with all objections and representations in connection therewith, submit the matter together with his comments to the Board for its recommendations.

Applications by Group Areas Development Board.

¹⁷11 *bis*. (1) Notwithstanding the provisions of sub-section (1) of section *eleven*, an application for the establishment of a township or the subdivision of an estate by the Group Areas Development Board referred to in section *two* of the Group Areas Development Act, 1955 (Act No. 69 of 1955) may be submitted direct to the Provincial Secretary.

¹⁴ (1) substituted by s.1/O 13/70.

¹⁵ (2A) inserted by s.2/O 25/69; substituted by s.1/O 13/70.

^{15a} (4) substituted by s.2/O 25/69.

¹⁶ (5) to (7) substituted and (8) inserted by s.3/O 16/53.

¹⁷ Section inserted by s.6/O 19/59.

Aansoek moet by die Administrateur gedoen word vir toestemming om 'n dorp te stig.

11. ¹⁴(1) Die eienaar van grond wat van plan is om 'n dorp daarop te stig of 'n landgoed te onderverdeel, moet by die plaaslike owerheid skriftelik aansoek doen om toestemming om dit te doen in die vorm wat deur die Administrateur goedgekeur word en vergesel van die inligting en dokumente wat deur die Administrateur bepaal word, en so 'n plaaslike owerheid moet die aansoek tesame met sy opmerkings dadelik aan die Provinsiale Sekretaris deurstuur. Waar geen plaaslike owerheid bestaan nie of waar die plaaslike owerheid self die aansoeker is, moet die aansoek aan die Provinsiale Sekretaris gerig word.

(2) As die grond waarop dit voorgestel word om 'n dorp te stig of 'n landgoed te onderverdeel, kragtens enige wet op myne geproklameer is, moet die toestemming van die Minister van Mynwese tot sodanige stigting met die aansoek voorgelê word.

¹⁵(2A) As die grond waarop dit die voorneme is om 'n dorp te stig of 'n landgoed te onderverdeel of wat dit die voorneme is om as 'n dorpsgrond toe te ken, onderworpe is aan enige reg, in 'n Registrasiekantoor van Aktes of die Mynbriewekantoor geregistreer, op minerale of om edelmetale, edelgesteentes, onedele minerale of aardolie soos omskryf in artikel 1 van die Wet op Mynregte, 1967 (Wet 20 van 1967), te myn, of daarna te prospekteer, moet die toestemming tot die aansoek van die houer van sodanige reg en van elke begunstigde daarkragtens daarmee voorgelê word.

(3) As daar 'n verband rus op die grond waarop dit voorgestel word om 'n dorp te stig of 'n landgoed te onderverdeel of wat voorgestel is om as 'n dorpsgrond toegeken te word, moet die toestemming van die verbandhouer tot die aansoek daarmee voorgelê word.

^{15a}(4) Die applikant moet verder 'n sertifikaat van 'n transportbesorger wat behoorlik toegelaat is, voorlê dat hy die argiewe van die Registrasiekantoor van Aktes deursoek het en dat die grond aan 'n geregistreerde serwituut of belang van iemand anders onderhewig is of nie is nie, met dien verstande dat ten opsigte van Staatsgrond die sertifikaat wat voorgelê moet word, 'n sertifikaat moet wees van die Landmeter-generaal. As dit daaraan onderhewig is, moet die aard en omvang van elk sodanige serwituut of belang volledig beskrywe word in die sertifikaat en die applikant moet verklaar watter stappe hy gedoen het of voornemens is om te doen in verband met elk sodanige serwituut of belang.

¹⁶(5) By ontvangs van 'n aansoek publiseer die Provinsiale Sekretaris een keer in die *Provinsiale Koerant* en drie keer by tussenpose van 'n week in 'n koerant wat in die gebied van die betrokke plaaslike owerheid gelees word, 'n kennisgewing waarin vermeld word dat so 'n aansoek gedoen is, dat dit ter insae lê op die kantoor van die Provinsiale Sekretaris en enige ander plek of plekke, indien daar is, wat in die kennisgewing genoem word, en dat besware teen die aansoek by die Provinsiale Sekretaris ingedien kan word voor of op 'n bepaalde datum wat minstens veertien dae na die datum van die laaste publikasie van die kennisgewing moet wees; met dien verstande dat van so 'n kennisgewing afgesien kan word in die geval van 'n aansoek om die stigting van 'n dorp bestaande uit, of die onderverdeling van 'n landgoed in, hoogstens veertig erwe.

¹⁶(6) 'n Afskrif van elke beswaar wat ontvang word, word per gewone pos aan die eienaar gestuur.

¹⁶(7) 'n Eksemplaar van die kennisgewing waarna in subartikel (5) verwys word, tesame met 'n eksemplaar van die aansoekvorm en die plan van die voorgestelde onderverdeling word gestuur aan elke plaaslike owerheid, uitgesonderd dié deur middel waarvan die aansoek ingedien is, wat na die mening van die Provinsiale Sekretaris waarskynlik geraak sal word, en die opmerkings van so 'n plaaslike owerheid word aan die Provinsiale Sekretaris gestuur binne die tydperk wat hy in elke geval aandui.

¹⁶(8) Nadat die Provinsiale Sekretaris die aansoek tesame met alle besware en vertoë in verband daarmee behandel en oorweeg het, lê hy die saak tesame met sy opmerkings aan die Kommissie vir sy aanbevelings voor.

Aansoeke deur Groepsgebiede-ontwikkelingsraad.

¹⁷11 bis. (1) Ondanks die bepalings van subartikel (1) van artikel *elf*, kan 'n aansoek om die stigting van 'n dorp of die onderverdeling van 'n landgoed deur die Groepsgebiede-ontwikkelingsraad vermeld in artikel *twee* van die Wet op die Ontwikkeling van Groepsgebiede, 1955 (Wet no. 69 van 1955) regstreeks aan die Provinsiale Sekretaris voorgelê word.

¹⁴ (1) vervang by a.1/O 13/70.

¹⁵ (2A) ingevoeg by a.2/O 25/69; vervang by a.1/O 13/70.

^{15a} (4) vervang by a.2/O 25/69.

¹⁶ (5) tot (7) vervang en (8) ingevoeg by a.3/O 16/53.

¹⁷ Artikel ingevoeg by a.6/O 19/59.

(2) If the local authority has not examined and furnished the Provincial Secretary with its comments on the proposals contained in an application by the Group Areas Development Board for the establishment of a township or the subdivision of an estate, the Provincial Secretary shall refer the application to the local authority which shall submit its comments to him within such period as he may indicate.

(3) The provisions of subsection (5) of section *eleven* and section *twelve* shall not apply in respect of any application by the Group Areas Development Board for the establishment of a township or the subdivision of an estate, and the provisions of section *fifty-nine bis* shall not apply in respect of any township or subdivided estate of which such Board is the owner.

Expenses — how to be borne.

12. (1) All expenses or portion thereof connected with official visits of inspection or meetings in connection with the application, including the fees and travelling or other allowances payable to members or staff of the Board, shall upon the recommendation of the Board and with the approval of the Administrator be borne by the applicant, whether such application be granted or not.

(2) The applicant shall, before an official inspection is made of his land, deposit with the Secretary of the Board such sum not exceeding £50 as the Chairman may determine for the payment of all moneys which may become due by him to the Board in terms of this Ordinance.

Restrictions to apply after making of application.

¹⁸13. From the time application is made for the establishment of a township or the subdivision of an estate, until such time as such township or subdivided estate has become an approved township or approved subdivided estate, as the case may be, or the application has lapsed or has been refused or withdrawn—

- (a) the land to which the application relates shall not be subdivided or laid out in any manner and no building shall be erected thereon;
- (b) the local authority shall not approve of the subdivision of such land or the erection of any building thereon; and
- (c) the Surveyor-General shall not approve of any plan or diagram relating to the subdivision of such land except in the manner provided in this chapter,

unless the consent of the Administrator shall first have been obtained.

Reservation of land and endowments for Government, educational and local authority purposes.

¹⁹14. (1) The Administrator may as a condition of the grant of an application for the establishment of a township or subdivided estate ²⁰and having due regard to the community needs and public expenditure which he considers may arise from the establishment of such township or subdivided estate and the public expenditure which has in the past been incurred and which has in his opinion directly or indirectly facilitated the establishment of such township or subdivided estate require the owner—

- ^{20a}(a) to grant land for State purposes, including public education;
- ^{20b}(b) in lieu of the grant of land for the purposes of public education as provided in paragraph (a), to pay an endowment for the acquisition of land or buildings for such purposes, such endowment to be paid to the Provincial Revenue Fund in the case of education controlled by the Province, and to the Consolidated Revenue Fund in the case of other education;
- ²¹(c) to grant land for the purposes of or as an endowment to or for the benefit of local authorities, whether existing or prospective, and
- ²²(d) to pay an endowment to or for the benefit of a local authority, whether existing or prospective.

(2) The Administrator may determine the situation and extent of the land to be granted for each purpose in terms of sub-section (1).

¹⁸ [13] substituted by s.4/O 16/53.

¹⁹ [14] substituted by s.4/O 30/48.

²⁰ Amended by s.1/O 10/58.

^{20a} (a) and (b) substituted by s.1/O 20/66.

²¹ (c) substituted by s.2/O 17/55.

²² (d) inserted by s.2/O 17/55.

(2) Indien die plaaslike owerheid nie die voorstelle vervat in 'n aansoek deur die Groepsgebiede-ontwikkelingsraad om die stigting van 'n dorp of die onderverdeling van 'n landgoed ondersoek en sy opmerkings daarvoor aan die Provinsiale Sekretaris verstrek het nie, verwys die Provinsiale Sekretaris die aansoek na die plaaslike owerheid wat sy opmerking aan hom moet voorlê binne die tydperk wat hy aandui.

(3) Die bepalings van subartikel (5) van artikel *elf* en artikel *twaalf* is nie van toepassing ten opsigte van 'n aansoek deur die Groepsgebiede-ontwikkelingsraad om die stigting van 'n dorp of die onderverdeling van 'n landgoed nie, en die bepalings van artikel *nege-en-vyftig bis* is nie van toepassing ten opsigte van 'n dorp of onderverdeelde landgoed waarvan sodanige Raad die eienaar is nie.

Hoe onkoste gedek moet word.

12. (1) Al die onkoste of 'n gedeelte daarvan in verband met amptelike inspeksiebesoek of vergaderings in verband met die aansoek, insluitende die gelde en reis- of ander toelae aan die lede of die staf van die Kommissie betaalbaar, moet op aanbeveling van die Kommissie en met die goedkeuring van die Administrateur deur die applikant gedek word, of so 'n aansoek toegestaan word of nie.

(2) Voordat sy grond amptelik ondersoek word, moet die applikant sodanige som wat nie meer is as £50 nie en wat die Voorsitter mag vasstel, by die Sekretaris van die Kommissie deponeer om daarmee al die gelde wat kragtens hierdie Ordonnansie deur hom aan die Kommissie verskuldig word, te betaal.

Beperkings van toepassing nadat aansoek gedoen is.

13. Van die tyd dat aansoek gedoen word om die stigting van 'n dorp of die onderverdeling van 'n landgoed tot tyd en wyl so 'n dorp of onderverdeelde landgoed 'n goedgekeurde dorp of goedgekeurde onderverdeelde landgoed geword het, na gelang van die geval, of die aansoek verval het of geweier of teruggetrek is—

- (a) mag die grond waarop die aansoek betrekking het, op generlei wyse onderverdeel of uitgelê word en mag geen gebou daarop opgerig word nie;
- (b) mag die plaaslike owerheid nie die onderverdeling van sodanige grond of die oprigting van 'n gebou daarop goedkeur nie; en
- (c) mag die Landmeter-generaal nie enige plan of diagram met betrekking tot die onderverdeling van sodanige grond goedkeur nie, behalwe op die wyse wat in hierdie hoofstuk bepaal word,

tensy die toestemming van die Administrateur vooraf verkry word.

Afsondering van grond en skenkings vir die doeleindes van die Regering, die onderwys en plaaslike owerhede.

14. (1) Die Administrateur kan as 'n voorwaarde vir die toestaan van 'n aansoek om die stigting van 'n dorp of onderverdeelde landgoed ²⁰en met behoorlike inagneming van die *gemeenskapsbehoefes en openbare uitgawe wat na sy mening kan voortspruit uit die stigting van sodanige dorp of onderverdeelde landgoed en die openbare uitgawe wat in die verlede aangegaan is en wat na sy mening die stigting van sodanige dorp of onderverdeelde landgoed regstreeks of onregstreeks vergemaklik het, van die eienaar vereis—*

- ^{20a}(a) om grond vir Staatsdoeleindes, insluitende openbare onderwys, toe te ken;
- ^{20b}(b) in plaas van die toekenning van grond vir die doeleindes van openbare onderwys soos in paragraaf (a) bepaal, om 'n begiftiging te betaal vir die aanskaffing van grond of geboue vir sodanige doeleindes; sodanige begiftiging moet gestort word in die Provinsiale Inkomstefonds in die geval van onderwys wat deur die Provinsie beheer word, en in die Gekonsolideerde Inkomstefonds in die geval van ander onderwys;
- ²¹(c) om grond toe te ken vir die doeleindes van of as 'n begiftiging aan of ten voordele van plaaslike owerhede, hetsy bestaande of in die vooruitsig, en
- ²²(d) om 'n begiftiging te doen aan of ten voordele van 'n plaaslike owerheid, hetsy bestaande of in die vooruitsig.

(2) Die Administrateur kan die ligging en omvang bepaal van die grond wat vir elke doel ingevolge subartikel (1) toegeken moet word.

¹⁸ [13] vervang by a.4/O 16/53.

²⁰ Gewysig by a.1/O 10/58.

²¹ (c) vervang by a.2/O 17/55.

¹⁹ [14] vervang by a.4/O 30/48.

^{20a} (a) en (b) vervang by a.1/O 20/66.

²² (d) toegevoeg by a.2/O 17/55.

²³(3) The Administrator shall in each case determine the amount of any such endowment required to be paid in terms of sub-section (1) and the basis on which and the time at which it shall be payable, provided that such endowment shall in any case not be payable in respect of any erf before a transfer thereof is to be registered in the Deeds Registry or a certificate of registered title in respect thereof is to be issued by the Registrar or any building is to be erected thereon, whichever date shall be the earlier.

(4) The endowment moneys ²⁴*payable for the benefit of a prospective urban local authority in terms of paragraph (d) of sub-section (1)* shall be paid to the Divisional Council within whose division the township or subdivided estate is situated, and shall be held in trust and invested by such Council in accordance with the provisions of the Local Authorities (Investment of Funds) Ordinance, 1935. When such township or subdivided estate comes under the jurisdiction of an urban local authority the Divisional Council shall pay over to such urban local authority such endowment moneys together with any interest that may have accrued thereon, less any amount which may have been used in terms of sub-section (5), and thereafter all accruals of endowment moneys shall be paid direct to such urban local authority.

(5) If a township or subdivided estate is or has been declared a local area in terms of ²⁵*paragraph (i) of sub-section (1) of section six of the Divisional Councils Ordinance, 1952*, the Divisional Council may with the consent of the Administrator deal with the endowment moneys held by it in respect of such township or subdivided estate in the manner set out in sub-section (6).

²⁶(6) Endowment moneys received by a local authority on its own behalf under this section or the proceeds of the sale of any land reserved as an endowment to it or for its benefit under this section shall be paid into a trust account and shall, on such conditions as the Administrator may approve, be used for such works, services and amenities, including the provision of public places, as the Administrator is satisfied are of benefit to the inhabitants of the township or subdivided estate or to compensate the local authority for expenditure which it has incurred in the past on works, services and amenities which the Administrator is satisfied are or have been of direct or indirect benefit to the township or subdivided estate or the land on which it is established; provided that the foregoing provisions shall not apply in respect of any such moneys or proceeds received by a municipality which shall, unless the Administrator otherwise directs, be paid by it into its revolving fund and be used in the manner provided in section 84bis(3) of the Municipal Ordinance, 1951 (Ordinance No. 19 of 1951).

Condition relating to erection of buildings and penalty for non-compliance therewith.

²⁷14A. (1) The Administrator may in granting an application for the establishment of a township, the subdivision of an estate or the making of a minor subdivision, in addition to any other conditions impose a condition in respect of all or any of the erven therein requiring the erection thereon within a period specified in such condition (hereinafter referred to as the "specified period") of buildings of a valuation of not less than an amount likewise specified (hereinafter referred to as the "specified valuation").

(2) If a condition imposed in respect of an erf in terms of subsection (1) is not complied with, the owner of such erf shall be liable to pay to the local authority in respect of every rate which is levied by it, which becomes due and payable during the year in which the specified period expires and any year thereafter and which could lawfully have been assessed and recovered on buildings of the specified valuation, had they been erected on such erf, a penalty equal to the amount of such rate; provided that—

- (a) in the case of the penalty in respect of a rate levied in the year in which the specified period expires, the owner shall be liable to pay such portion only of such penalty as is represented by the proportion which the portion of the year following the expiry of the specified period bears to the whole year, and

²³ (3) substituted by s.1/O 10/58.

²⁴ Amended by s.2/O 17/55.

²⁵ Amended by s.2/O 12/62.

²⁶ (6) substituted by s.1/O 10/58, s.1/O 20/66 and s.3/O 25/69. As to moneys received by council which has established Consolidated Capital Development and Loans Fund, see s.4(4)/O 4/68.

²⁷ [14A] inserted by s.2/O 13/70.

²³(3) Die Administrateur bepaal in elke geval die bedrag van 'n kontantbegiftiging wat ingevolge subartikel (1) betaal moet word, en die grondslag waarop en die tyd wanneer dit betaalbaar is, met dien verstande dat sodanige begiftiging in enige geval nie ten opsigte van 'n erf betaalbaar is nie voordat 'n oordrag daarvan in die Registrasiekantoor van Aktes geregistreer gaan word of 'n sertifikaat van geregistreerde titel ten opsigte daarvan deur die Registrateur uitgereik gaan word of 'n gebou daarop opgerig gaan word, watter datum ook al die vroegste is.

(4) Die begiftigingsgelde ingevolge ²⁴paragraaf (d) van subartikel (1) ten voordele van 'n toekomstige stedelike plaaslike owerheid betaalbaar moet betaal word aan die Afdelingsraad binne wie se afdeling die dorp of onderverdeelde landgoed geleë is, en moet deur sodanige Raad in trust gehou en deur hom belê word ooreenkomstig die bepalings van die Ordonnansie op die Belegging van Fondse deur Plaaslike Owerhede, 1935. Wanneer sodanige dorp of onderverdeelde landgoed onder die regsrag van 'n stedelike plaaslike owerheid kom, moet die Afdelingsraad aan sodanige stedelike plaaslike owerheid sodanige begiftigingsgelde betaal saam met enige rente wat dit gelewer het, min enige bedrag wat ingevolge subartikel (5) gebruik is, en daarna moet alle begiftigingsgelde wat bykom regstreeks aan sodanige stedelike plaaslike owerheid betaal word.

(5) As 'n dorp of onderverdeelde landgoed 'n plaaslike gebied is of ingevolge ²⁵paragraaf (i) van subartikel (1) van artikel ses van die Ordonnansie op Afdelingsrade, 1952 tot 'n plaaslike gebied verklaar is, dan kan die Afdelingsraad met die toestemming van die Administrateur die begiftigingsgelde ten opsigte van sodanige dorp of onderverdeelde landgoed wat in sy besit is, op die wyse bestee soos uiteengesit in subartikel (6).

²⁶(6) Begiftigingsgelde deur 'n plaaslike owerheid vir sy eie voordeel ingevolge hierdie artikel ontvang of die opbrengs uit die verkoop van enige grond wat ingevolge hierdie artikel as 'n begiftiging aan of ten voordele van hom gereserveer is, moet in 'n trustrekening gestort word en moet op voorwaardes wat die Administrateur goedkeur, gebruik word vir werke, dienste en geriewe, met inbegrip van die voorsiening van openbare plekke, wat na die mening van die Administrateur ten voordele is van die inwoners van die dorp of onderverdeelde landgoed of om die plaaslike owerheid te vergoed vir uitgawe wat hy in die verlede aangegaan het aan werke, dienste en geriewe wat na die mening van die Administrateur regstreeks of onregstreeks ten voordele is of was van die dorp of onderverdeelde landgoed of die grond waarop dit gestig is; met dien verstande dat die voorafgaande bepalings nie van toepassing is nie ten opsigte van enige sodanige gelde of opbrengs deur 'n munisipaliteit ontvang wat, tensy die Administrateur anders gelas, deur hom gestort moet word in sy wentelfonds en gebruik moet word op die wyse bepaal in artikel 84bis(3) van die Munisipale Ordonnansie, 1951 (Ordonnansie no. 19 van 1951).

Voorwaarde insake die oprigting van geboue en boete vir nie-nakoming daarvan.

²⁷14A. (1) Die Administrateur kan by die toestaan van 'n aansoek om die stigting van 'n dorp, die onderverdeling van 'n landgoed of die uitvoer van 'n klein onderverdeling, benewens enige ander voorwaardes 'n voorwaarde ten opsigte van alle of enige van die erwe daarin opleë waarby die oprigting daarop binne 'n tydperk in sodanige voorwaarde bepaal (hierna die „bepaalde tydperk” genoem) van geboue van 'n skatting van minstens 'n bedrag wat eweneens bepaal word (hierna die „bepaalde skatting” genoem) vereis word.

(2) Indien 'n voorwaarde wat ingevolge subartikel (1) ten opsigte van 'n erf opgelê is, nie nagekom word nie, is die eienaar van sodanige erf aanspreeklik vir die betaling aan die plaaslike owerheid ten opsigte van elke belasting wat deur hom gehef word, wat verskuldig en betaalbaar word gedurende die jaar waarin die bepaalde tydperk verstryk en enige jaar daarna en wat wettig op geboue van die bepaalde skatting aangeslaan en verhaal kon gewees het indien dit op sodanige erf opgerig was, van 'n boete gelyk aan die bedrag van sodanige belasting; met dien verstande dat—

- (a) in die geval van die boete ten opsigte van 'n belasting gehef in die jaar waarin die bepaalde tydperk verstryk, die eienaar aanspreeklik is vir die betaling van alleenlik dié gedeelte van sodanige boete wat verteenwoordig word deur die verhouding waarin die gedeelte van die jaar wat volg op die verstryking van die bepaalde tydperk staan tot die hele jaar, en

²³ (3) vervang by a.1/O 10/58.

²⁴ Gewysig by a.2/O 17/55.

²⁵ Gewysig by a.2/O 12/62.

²⁶ (6) vervang by a.1/O 10/58, a.1/O 20/66 en a.3/O 25/69. Insake geld ontvang deur raad wat Gekonsolideerde Kapitaalontwikkeling- en -leningsfonds gestig het, kyk a.4(4)/O 4/68.

²⁷ [14A] ingevoeg by a.2/O 13/70.

(b) if the owner of such erf is liable for any rate levied and assessed by the local authority for any year on buildings of a valuation of less than the specified valuation erected on such erf, the amount of the aforesaid penalty payable by the owner in respect of such rate shall be reduced by the amount of such rate.

(3) The provisions of the ordinance applicable to the local authority and relating to the date on which rates become due and payable, the collection and recovery of rates (including the institution of legal proceedings), the interest payable on arrear rates, the issue of any certificate required for the transfer of immovable property, and the seizure and lease or sale of immovable property in respect of which rates have not been paid, shall *mutatis mutandis* apply in respect of the amount of the penalty referred to in subsection (2) as if it were a rate.

(4) In the preceding provisions of this section—

“local authority” means any divisional council, municipal council, village management board or local board entitled to levy rates on the erf concerned;

“owner” in relation to an erf means the person in whose name such erf is registered in the Deeds Registry and, in the case of an erf not yet transferred by the township owner, means such township owner, and

“valuation” means the valuation as determined under the law relating to the valuation of immovable property.

Local authority not to dispose of land granted as endowment except under conditions.

15. It shall not be competent for the local authority to whom any erf in a township or subdivided estate has been given by the owner as an endowment in connection with the establishment of the township or subdivision of the estate to sell or otherwise dispose of such erf without the consent of the Administrator.

Owner only to transfer full dominium in land.

16. It shall be a condition of the granting of any application to establish a township or subdivide an estate that the owner of the land on which it is situate or his successor in title thereto or to any portion or share thereof, exclusive of transferees for value of erven therein, shall not dispose of any erf therein except upon a contract having for its object the transfer of the dominium in the erf to another person.

Commonage to be for benefit of inhabitants unless set aside for public purposes.

17. (1) It shall be a condition of the granting of any application to establish a township or subdivide an estate that any commonage shall be for the use and benefit of the inhabitants of the ²⁸local authority area.

(2) Portions of such commonage may be set apart for sites for cemeteries, native locations, refuse and night-soil deposit, aerodromes, Government, municipal, ecclesiastical or scholastic institutions, or such other public purposes as may subject to the approval of the Administrator be deemed advisable and necessary by the Board.

(3) Portions of the said commonage may also, subject to the provisions of this Ordinance and to any conditions on which the application has been granted, be utilised by any local authority thereafter established for subdivision into erven.

[continued on page 590]

²⁸ Amended by s.2/O 10/58.

(b) indien die eienaar van sodanige erf aanspreeklik is vir enige belasting deur die plaaslike owerheid vir enige jaar gehef en aangeslaan op geboue op sodanige erf opgerig van 'n skatting van minder as die bepaalde skatting, die bedrag van voornoemde boete deur die eienaar ten opsigte van sodanige belasting betaalbaar, verminder word met die bedrag van sodanige belasting.

(3) Die bepalings van die ordonnansie wat op die plaaslike owerheid van toepassing is en betrekking het op die datum waarop belastings verskuldig en betaalbaar word, die invordering en verhaal van belastings (insluitende die instelling van regsdinge), die rente betaalbaar op agterstallige belastings, die uitreiking van 'n sertifikaat wat vir die oordrag van onroerende goed vereis word, en die beslaglegging op en verhuur of verkoop van onroerende goed ten opsigte waarvan belastings nie betaal is nie, is *mutatis mutandis* van toepassing ten opsigte van die bedrag van die boete in subartikel (2) genoem, asof dit 'n belasting is.

(4) In die voorafgaande bepalings van hierdie artikel beteken—

„eienaar”, met betrekking tot 'n erf, die persoon op wie se naam sodanige erf in die Registrasiekantoor van Aktes geregistreer is en, in die geval van 'n erf wat nog nie deur die dorpsienaar oorgedra is nie, sodanige dorpsienaar;

„plaaslike owerheid” 'n afdelingsraad, munisipale raad, dorpsbestuur of plaaslike bestuur wat geregtig is om belasting op die betrokke erf te hef, en

„skatting” die skatting soos vasgestel kragtens die wet insake die skatting van onroerende goed.

Plaaslike owerheid mag nie grond wat as 'n skenking toegeken is, van die hand sit nie behalwe onder sekere voorwaardes.

15. Die plaaslike owerheid aan wie 'n erf in 'n dorp of onderverdeelde landgoed deur die eienaar as 'n skenking toegeken is in verband met die stigting van die dorp of onderverdeling van die landgoed, is nie geregtig om so 'n erf sonder die toestemming van die Administrateur te verkoop of anders van die hand te sit nie.

Eienaar mag slegs volle eiendomsreg op grond oordra.

16. Een van die voorwaardes waarop 'n aansoek vir die stigting van 'n dorp of die onderverdeling van 'n landgoed goedgekeur word, is dat die eienaar van die grond waarop dit geleë is of sy opvolger in eiendomsreg daartoe of tot 'n gedeelte of aandeel daarvan, met uisluiting van persone aan wie erwe daarin ²⁸vir waarde oorgedra is, geen erf daarin van die hand mag sit nie, behalwe onder 'n kontrak wat ten doel het die oordra van die eiendomsreg op die erf aan iemand anders.

Dorpsgronde moet vir die nut van inwoners wees tensy uitgehou vir openbare doeleindes.

17. (1) Een van die voorwaardes waarop 'n aansoek vir die stigting van 'n dorp of onderverdeling van 'n landgoed toegestaan word, is dat enige dorpsgronde vir die gebruik en nut is van die inwoners van die ²⁹plaaslike owerheidsgebied.

(2) Gedeeltes van sodanige dorpsgronde kan uitgehou word as terreine vir kerkhove, naturellelokasies, plekke vir die uitgooi van vullis en nagvuil, vliegbane, goewerments-, munisipale-, kerklike of onderwysinrigtings of sodanige ander openbare doeleindes as wat met die goedkeuring van die Administrateur deur die Kommissie wenslik en nodig geag word.

(3) Gedeeltes van gemelde dorpsgronde kan ook, onderhewig aan die bepalings van hierdie Ordonnansie en aan enige voorwaardes waaronder die aansoek toegestaan is, gebruik word vir die onderverdeling in erwe deur enige plaaslike owerheid wat daarna gestig word.

[vervolg op bladsy 591]

²⁸ Gewysig by a.2/O 13/37.

²⁹ Gewysig by a.2/O 10/58.

Board may recommend Administrator to grant or refuse application. Administrator may alter conditions in certain circumstances.

18. (1) The Board shall after consideration of the application recommend the Administrator to grant the application subject to such conditions as it may advise or shall recommend that the application be refused.

(2) The Administrator, after considering the Board's recommendation and any representations made by the local authority concerned may grant or refuse the application, provided that

²⁹(a) if he grant the application he may after consultation with the Board vary the conditions recommended by the Board, either by altering, amending or deleting any of such conditions or by adding further conditions,

(b) he shall not without further reference to the Board grant any application the refusal of which has been recommended by the Board.

³⁰(3) The Administrator may, before a township or subdivided estate becomes an approved township or approved subdivided estate, with the consent of the owner vary the conditions approved in respect thereof or of any erf therein, either by altering, amending or deleting any of such conditions or by adding further conditions.

³¹(3) *bis*. The Administrator may after a township or subdivided estate has become an approved township or approved subdivided estate, with the consent of the owner of any erf therein vary the conditions imposed in respect of such erf, either by altering, amending or deleting any of such conditions or by imposing further conditions; provided that the Administrator may, before authorising any proposed variation, require such public notification thereof to be given as he may deem necessary.

(4) Upon the granting of any application the Administrator shall notify the applicant, the Board, the Surveyor-General, the Registrar of Deeds and the local authority concerned and shall state the conditions upon which such application has been granted.

(5) Upon granting an application ³²*in respect of which the giving of notice under sub-section (5) of section eleven was dispensed with*, the Administrator may on the recommendation of the Board and subject to such conditions as he may deem fit, grant exemption from compliance with any or all of the provisions of sections *nineteen* and *twenty*.

Owner to submit general plan to Surveyor-General for approval.

19. (1) If the application be granted the owner shall within a period of twelve months from the date of notification thereof by the Administrator, or within such further period as the Administrator may in each case determine, cause a general plan in accordance with the conditions prescribed by the Administrator and showing the numbers assigned to the erven and also where necessary a diagram of the land included in the township or subdivided estate, to be framed and submitted in duplicate to the Surveyor-General. The numbering of the erven shall be subject to the approval of the Surveyor-General in consultation with the Registrar.

(2) When the Surveyor-General has approved such general plan and diagram he shall notify such approval to the Administrator and to the owner.

(3) Should the owner fail to submit the said general plan and, where necessary, the said diagram to the Surveyor-General within the said period of twelve months or within such further period as may have been allowed by the Administrator, the grant of the application shall be deemed to have lapsed.

Approval of township and notification thereof.

20. (1) Within a period of three months from the date of notification by the Surveyor-General of the approval of the general plan and diagram mentioned in the last preceding section, the owner shall lodge with the Registrar the said general plan and diagram, together with a copy of the conditions on which the application has been granted by the Administrator and the title-deed by which the land is held, and if the land be subject to a mortgage the consent of the mortgagee to the establishment of the township or the subdivision of the estate on the conditions prescribed by the Administrator.

²⁹ (a) substituted by s.5/O 16/53.

³⁰ (3) substituted by s.5/O 16/53.

³¹ (3) *bis* inserted by s.5/O 16/53.

³² Amended by s.5/O 16/53.

**Kommissie kan by Administrateur aanbeveel om aansoek toe te staan of van die hand te wys.
Administrateur kan voorwaardes onder sekere omstandighede verander.**

18. (1) Na oorweging van die aansoek beveel die Kommissie die goedkeuring van die aansoek by die Administrateur aan, onderhewig aan sodanige voorwaardes as wat hy aan die hand mag gee of anders beveel hy aan dat die aansoek van die hand gewys word.

(2) Na oorweging van die aanbeveling van die Kommissie en enige verhoë deur die betrokke plaaslike owerheid ingedien, kan die Administrateur die aansoek toestaan of weier met die verstande dat:—

³⁰(a) as hy die aansoek toestaan, hy na oorleg met die kommissie die voorwaardes wat deur die kommissie aanbeveel is, kan wysig hetsy deur enige sodanige voorwaardes te verander, te wysig of te skrap of deur verdere voorwaardes toe te voeg,

(b) hy nie enige aansoek, die afkeuring waarvan deur die Kommissie aanbeveel is, mag toestaan sonder verdere verwysing na die Kommissie nie.

³¹(3) Voordat 'n dorp of onderverdeelde landgoed 'n goedgekeurde dorp of goedgekeurde onderverdeelde landgoed word, kan die Administrateur met die toestemming van die eienaar die voorwaardes wat ten opsigte daarvan of van enige erf daarin goedgekeur is, wysig hetsy deur enige van sodanige voorwaardes te verander, te wysig of te skrap of deur verdere voorwaardes toe te voeg.

³²(3) *bis*. Nadat 'n dorp of onderverdeelde landgoed 'n goedgekeurde dorp of goedgekeurde onderverdeelde landgoed geword het, kan die Administrateur met die toestemming van die eienaar van enige erf daarin die voorwaardes wat ten opsigte van so 'n erf opgelê is, wysig hetsy deur enige van sodanige voorwaardes te verander, te wysig of te skrap of deur verdere voorwaardes op te lê; met dien verstande dat voordat die Administrateur enige voorgestelde wysiging magtig, hy kan vereis dat openbare kennis daarvan gegee word al na hy nodig ag.

(4) By die toestaan van enige aansoek moet die Administrateur die applikant, die Kommissie, die Landmeter-generaal, die Registrateur van Aktes en die betrokke plaaslike owerheid in kennis stel en die voorwaardes vermeld waaronder sodanige aansoek toegestaan is.

(5) By die toestaan van 'n aansoek ³³ten opsigte waarvan daar afgesien is van die kennisgewing ingevolge subartikel (5) van artikel elf kan die Administrateur op aanbeveling van die Kommissie en onderworpe aan die voorwaardes wat hy gerade ag, vrystelling verleen van die nakoming van enige of al die bepalings van artikels *neëntien* en *twintig*.

Eienaar moet algemene plan vir goedkeuring aan Landmeter-generaal opstuur.

19. (1) As die aansoek goedgekeur word, moet die eienaar binne 'n tydperk van twaalf maande vanaf die datum van die bekendmaking daarvan deur die Administrateur of binne sodanige verdere tydperk as wat die Administrateur in elke geval mag bepaal, 'n algemene plan volgens die voorwaardes deur die Administrateur voorgeskryf en waarop die nommers voorkom wat toegewys is aan die erwe en, ook waar nodig, 'n kaart van die grond geleë binne die dorp of onderverdeelde landgoed, in duplo laat opstel en voorlê aan die Landmeter-generaal. Die nommers van die erwe is onderhewig aan die goedkeuring van die Landmeter-generaal na oorleg met die Registrateur.

(2) Wanneer die Landmeter-generaal so 'n algemene plan en kaart goedgekeur het, moet hy die Administrateur en die eienaar van sodanige goedkeuring in kennis stel.

(3) Ingeval die eienaar versuim om gemelde algemene plan en, waar nodig, die genoemde kaart aan die Landmeter-generaal voor te lê binne gemelde tydperk van twaalf maande of binne sodanige verdere tydperk as wat deur die Administrateur toegelaat mag wees, word dit beskou dat die goedkeuring van die aansoek verval het.

Goedkeuring van dorp en bekendmaking daarvan.

20. (1) Binne 'n tydperk van drie maande vanaf die datum van bekendmaking deur die Landmeter-generaal van die goedkeuring van die algemene plan en kaart in die onmiddellik voorafgaande artikel genoem, moet die eienaar gemelde algemene plan en kaart, saam met 'n kopie van die voorwaardes waaronder die aansoek deur die Administrateur goedgekeur is en die eiendomsbewys waaronder die grond in besit gehou word, by die Registrateur indien, en as daar 'n verband op die grond is, dan ook die toestemming van die verbandhouer vir die stigting van die dorp of die onderverdeling van die landgoed op die voorwaardes deur die Administrateur voorgeskryf.

³⁰ (a) vervang by a.5/O 16/53.

³¹ (3) vervang by a.5/O 16/53.

³² (3) *bis* ingevoeg by a.5/O 16/53.

³³ Gewysig by a.5/O 16/53.

(2) Thereupon the Registrar shall open a register for the township or subdivided estate in which particulars of each erf appearing on the general plan shall be entered on the folio bearing its number and particulars of the public places and commonage, if any, and the conditions upon which the application has been granted shall be entered on an introductory folio.

(3) Should the owner fail to lodge the general plan and diagram within the said period of three months or within such further period as the Administrator may determine, the grant of the application shall be deemed to have lapsed.

(4) The Registrar shall make an endorsement on the owner's title-deed and on the duplicate original thereof filed in his office to the effect that the land described therein or the portion thereof represented by the diagram referred to in section *nineteen* has been laid out as a township or subdivided estate and that it is subject to the provisions of this Ordinance.

(5) If the land is subject to a mortgage bond the Registrar with the written consent of the mortgagee shall further make an appropriate endorsement thereon, and on the duplicate original thereof filed in his office relative to the establishment of the township or subdivided estate on the mortgaged property.

(6) Upon the receipt of a notification from the Registrar that the provisions of the preceding sub-sections have been complied with the Administrator shall cause the township or subdivided estate to be notified in the *Provincial Gazette* as an approved township or subdivided estate.

(7) No registration of the transfer of any erf in a township or subdivided estate laid out after the commencement of this Ordinance shall be effected in the Deeds Registry unless and until such township or subdivided estate has been notified to be an approved township or subdivided estate, and the conditions upon which the application was granted by the Administrator shall have been endorsed on the general plan.

(8) Nothing contained in this section or any other section of this Ordinance shall be deemed to make the submission of a separate diagram of each separate erf necessary in any case where prior to the 2nd December, 1927, transfer of more than one erf would have been passed on one diagram.

No transfer of any erf to be registered until land reserved for public purposes transferred to the Government or trustees.

21. (1) Before the transfer by the owner of any erf in an approved township or subdivided estate is registered in the Deeds Registry ³³or before a certificate of registered title in respect of any erf is issued by the Registrar the owner shall

- (a) furnish the Registrar with his title-deed to the land and with diagrams in duplicate approved by the Surveyor-General of
 - (i) such land or erven as have been reserved for Government ³⁴provincial and educational purposes;
 - (ii) such land or erven as have been reserved as commonage or for local authority endowment purposes;
 - (iii) such land or erven as have been reserved for local authority purposes,
 all of which lands or erven shall hereinafter be referred to as the "reserved land," and
- (b) transfer the land referred to in paragraph (a) (i) to the Government ³⁴Provincial Administration or to the Educational Trustees, as the case may require, and the land referred to in paragraphs (a) (ii) and (a) (iii) to trustees, appointed by the Administrator, in trust for any local authority which may thereafter be constituted for the township or subdivided estate or to the local authority itself if such local authority is already in existence.

³⁵(c) furnish proof to the Registrar that all endowment moneys in respect of such erf have been paid ³⁵or security to the satisfaction of the Administrator has been furnished for the payment thereof.

(2) All expenses of transfers and incidental charges connected with such transfer shall be borne by the Provincial Administration in respect of any of the land or erven referred to in

³³ Amended by s.3/O 10/58.

³⁴ Amended by s.6/O 30/48.

³⁵ (c) added by s.6/O 30/48.

(2) Daarna moet die Registrateur 'n register open vir die dorp of onderverdeelde landgoed waarin besonderhede van elke erf wat op die algemene plan voorkom, opgeteken moet word op die bladsy waarop die nommer daarvan en besonderhede van die openbare plekke en dorpsgronde, indien enige, voorkom, en die voorwaardes waaronder die aansoek goedgekeur is, moet op 'n inleidingsbladsy aangeteken word.

(3) Ingeval die eienaar versuim om die algemene plan en kaart binne gemelde tydperk van drie maande of binne sodanige verdere tydperk as wat die Administrateur mag bepaal, in te dien, word dit beskou dat die goedkeuring van die aansoek verval het.

(4) Die Registrateur moet 'n endossement op die eiendomsbewys van die eienaar en op die duplikaat van die oorspronklike kopie daarvan wat op sy kantoor bewaar word, maak ten effekte dat die daarin-beskrewe grond of die gedeelte daarvan op die kaart aangegee waarna in artikel *neëntien* verwys word, uitgelê is as 'n dorp of onderverdeelde landgoed en dat dit onderhewig is aan die bepalings van hierdie Ordonnansie.

(5) As daar 'n verband op die grond is, moet die Registrateur met die skriftelike toestemming van die verbandhouer verder 'n toepaslike endossement daarop en op die duplikaat van die oorspronklike kopie daarvan wat op sy kantoor bewaar word, maak met betrekking tot die stigting van die dorp of onderverdeelde landgoed op die eiendom waarop daar 'n verband rus.

(6) Op ontvangs van 'n kennisgewing van die Registrateur dat aan die bepalings van die voorgaande subartikels voldoen is, laat die Administrateur die dorp of onderverdeelde landgoed in die *Provinsiale Koerant* bekendmaak as 'n goedgekeurde dorp of onderverdeelde landgoed.

(7) Geen registrasie van die transport van 'n erf in 'n dorp of onderverdeelde landgoed na die inwerkingtreding van hierdie Ordonnansie uitgelê, mag geskied op die Registrasiekantoor van Aktes nie, tensy en totdat so 'n dorp of onderverdeelde landgoed bekendgemaak is as 'n goedgekeurde dorp of onderverdeelde landgoed en die voorwaardes waarop die aansoek deur die Administrateur toegestaan is, op die algemene plan geëndosseer is.

(8) Geen van die bepalings van hierdie artikel of enige ander artikel van hierdie Ordonnansie word beskou as die indiening van 'n aparte kaart van elke afsonderlike erf verpligtend te maak nie in 'n geval waar die transporteer van meer as een erf voor 2 Desember 1927 op een kaart goedgekeur sou geword het.

Geen transport van 'n erf mag geregistreer word totdat grond uitgehou vir openbare doeleindes aan die Regering of trustees oorgedra is nie.

21. (1) Voordat die transport deur die eienaar van 'n erf in 'n goedgekeurde dorp of onderverdeelde landgoed geregistreer word op die Registrasiekantoor van Aktes, ³⁴of voordat 'n *sertifikaat van geregistreeerde titel ten opsigte van 'n erf deur die Registrateur uitgereik word* moet die eienaar

- (a) die Registrateur voorsien van sy eiendomsbewys ten opsigte van die grond en van kaarte, in duplo, deur die Landmeter-generaal goedgekeur, van
 - (i) sodanige grond of erwe as wat vir ³⁵*regerings-, provinsiale en onderwysdoeleindes* uitgehou is;
 - (ii) sodanige grond of erwe as wat vir dorpsgronde of vir begiftigingsdoeleindes van 'n plaaslike owerheid uitgehou is;
 - (iii) sodanige grond of erwe as wat vir die doeleindes van 'n plaaslike owerheid uitgehou is,
 en al hierdie gronde of erwe word hierna genoem "gereserveerde grond"; en
- (b) die grond waarvan melding gemaak word in paragraaf (a) (i) aan die Regering ³⁶*Provinsiale Administrasie* of aan die Onderwystrustees, soos die geval mag wees, oordra, en die grond genoem in paragraaf (a) (ii) en (a) (iii) aan trustees deur die Administrateur aangestel, in trust vir enige plaaslike owerheid wat daarna vir die dorp of onderverdeelde landgoed gevorm mag word, of aan die plaaslike owerheid self indien so 'n plaaslike owerheid reeds bestaan.
- ³⁶(c) aan die Registrateur bewys lewer dat alle begiftigingsgelde ten opsigte van sodanige erf betaal is ³⁴*of sekuriteit tot genoeë van die Administrateur vir die betaling daarvan verskaf is.*

(2) Al die transportregte en bykomende koste in verband met so 'n oordrag word deur die *Provinsiale Administrasie* gedek ten opsigte van enige van die grond of erwe in hierdie artikel

³⁴ Gewysig by a.3/O 10/58.

³⁵ Gewysig by a.6/O 30/48.

³⁶ (c) toegevoeg by a.6/O 30/48.

this section, except where transfer is passed to a local authority which is already in existence, or to the Union Government, in which case such expenses and charges shall be borne by the local authority concerned, or the Union Government, as the case may be.

(3) Upon the constitution of such local authority the land referred to in paragraphs (a) (ii) and (a) (iii) of sub-section (1) shall, with the consent of the Administrator, be transferred to the local authority.

How reserved land may be dealt with.

²²(1) As long as reserved land which is vested in trustees in trust for a local authority remains so vested, the Administrator may—

- (a) direct that such land or any portion thereof be used for the benefit of the inhabitants of the township or subdivided estate in such manner and subject to such conditions as he may think fit; or
- (b) direct the said trustees—
 - (i) to sell such land or any portion thereof subject to such conditions as he may think fit; or
 - (ii) to exchange, subject to such conditions as he may think fit, such land or any portion thereof for other land.

(2) The proceeds of any sale referred to in subsection (1)(b)(i) shall be paid to the divisional council within whose division the land sold is situated and shall be dealt with in the manner set out in section 14(4), (5) and (6).

Owner may impose conditions on certain reserved open spaces.

23. Where in the approved plan of a township or subdivided estate there are reserved public places sufficient in the opinion of the Board and the Administrator for the present and future needs of the inhabitants of such township or subdivided estate, then an owner shall be empowered to impose conditions upon the use and control of any additional open spaces as may be approved by the Administrator. Subject to the said conditions any such additional open space shall be deemed to be a public place for the purposes of this Ordinance.

Ownership in public places to vest in Administrator till local authority created. Where public places closed others may be substituted.

²⁴(1) The ownership of all public places in an approved township or subdivided estate shall, upon notification in the *Provincial Gazette* in terms of section twenty (6), vest in the Administrator in trust for any such local authority as may thereafter be constituted for such township or in the local authority itself if such local authority is already in existence the owner being entirely dispossessed of any interest in such public places: provided that in the event of the registered owner of the township or subdivided estate wishing to transfer away that portion thereof which remains registered in his name, he may include in the transfer those public places which are registered in his name subject to the vestment thereof remaining in the Administrator in trust. The Registrar shall record on the introductory folio of the township register that the public places as shown on the general plan are in terms of this Ordinance vested in the Administrator. If a local authority be later constituted the Registrar shall on the authority of the Administrator similarly record in the township register that the ownership of such public places vests in it.

(2) If the general plan of an approved township or subdivided estate is lawfully altered in consequence of the closing of a public place and the creation of a new public place the ownership of the land constituting the closed public place shall revert in the person on whose land the township or subdivided estate was laid out or his successor in title and the ownership of the land constituting the new public place shall vest in the Administrator or local authority, as the case may be, as from the date of the alteration of the general plan in the same manner as if it had been shown on the original plan of the township or subdivided estate. The Registrar shall thereupon make the necessary endorsements on the title-deed of the land and the

²² Words to end of subsection substituted by s.1/O 6/41.

²³ Section substituted by s.1/O 10/67.

²⁴ As to closing, diverting or altering in character of a public place, see s.5/O 12/38 and s.154/O 19/51.

genoem, behalwe waar transport aan 'n reeds bestaande plaaslike owerheid geskied, ³⁷of aan die Unieregering, in watter geval sodanige onkoste en gelde deur die betrokke plaaslike owerheid of die Unieregering, na gelang van die geval, betaal moet word.

(3) By die instelling van so 'n plaaslike owerheid word die in paragrawe (a) (ii) en (a) (iii) van subartikel (1) gemelde grond, met die toestemming van die Administrateur, aan die plaaslike owerheid oorgedra.

Hoe met gereserveerde grond gehandel kan word.

³⁷22. (1) Solank gereserveerde grond wat in trustees gevestig is in trust vir 'n plaaslike owerheid, aldus gevestig bly, kan die Administrateur—

- (a) gelas dat sodanige grond of enige gedeelte daarvan gebruik word tot nut van die inwoners van die dorp of onderverdeelde landgoed op die wyse en onderworpe aan die voorwaardes wat hy goed dink; of
- (b) genoemde trustees gelas—
 - (i) om sodanige grond of enige gedeelte daarvan te verkoop onderworpe aan die voorwaardes wat hy goed dink; of
 - (ii) om sodanige grond of enige gedeelte daarvan vir ander grond te verruil onderworpe aan die voorwaardes wat hy goed dink.

(2) Die opbrengs van enige verkoop vermeld in subartikel (1)(b)(i) word betaal aan die afdelingsraad binne wie se afdeling die verkoopte grond geleë is en met sodanige opbrengs word gehandel op die wyse in artikel 14(4), (5) en (6) uiteengesit.

Eienaar kan voorwaardes stel ten opsigte van sekere gereserveerde ope ruimtes.

23. Waar daar op die goedgekeurde plan van 'n dorp of 'n onderverdeelde landgoed openbare plekke uitgehou word wat volgens die mening van die Kommissie en die Administrateur voldoende is vir die teenswoordige en toekomstige behoeftes van die inwoners van so 'n dorp of onderverdeelde landgoed, besit 'n eienaar die mag om voorwaardes te stel in verband met die gebruik en beheer van enige addisionele ope ruimtes wat deur die Administrateur goedgekeur mag word. Onderhewig aan die genoemde voorwaardes, word enige sodanige addisionele ope ruimte beskou as 'n openbare plek vir die doeleindes van hierdie Ordonnansie.

Eiendomsreg op openbare plekke, berus by die Administrateur totdat plaaslike owerheid gevorm is. Waar openbare plekke gesluit word, kan ander in die plek gestel word.

³⁸24. (1) Die eiendomsreg op alle openbare plekke in 'n goedgekeurde dorp of onderverdeelde landgoed berus, na bekendmaking in die *Provinsiale Koerant* ooreenkomstig artikel *twintig* (6), by die Administrateur in trust vir enige sodanige plaaslike owerheid as wat daarna vir so 'n dorp ingestel mag word of by die plaaslike owerheid self indien so 'n plaaslike owerheid reeds bestaan, en die eienaar is heeltal onteien van enige belang in sulke openbare plekke; met die verstande dat ingeval die geregistreerde eienaar van die dorp of onderverdeelde landgoed verlang om transport te verleen van daardie deel daarvan wat in sy naam geregistreer bly, hy daardie openbare plekke wat in sy naam geregistreer is, mag insluit in die oordrag onderhewig aan die voorwaarde dat dit in die Administrateur in trust gevestig bly. Die Registrateur moet op die inleidingsbladsy van die dorpsregister 'n aantekening maak dat die openbare plekke wat op die algemene plan aangedui word, kragtens hierdie Ordonnansie in die Administrateur gevestig is. As 'n plaaslike owerheid later ingestel word, moet die Registrateur met die magtiging van die Administrateur, 'n dergelike aantekening maak in die dorpsregister dat die eiendomsreg ten opsigte van sodanige openbare plekke in die plaaslike owerheid gevestig is.

(2) As die algemene plan van 'n goedgekeurde dorp of onderverdeelde landgoed wettiglik verander word as gevolg van die sluiting van 'n openbare plek en die stigting van 'n nuwe openbare plek, val die eiendomsreg van die grond wat die gesluite openbare plek uitmaak, terug aan die persoon op wie se grond die dorp of onderverdeelde landgoed uitgelê was of aan sy opvolger in eiendomsreg en die eiendomsreg ten opsigte van die grond waaruit die nuwe openbare plek bestaan, is gevestig in die Administrateur of plaaslike owerheid, na gelang van omstandighede, vanaf die datum van die verandering van die algemene plan op dieselfde wyse asof dit op die oorspronklike plan van die dorp of onderverdeelde landgoed aangetoon was. Die Registrateur moet daarna die nodige endossemente maak op die eiendoms-

³⁷ Woorde tot end van subartikel vervang by a.1/O 6/41.

^{37a} Artikel vervang by a.1/O 10/67.

³⁸ Insake die sluit, verlé of verandering van enige openbare plek, sien a.5/O 12/38 en a. 154/O 19/51.

duplicate thereof filed in his office and shall further make the necessary entries in the township register.

(3) In the event of the owner or successor in title having no longer any interest in the estate, the public places shall remain vested in the local authority.

On cancellation of general plan public places and reserved land to revert to owner.

25. (1) If a general plan of an approved township or subdivided estate or of any part thereof is lawfully cancelled the ownership of the public places represented thereon shall revert in the owner or his successor in title subject to any terms, conditions or exceptions made by the Administrator who shall cause such cancellation to be notified in the *Provincial Gazette*.

[continued on page 596]

bewys van die grond en op die duplikaat daarvan wat op sy kantoor bewaar word en moet verder die nodige aantekeninge in die dorpsregister maak.

(3) Ingeval die eenaar of opvolger in eiendomsreg nie langer enige belang in die landgoed het nie, bly die openbare plekke gevestig in die plaaslike owerheid.

By die intrekking van algemene plan, val openbare plekke en gereserveerde grond terug aan die eenaar.

25. (1) As 'n algemene plan van 'n goedgekeurde dorp of onderverdeelde landgoed of van enige gedeelte daarvan wettiglik ingetrek word, val die eiendomsreg ten opsigte van die openbare plekke daarop aangedui terug aan die eenaar of sy opvolger in eiendomsreg, onderhewig aan enige terme, voorwaardes of uitsonderings gestel deur die Administrateur wat so 'n intrekking in die *Provinsiale Koerant* moet laat bekendmaak. Die Registrateur moet daarna

[vervolg op bladsy 597]

The Registrar shall thereupon make the necessary endorsements on the title-deed of the land and the duplicate thereof filed in his office and shall further make the necessary entries in the township register.

(2) If a general plan of an approved township or subdivided estate or of any part thereof is lawfully cancelled all reserved land which is shown thereon or on the part cancelled, as the case may be, shall be transferred to the owner or his successor in title, free of any conditions imposed thereon in connection with the approval of the township or subdivided estate.

General plan may be amended.

26. Subject to the provisions of section *thirty* of the Land Survey Act, 1927, upon the application of any interested party or of the local authority the Administrator shall have power to authorise the amendment of a general plan approved under this Ordinance or the Townships Ordinance, 1927 (Ordinance No. 13 of 1927), provided that the procedure laid down in this and any amending Ordinance in connection with the granting of an application to establish a township or subdivide an estate shall be followed in every respect ^{27a}unless the Townships Board shall recommend to the Administrator that, in view of the fact that the proposed amendment is of a minor nature, compliance with the procedure referred to should be dispensed with, in which event the Administrator shall have power to authorise the amendment without the said procedure being followed.

Boundaries may be extended.

^{26 bis} If any area of land constitutes by reason of its situation, a portion of an existing township, the Administrator may, by notice in the *Provincial Gazette*, extend the boundaries of that township to include such area, and thereupon such area of land shall be deemed to be and shall be registered as an erf in that township, and shall be subject to such conditions as the Administrator, after consultation with the Townships Board, may deem fit.

CHAPTER 3. — THE ESTABLISHMENT OF TOWNSHIPS AND THE SUBDIVISION OF ESTATES WITHIN CERTAIN LOCAL AUTHORITIES.

Powers conferred upon scheduled local authorities. Prior conditions to be observed. Publication of order conferring powers with exceptions.

27. (1) On application from any local authority to which the provisions of Chapter 4 have been applied, the Administrator ²⁸may, subject to the conditions hereinafter stated, make and publish in the *Provincial Gazette* an order conferring on the said local authority in lieu of the Board *mutatis mutandis* the powers and duties relating to the establishment of townships or the subdivision of estates that are conferred on the Board by Chapter 2.

(2) The conditions aforesaid shall be as follows, that is to say:

- (a) No such application shall be granted unless and until the local authority has given to the Administrator an undertaking in writing to prepare in accordance with Chapter 4 a town-planning scheme for its area or for such specified part of its area as the Administrator may approve, and to commence such preparation within one year from the date of such order.
- (b) The said local authority shall frame such regulations dealing with the subdivision of land in its area as may be approved by the Administrator and unless and until this has been done no such application shall be granted.

(3) Upon the Administrator making and publishing an order as aforesaid the powers and duties relating to the establishment of townships and the subdivision of estates that are conferred on the Board by Chapter 2 shall be *mutatis mutandis* conferred upon and be exercised by the said local authority in lieu of the Board in respect of all land within the area of the said local authority, subject to the following conditions, that is to say:

- (a) Notwithstanding sub-section (1) of section *eleven* the said local authority shall not be required to transmit to the Administrator any application for permission to establish a township or subdivide an estate.

^{27a} Words to end of section added by s.4/O 12/38.

²⁸ Section inserted by s.2/O 6/41.

²⁹ Amended by s.3/O 11/49.

die nodige endossemente maak op die eiendomsbewys van die grond en op die duplikaat daarvan wat op sy kantoor bewaar word en moet verder die nodige aantekeninge in die dorpsregister maak.

(2) As 'n algemene plan van 'n goedgekeurde dorp of onderverdeelde landgoed of van enige gedeelte daarvan wettiglik ingetrek word, word al die gereserveerde grond wat daarop of op die ingetrokke gedeelte daarvan aangetoon word, soos die geval mag wees, aan die eenaar of sy opvolger in eiendomsreg oorgedra vry van enige voorwaardes wat daarop van toepassing gemaak is in verband met die goedkeuring van die dorp of onderverdeelde landgoed.

Algemene plan kan gewysig word.

26. Onderhewig aan die bepalings van artikel *dertig* van die Opmetingswet, 1927, besit die Administrateur, wanneer aansoek gedoen word deur enige belanghebbende party of deur die plaaslike owerheid, die bevoegdheid om die wysiging te magtig van 'n algemene plan, soos goedgekeur kragtens hierdie Ordonnansie of die Ordonnansie op Dorpe, 1927 (Ordonnansie No. 13 van 1927), met die verstande dat die prosedure in hierdie en enige Wysigingsordonnansie neergelê in verband met die goedkeuring van 'n aansoek vir die stigting van 'n dorp of die onderverdeling van 'n landgoed in elke opsig gevolg moet word ³⁹tensy die Dorpekommissie by die Administrateur aanbeveel dat, aangesien die voorgestelde wysiging van 'n geringe aard is, daar van die nakoming van genoemde prosedure afgesien word, en in so 'n geval het die Administrateur die bevoegdheid om die wysiging goed te keur sonder dat genoemde prosedure gevolg word.

Grense kan uitgebrei word.

⁴⁰26 bis. Indien enige grondgebied weens die ligging daarvan deel uitmaak van 'n bestaande dorp, kan die Administrateur deur kennisgewing in die *Provinsiale Koerant* die grense van daardie dorp uitbrei om sodanige gebied in te sluit, en daarna word sodanige grondgebied beskou en geregistreer as 'n erf in daardie dorp, en is onderworpe aan sodanige voorwaardes as wat die Administrateur, na oorleg met die Dorpekommissie, mag goedag.

HOOFSTUK 3. — DIE STIGTING VAN DORPE EN DIE ONDERVERDELING VAN LANDGOEDERE BINNE SEKERE PLAASLIKE OWERHEDE.

Magte verleen aan plaaslike owerhede in Bylae genoem. Voorlopige voorwaardes wat nagekom moet word. Publikasie van bevel wat magte verleen, met uitsonderings.

27. (1) Op aansoek van 'n plaaslike owerheid waarop die bepalings van Hoofstuk 4 van toepassing gemaak is, ⁴¹kan die Administrateur, onderhewig aan hierna bepaalde voorwaardes, 'n bevel in die *Provinsiale Koerant* uitvaardig en publiseer waardeur aan die genoemde plaaslike owerheid, in plaas van aan die Kommissie, *mutatis mutandis* die magte en pligte verleen word in verband met die stigting van dorpe of die onderverdeling van landgoedere wat aan die Kommissie deur Hoofstuk 2 verleen is.

(2) Die voornoemde voorwaardes is as volg, d.w.s.:

- (a) Geen sodanige aansoek word toegestaan nie tensy en totdat die plaaslike owerheid skriftelik aan die Administrateur 'n onderneming verskaf het om ooreenkomstig Hoofstuk 4 'n dorpsaanlegskema vir sy gebied of vir sodanige gespesifiseerde deel van sy gebied op te stel as wat die Administrateur mag goedkeur en om met die opstel daarvan te begin binne een jaar vanaf die datum van sodanige bevel.
- (b) Die genoemde plaaslike owerheid moet sodanige regulasies opstel in verband met die onderverdeling van grond in sy gebied as wat deur die Administrateur goedgekeur mag word en tensy en totdat dit gedoen is, word geen sodanige aansoek toegestaan nie.

(3) Wanneer die Administrateur 'n bevel, soos voornoem, uitvaardig en publiseer, word die magte en pligte in verband met die stigting van dorpe en die onderverdeling van landgoedere wat aan die Kommissie verleen is deur Hoofstuk 2 *mutatis mutandis* verleen aan die genoemde plaaslike owerheid en deur hom uitgeoefen in plaas van die Kommissie ten opsigte van alle grond binne die gebied van die genoemde plaaslike owerheid, onderhewig aan die volgende voorwaardes, d.w.s.:

- (a) Nieteenstaande subartikel (1) van artikel *elf* is dit nie nodig vir die genoemde plaaslike owerheid om enige aansoek vir toestemming om 'n dorp te stig of 'n landgoed te onderverdeel aan die Administrateur op te stuur nie.

³⁹ Woorde tot end van artikel toegevoeg by a.4/O 12/38.

⁴⁰ Artikel ingevoeg by a.2/O 6/41.

⁴¹ Gewysig by a.3/O 11/49.

- (b) The said local authority shall without reference to the Board and in lieu of the Administrator exercise the power conferred upon the Administrator by section *fourteen* to require the owner of the land upon which it is proposed to establish a township or subdivide an estate to grant even to be used as sites for Government, education, and local authority purposes provided that in respect of sites for Government and education purposes the approval of the Administrator shall be obtained.
- (c) The said local authority shall without reference to the Board exercise in lieu of the Administrator the powers conferred upon the Administrator by section *eighteen*. If such application be granted by the local authority all the provisions of section *nineteen* (requiring the owner to cause a general plan to be framed and submitted to the Surveyor-General) shall apply *mutatis mutandis*.
- (d) The said local authority shall in lieu of the Administrator, exercise the powers conferred upon the Administrator by sub-section (1) of section *nineteen* to extend the period within which a general plan is to be framed and submitted to the Surveyor-General, and by sub-section (3) of section *twenty* to extend the period within which the general plan and diagram shall be lodged with the Registrar, and by sub-section (6) of section *twenty* to cause to be notified a township or subdivided estate in the *Provincial Gazette* as an approved township or subdivided estate.
- (e) The said local authority shall without reference to the Board exercise in lieu of the Administrator the powers conferred upon the Administrator by section *twenty-three* in regard to additional open spaces.
- (f) The said local authority shall forthwith upon receipt of an application for approval of a proposal to establish a township or subdivide an estate send copies of all relevant documents and plans to the Surveyor-General for his comments and suggestions, which together with any objections or other relevant matter received as the result of advertisement or otherwise shall be placed before the local authority or its responsible committee before it takes any decision.
- (g) The said local authority shall not approve of any proposal to establish a township or subdivide an estate which is not in accordance with the regulations framed under paragraph (b) of sub-section (2), without the written consent of the Administrator upon the application of such local authority.
- (h) The said local authority shall charge the same fees as are prescribed for and charged by the Board for considering proposals to establish townships or subdivide estates, and shall remit one half of such fees to the Provincial Administration.
- (j) Any applicant or other interested person shall have the right of appeal from the decision of the said local authority to the Administrator. Parties who desire to appeal must lodge such appeal with the Provincial Secretary within thirty days after the date of such decision and shall deposit with him such sum as the Administrator may consider sufficient to cover the additional costs, which sum or any part thereof shall be forfeited in the discretion of the Administrator if the appeal be not upheld. On all issues the Administrator's decision shall be final; such deposit not to exceed £20.
- (k) (i) The decision of the said local authority, together with the conditions imposed and all relevant documents and plans shall be sent to the Surveyor-General, who shall without undue delay notify the local authority if he is in agreement with its decision.
- (ii) The Surveyor-General shall have the right of appeal to the Administrator if he has cause to think that the regulations framed under paragraph (b) of sub-section (2) have not been fulfilled, or if he considers that the powers conferred under this Ordinance relating to the acquisition of land for Government, education and other public purposes have not reasonably been satisfied, or for any other reason which he considers to be in the public interest to bring forward.
- (iii) The Administrator may refer the appeal to the Board who shall hear evidence from the said local authority and the Surveyor-General and if necessary from any

- (b) Die genoemde plaaslike owerheid oefen sonder verwysing na die Kommissie en in plaas van die Administrateur die magte uit wat aan die Administrateur verleen is deur artikel *veertien* om van die eenaar van die grond waarop dit voorgestel word om 'n dorp te stig of 'n landgoed te onderverdeel, te verlang om erwe te skeik om gebruik te word as persele vir goewerments-, onderwys- en plaaslike owerheidsdoeleindes, met die verstande dat wat betref persele vir goewerments- en onderwysdoeleindes, die goedkeuring van die Administrateur verkry moet word.
- (c) Die genoemde plaaslike owerheid oefen sonder verwysing na die Kommissie en in plaas van die Administrateur die magte uit wat aan die Administrateur verleen is kragtens artikel *agtien*. Indien so 'n aansoek deur die plaaslike owerheid toegestaan word, geld al die bepalinge van artikel *neëntien mutatis mutandis* (waarvolgens die eenaar verplig is om 'n algemene plan te laat opstel en aan die Landmeter-generaal voor te lê).
- (d) Die genoemde plaaslike owerheid oefen in plaas van die Administrateur die magte uit wat aan die Administrateur verleen is ingevolge subartikel (1) van artikel *neëntien* om die tydperk waarin 'n algemene plan opgestel en aan die Landmeter-generaal voorgelê moet word, te verleng en om kragtens subartikel (3) van artikel *twintig* die tydperk te verleng waarin die algemene plan en tekening by die Registrateur ingelewer moet word en om kragtens subartikel (6) van artikel *twintig* 'n dorp of onderverdeelde landgoed in die *Provinsiale Koerant* te laat bekendmaak as 'n goedgekeurde dorp of onderverdeelde landgoed.
- (e) Die genoemde plaaslike owerheid oefen sonder verwysing na die Kommissie en in plaas van die Administrateur die magte uit wat aan die Administrateur verleen is kragtens artikel *drie-en-twintig* met betrekking tot addisionele ope ruimtes.
- (f) Die genoemde plaaslike owerheid moet onmiddellik op ontvangs van 'n aansoek vir die goedkeuring van 'n voorstel om 'n dorp te stig of 'n landgoed te onderverdeel kopieë van alle desbetreffende dokumente en planne aan die Landmeter-generaal opstuur vir sy opmerkings en voorstelle, wat saam met enige besware of ander desbetreffende sake ontvang as gevolg van advertensie of andersins voorgelê moet word aan die plaaslike owerheid of sy verantwoordelike komitee voordat hy enige besluit neem.
- (g) Die genoemde plaaslike owerheid mag nie enige voorstel vir die stigting van 'n dorp of die onderverdeling van 'n landgoed wat nie in ooreenstemming is met die regulasies opgestel onder paragraaf (b) van subartikel (2), sonder die skriftelike toestemming van die Administrateur op aansoek van sodanige plaaslike owerheid goedkeur nie.
- (h) Die genoemde plaaslike owerheid moet dieselfde gelde vorder as wat voorgeskryf is en gevorder word deur die Kommissie vir die oorweging van voorstelle vir die stigting van dorpe of die onderverdeling van landgoedere en moet een-helfte van sodanige gelde aan die Provinsiale Administrasie inbetaal.
- (j) Enige applikant of ander belanghebbende persoon besit die reg om homself teen die beslissing van die genoemde plaaslike owerheid op die Administrateur te beroep. Diegene wat appèl wil aanteken, moet sodanige appèl by die Provinsiale Sekretaris inlewer binne dertig dae na die datum van sodanige beslissing en by hom so 'n som deponeer as wat die Administrateur voldoende mag beskou om die addisionele koste te dek, en hierdie som of enige gedeelte daarvan word volgens die goedvinding van die Administrateur verbeur indien die appèl nie gehandhaaf word nie. Oor alle geskilpunte is die beslissing van die Administrateur finaal, sodanige deposito nie meer te wees as £20 nie.
- (k) (i) Die beslissing van die genoemde plaaslike owerheid, met die voorwaardes opgelê en alle desbetreffende dokumente en planne, moet opgestuur word aan die Landmeter-generaal wat sonder onnodige versuim die plaaslike owerheid in kennis moet stel indien hy instem met sy beslissing.
- (ii) Die Landmeter-generaal besit die reg om homself op die Administrateur te beroep indien hy rede het om te vermoed dat die regulasies opgestel onder paragraaf (b) van subartikel (2) nie uitgevoer is nie of ingeval hy van oordeel is dat die magte kragtens hierdie Ordonnansie verleen met betrekking tot die aanskaffing van grond vir goewerments-, onderwys- en ander openbare doeleindes nie redelik uitgevoer is nie, of om enige ander rede wat hy in die openbare belang nodig ag om voor te lê.
- (iii) Die Administrateur kan die appèl verwys aan die Kommissie wat getuienis moet aanhoor van die genoemde plaaslike owerheid en die Landmeter-generaal en,

interested person, and the whole of such evidence with the findings of the Board shall be sent to the Administrator for his final decision.

(iv) The applicant shall be notified by the said local authority of the grant or refusal of his application only after receipt of the approval by the Surveyor-General or, in case of appeal as aforesaid, of the decision of the Administrator.

- (f) The said local authority may refuse any application for the establishment of a township or the subdivision of an estate on the grounds that the cost to the local authority of providing roads, retaining walls, sewerage, water supply or other essential services will be unreasonably great.

CHAPTER 4. — TOWN-PLANNING SCHEMES.

Application of this Chapter.

28. The provisions of this Chapter shall apply to every local authority named in the First Schedule and to every local authority to which the provisions of this Chapter have been applied in terms of section *thirty*.

Preparation of a scheme obligatory.

29. Every local authority named in the First Schedule shall within a period of three years from the commencement of this Ordinance, or within such further period or periods as the Administrator may in particular circumstances allow, prepare and submit to the Administrator in such form as may be prescribed a town-planning scheme, hereinafter referred to as a scheme, in respect of all the land situated within the area of the local authority, or such portion thereof as the Administrator may approve: ⁴⁰provided that the Administrator may authorise a scheme to be prepared and further dealt with in parts, and every such part shall for the purposes of this Chapter be deemed to be a scheme.

Provisions of this Chapter may be applied to any other local authority.

30. (1) Subject to the provisions of sub-sections (2), (3) and (4) hereof, the Administrator may from time to time after consultation with the local authority concerned by proclamation in the *Provincial Gazette* apply the provisions of this Chapter to any local authority other than a local authority named in the First Schedule.

(2) Before the power conferred by the preceding sub-section is exercised, the Administrator shall notify his intention to exercise such power—

- (a) by written notice to the local authority concerned; and
- (b) by notice once a week for three consecutive weeks in the *Provincial Gazette* and in a newspaper circulating in the area of the local authority concerned.

(3) It shall be competent for any person interested or the local authority concerned within thirty days of the first publication of the said notice in the *Provincial Gazette* to present to the Administrator a petition setting forth the grounds of opposition to the exercise by the Administrator of the power conferred upon him by sub-section (1).

(4) Upon receipt of any such petition the Administrator shall refer the same to the Board for consideration and report, and if no sufficient cause has been shown why the power proposed to be exercised shall not be exercised, the Administrator may exercise such power.

Time for preparation of a scheme.

31. Every local authority to which the provisions of this Chapter have been applied in terms of sub-section (1) of section *thirty* shall within a period of three years from the date of the proclamation referred to in the said sub-section or within such further period or periods as the Administrator may in particular circumstances allow, prepare and submit to the Administrator in such form as may be prescribed a scheme in respect of all the land situate

⁴⁰ Proviso added by s.6/O 16/53.

⁴¹ Proviso added by s.7/O 16/53. As to validation and submission of schemes in parts, see s.15/O 16/53. As to condonation of delays in respect of schemes, see s.17/O 16/53.

indien nodig, van enige belanghebbende persoon en alle sodanige getuienis, met die bevindings van die Kommissie, moet aan die Administrateur vir sy finale beslissing opgestuur word.

(iv) Die applikant moet deur gemeldê plaaslike owerheid in kennis gestel word van die goed- of afkeuring van sy aansoek slegs na die ontvangs van die goedkeuring van die Landmeter-generaal of, in die geval van 'n appèl, soos voornoem, van die beslissing van die Administrateur.

- (l) Die genoemde plaaslike owerheid kan enige aansoek vir die stigting van 'n dorp of die onderverdeling van 'n landgoed van die hand wys op grond van die feit dat die koste vir die plaaslike owerheid om paaie, steunmure, riolering, watertoevoer of ander noodsaaklike dienste te verskaf, onredelik groot sal wees.

HOOFSTUK 4. — DORPSAANLEGSKEMAS.

Toepassing van hierdie Hoofstuk.

28. Die bepalings van hierdie Hoofstuk geld vir elke plaaslike owerheid in die Eerste Bylae genoem, en vir elke plaaslike owerheid waarop die bepalings van hierdie Hoofstuk van toepassing gemaak is ooreenkomstig artikel *dertig*.

Opstel van skema is verpligtend.

29. Elke plaaslike owerheid in die Eerste Bylae genoem moet binne 'n tydperk van drie jaar vanaf die inwerkingtreding van hierdie Ordonnansie of binne sodanige verdere tydperk of tydperke as wat die Administrateur onder spesiale omstandighede mag toelaat, 'n dorpsaanlegskema, hierna genoem 'n skema, opstel en aan die Administrateur in sodanige vorm as wat voorgeskryf mag wees, voorlê ten opsigte van al die grond geleë binne die gebied van die plaaslike owerheid of sodanige gedeelte daarvan as wat die Administrateur mag goedkeur ⁴²met dien verstande dat die Administrateur magtiging kan verleen dat 'n skema opgestel en verder behandel word in dele, en elk sodanige deel word, vir sover dit hierdie hoofstuk betref, as 'n skema beskou.

Bepalings van hierdie Hoofstuk kan van toepassing gemaak word op enige ander plaaslike owerheid.

30. (1) Onderhewig aan die bepalings van subartikels (2), (3) en (4) hiervan, kan die Administrateur na beraadslaging met die betrokke plaaslike owerheid van tyd tot tyd die bepalings van hierdie Hoofstuk deur middel van proklamasie in die *Provinsiale Koerant* van toepassing maak op enige plaaslike owerheid, behalwe 'n plaaslike owerheid genoem in die Eerste Bylae.

(2) Voordat die mag deur die voorgaande subartikel verleen, uitgeoefen word, maak die Administrateur sy voorneme om sodanige mag uit te oefen, bekend—

- (a) deur skriftelike kennisgewing aan die betrokke plaaslike owerheid, en
(b) deur kennisgewing eenmaal per week vir drie agtereenvolgende weke in die *Provinsiale Koerant* en in 'n nuusblad wat in die gebied van die betrokke plaaslike owerheid in omloop is.

(3) Enige belanghebbende persoon of die betrokke plaaslike owerheid kan binne dertig dae vanaf die eerste publikasie van gemelde kennisgewing in die *Provinsiale Koerant* 'n petisie by die Administrateur indien waarin uiteengesit word die redes teen die uitoefening deur die Administrateur van die mag aan hom kragtens subartikel (1) verleen.

(4) Op ontvangs van enige sodanige petisie verwys die Administrateur dit aan die Kommissie vir oorweging en verslagdoen, en as geen voldoende rede aangetoon is waarom die mag wat voorgestel word om uitgeoefen te word, nie uitgeoefen moet word nie, kan die Administrateur sodanige mag uitoefen.

Tyd vir opstel van skema.

31. Elke plaaslike owerheid waarop die bepalings van hierdie Hoofstuk kragtens subartikel (1) van artikel *dertig* van toepassing gemaak is, moet binne 'n tydperk van drie jaar vanaf die datum van die proklamasie in die genoemde subartikel vermeld of binne sodanige verdere tydperk of tydperke as wat die Administrateur onder spesiale omstandighede mag toelaat, 'n skema opstel en aan die Administrateur in sodanige vorm as wat voorgeskryf mag

⁴² Voorbehoudsbepaling toegevoeg by a.6/O 16/53.

within the area of the local authority or such portion thereof as the Administrator may approve: ⁴¹provided that the Administrator may authorise a scheme to be prepared and further dealt with in parts, and every such part shall for the purposes of this Chapter be deemed to be a scheme.

Any local authority may prepare a scheme.

32. (1) Any local authority which has not been required to prepare and submit a scheme as aforesaid may on its own initiative ⁴²and with the prior consent of the Administrator prepare and submit to the Administrator a scheme in respect of all the land situate within its area or such portion thereof as the Administrator may approve.

(2) ⁴³After receipt of the consent of the Administrator in terms of sub-section (1) notice of intention to prepare a scheme hereunder for submission to the Administrator shall be given by the local authority by means of an advertisement once a week for three consecutive weeks in the Provincial Gazette and in a newspaper circulating in the area of the local authority. The provisions of this Chapter shall then apply to such local authority as from the date of the said advertisement.

Incorporation of area affected by scheme within jurisdiction of another local authority.

⁴³32 bis. Where any area affected by a scheme in the course of preparation or awaiting approval is incorporated within the jurisdiction of another local authority, such local authority shall proceed with and complete such scheme in so far as it relates to such area. For such purposes the provisions of this Chapter shall, if not already applicable, be deemed to apply to such local authority.

Preparation of joint scheme.

33. (1) If it appears to the Administrator to be expedient that two or more local authorities should act jointly in the preparation or adoption of a scheme, he may at the request of one or more of them provide for the submission of a joint scheme in respect of all the land situated within their respective areas or such portions thereof as he may approve, and the provision of this Chapter shall *mutatis mutandis* apply to such joint local authorities in the same manner as if they were separate local authorities.

(2) If any local authority concerned in any proposed joint scheme, is unwilling to join in the submission of such a joint scheme, the Administrator may by order in writing compel such local authority so to join; provided that if such local authority is one to which the provisions of this Chapter do not apply, the Administrator shall not issue such order until the provisions of section *thirty* have been complied with.

Town-planning Committee.

34. For the purpose of the preparation of a scheme by any local authority or of a joint scheme by two or more local authorities, as the case may be, such local authorities may appoint a Town-planning Committee (the members of which need not necessarily be members of either of the local authorities concerned) and may confer with or without restriction on such Committee any powers which such local authorities may exercise to that end.

General purpose of town-planning scheme.

35. (1) Every town-planning scheme shall have for its general purpose a co-ordinated and harmonious development of the area of the local authority to which it relates (including where necessary the reconstruction of any part thereof which has already been subdivided and built upon) in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare as well as efficiency and economy in the process of such development.

(2) In the preparation of a scheme under this Ordinance due consideration shall be given to the matters referred to in the Second Schedule to this Ordinance.

⁴² Amended by s.4/O 10/58.

⁴³ Section inserted by s.3/O 9/50.

wees, voorlê ten opsigte van al die grond geleë binne die gebied van die plaaslike owerheid of sodanige gedeelte daarvan as wat die Administrateur mag goedkeur: ⁴³met dien verstande dat die Administrateur magtiging kan verleen dat 'n skema opgestel en verder behandel word in dele, en elk sodanige deel word, vir sover dit hierdie hoofstuk betref, as 'n skema beskou.

Enige plaaslike owerheid kan 'n skema opstel.

32. (1) Enige plaaslike owerheid van wie dit nie verlang is om 'n skema, soos voornoem, op te stel en voor te lê nie, kan op sy eie inisiatief ⁴⁴en, met die voorafverkreë toestemming van die Administrateur 'n skema opstel en aan die Administrateur voorlê ten opsigte van al die grond geleë binne sy gebied of sodanige gedeelte daarvan as wat die Administrateur mag goedkeur.

(2) ⁴⁴Na ontvangs van die toestemming van die Administrateur ingevolge subartikel (1) moet kennis van enige voorneme om 'n skema hieronder op te stel vir voorlegging aan die Administrateur, deur die plaaslike owerheid gegee word deur middel van 'n advertensie eenmaal per week vir drie agtereenvolgende weke in die *Provinsiale Koerant* en in 'n nuusblad wat in die gebied van die plaaslike owerheid in omloop is. Die bepalings van hierdie Hoofstuk geld dan vir sodanige plaaslike owerheid vanaf die datum van gemelde advertensie.

Inlywing van gebied geraak deur skema in regsgebied van ander plaaslike owerheid.

⁴⁵32 bis. Waar 'n gebied wat geraak word deur 'n skema wat opgestel word of op goedkeuring wag, in die regsgebied van 'n ander plaaslike owerheid ingelyf word, moet sodanige plaaslike owerheid met so 'n skema voortgaan en dit voltooi vir sover dit op so 'n ingelyfde gebied betrekking het. Vir sodanige doeleindes word beskou dat die bepalings van hierdie Hoofstuk, indien dit nie reeds van toepassing is nie, op so 'n plaaslike owerheid van toepassing is.

Opstel van gesamentlike skema.

33. (1) As dit vir die Administrateur raadsaam blyk dat twee of meer plaaslike owerhede gesamentlik behoort op te tree in verband met die opstel of aanname van 'n skema, kan hy op versoek van een of meer van hulle voorsiening maak vir die voorlegging van 'n gesamentlike skema ten opsigte van al die grond geleë binne hul respektiewe gebiede of sodanige gedeeltes daarvan as wat hy mag goedkeur en die bepalings van hierdie Hoofstuk geld *mutatis mutandis* vir sulke gesamentlike plaaslike owerhede op dieselfde wyse asof hulle afsonderlike plaaslike owerhede was.

(2) As enige plaaslike owerheid wat belang het in enige voorgestelde gesamentlike skema onwillig is om saam te werk in verband met die voorlegging van so 'n gesamentlike skema, kan die Administrateur deur middel van 'n skriftelike lasgewing so 'n plaaslike owerheid verplig om aldus saam te werk; met die verstande dat indien so 'n plaaslike owerheid een is waarop die bepalings van hierdie Hoofstuk nie van toepassing is nie, die Administrateur nie so 'n bevel mag uitreik nie totdat die bepalings van artikel *dertig* nagekom is.

Dorpsaanlegkomitee.

34. Vir die opstel van 'n skema deur enige plaaslike owerheid of van 'n gesamentlike skema deur twee of meer plaaslike owerhede, soos die geval ook al mag wees, kan sulke plaaslike owerhede 'n Dorpsaanlegkomitee (die lede waarvan nie noodwendig lede van die een of die ander van die betrokke plaaslike owerhede hoef te wees nie) aanstel en kan met of sonder enige beperking enige magte wat sulke plaaslike owerhede in verband daarmee mag uitoefen, aan so 'n Komitee verleen.

Algemene doel van dorpsaanlegskema.

35. (1) Die algemene doel van elke dorpsaanlegskema moet wees 'n gekoördineerde en harmonieuse ontwikkeling van die gebied van die plaaslike owerheid waarop dit betrekking het (en, waar nodig, met inbegrip van die rekonstruksie van enige gedeelte daarvan wat reeds onderverdeel en bebou is) op so 'n wyse dat die gesondheid, veiligheid, orde, aantreklikheid, gerief en algemene welsyn op die mees doeltreffende wyse bevorder word, met inagneming van doeltreffendheid en spaarsaamheid by sodanige ontwikkeling.

(2) By die opstel van 'n skema ingevolge hierdie Ordonnansie moet die sake in die Tweede Bylae tot hierdie Ordonnansie genoem, behoorlike oorweging ontvang.

⁴³ Voorbehoudsbepaling toegevoeg by a.7/O 16/53. Insake wettiging van opstel en voorlegging van skemas in dele, sien a.15/O 16/53. Insake verskoning van vertraging ten opsigte van skemas, sien a.17/O 16/53.

⁴⁴ Gewysig by a.4/O 10/58.

⁴⁵ Artikel ingevoeg by a.3/O 9/50.

⁴⁴(3) The provisions of any other ordinance in so far as they relate to the determination of the boundaries and widths of, and the erection of structures within a specified distance of the boundaries of, proclaimed roads and declared roads, shall be deemed and be taken to be part of every scheme, except in so far as a scheme—

- (i) provides for a proclaimed road or declared road a width greater than that determined by or under such other ordinance, or
- (ii) requires structures to be at a distance from the boundary of the width of a proclaimed road or declared road greater than that determined by or under such other ordinance.

⁴⁴(4) Where a scheme prohibits land or buildings being put to any particular use or uses but permits any such use to continue for a period—

- (a) such scheme shall not provide that such period shall be at the discretion of the local authority but such period may be extended with the approval of the Administrator, and
- (b) any building put to such use shall not, except with the approval of the Administrator, be altered, extended or re-erected.

Administrator may prescribe provisions for scheme.

⁴⁶35 *bis*. (1) Notwithstanding any other provisions of this Chapter, the Administrator may on application by or after reference to a local authority, prescribe provisions for a scheme to be prepared by such local authority or for such local authority's scheme in the course of preparation or awaiting approval.

⁴⁶(1) *bis*. Before any provisions are prescribed in terms of sub-section (1) notice shall be given once a week for two consecutive weeks in the *Provincial Gazette* and in a newspaper circulating in the area of the local authority, setting out the substance of the proposed provisions and calling for objections thereto to be lodged with the local authority before a specified date not being less than fourteen days after the last publication of such notice. All objections received by the local authority shall, together with its comments thereon, be submitted to the Administrator for his consideration.

(2) Any provisions prescribed by the Administrator under sub-section (1) shall be deemed to be a scheme in the course of preparation for the local authority concerned or to be incorporated in its scheme in the course of preparation or awaiting approval, and shall supersede and amend any other provisions of such scheme in so far as the latter are repugnant to or inconsistent with those prescribed by the Administrator.

(3) On receipt of the provisions prescribed by the Administrator under sub-section (1) the local authority shall cause all documents, maps and plans relating to its scheme to be prepared or altered, as the case may be, in conformity with such provisions.

(4) A copy of the provisions prescribed by the Administrator under sub-section (1) shall be open to inspection by the public at the office of the local authority during office hours.

⁴⁷(5) Notice shall be given in the *Provincial Gazette* of the substance of any provisions prescribed by the Administrator in terms of this section.

Development contribution and compensation.

^{47a}35 *ter*. (1) Whenever, after the coming into operation of the Townships Amendment Ordinance, 1971, any provision is prescribed by the Administrator in terms of section 35 *bis*(1), he may, by order in writing sent to the local authority,—

- (a) direct that—
 - (i) a development contribution shall be due to the local authority concerned in respect of any land which, in the opinion of the Administrator, has been beneficially affected by the provision so prescribed, or
 - (ii) compensation shall be due from the local authority concerned in respect of any land which, in the opinion of the Administrator, has been injuriously affected by the provision so prescribed, and

⁴⁴ (3) and (4) inserted by s.8/O 16/53.

⁴⁶ Section inserted by s.9/O 16/53.

⁴⁶ (1) *bis* inserted by s.3/O 12/62.

⁴⁷ (5) substituted by s.3/O 12/62.

^{47a} [35 *ter*] inserted by s.4/O 25/69; substituted by s.1/O 13/71.

⁴⁶(3) Die bepalings van enige ander ordonnansie vir sover hulle betrekking het op die bepaling van die grense en breedtes van, en die oprigting van strukture binne 'n bepaalde afstand van die grense van, geproklameerde paaie en verklaarde paaie, word beskou en gereken as deel van elke skema, uitgesonderd vir sover so 'n skema—

- (i) vir 'n geproklameerde pad of verklaarde pad 'n breedte voorsien wat groter is as dié wat by of ingevolge so 'n ander ordonnansie bepaal word, of
- (ii) vereis dat strukture op 'n afstand van die grens van die breedte van 'n geproklameerde pad of verklaarde pad moet wees wat groter is as dié wat by of ingevolge so 'n ander ordonnansie bepaal word.

⁴⁶(4) Waar 'n skema verbied dat grond of geboue op enige manier of maniere gebruik word maar toelaat dat sodanige gebruik vir 'n tydperk voortduur—

- (a) mag so 'n skema nie bepaal dat sodanige tydperk na goeddunke van die plaaslike owerheid vasgestel word nie maar kan sodanige tydperk met die goedkeuring van die Administrateur verleng word, en
- (b) mag 'n gebou wat op so 'n manier gebruik word, nie sonder die goedkeuring van die Administrateur verander, uitgebrei of weer opgerig word nie.

Administrateur kan bepalings vir skema voorskryf.

⁴⁷35 bis. (1) Ondanks enige ander bepalings van hierdie hoofstuk kan die Administrateur op aansoek van of na oorleg met 'n plaaslike owerheid, bepalings voorskryf vir 'n skema wat deur so 'n plaaslike owerheid opgestel gaan word of vir sodanige plaaslike owerheid se skema wat opgestel word of op goedkeuring wag.

⁴⁸(1) bis. Voordat enige bepalings kragtens subartikel (1) voorgeskryf word, moet kennis een keer per week vir twee agtereenvolgende weke gegee word in die *Provinsiale Koerant* en in 'n nuusblad wat in die gebied van die plaaslike owerheid gelees word, waarin die hoofinhoud van die voorgestelde bepalings uiteengesit word en versoek word dat besware daarteen by die plaaslike owerheid ingedien moet word voor 'n bepaalde datum wat minstens veertien dae na die laaste publikasie van sodanige kennisgewing moet wees. Alle besware wat deur die plaaslike owerheid ontvang word, moet, tesame met sy opmerkings daarvoor, aan die Administrateur vir sy oorweging voorgelê word.

(2) Enige bepalings wat kragtens subartikel (1) deur die Administrateur voorgeskryf word, word beskou as 'n skema wat opgestel word vir die betrokke plaaslike owerheid of as ingelyf in sy skema wat opgestel word of op goedkeuring wag, en vervang en wysig enige ander bepalings van so 'n skema vir sover laasgenoemde strydig of onbestaanbaar is met dié wat deur die Administrateur voorgeskryf word.

(3) By ontvangs van die bepalings wat kragtens subartikel (1) deur die Administrateur voorgeskryf word, laat die plaaslike owerheid alle dokumente, kaarte en planne met betrekking tot sy skema voorberei of verander, na gelang van die geval, in ooreenstemming met sodanige bepalings.

(4) 'n Afskrif van die bepalings wat kragtens subartikel (1) deur die Administrateur voorgeskryf word, lê gedurende kantoorure op die kantoor van die plaaslike owerheid ter insae van die publiek.

⁴⁹(5) Kennis moet in die *Provinsiale Koerant* gegee word van die hoofinhoud van enige bepalings wat deur die Administrateur kragtens hierdie artikel voorgeskryf word.

Ontwikkelingsbydrae en vergoeding.

^{49a}35ter. (1) Wanneer ook al na die inwerkingtreding van die Wysigingsordonnansie op Dorpe, 1971, enige bepaling deur die Administrateur ingevolge artikel 35bis(1) voorgeskryf word, kan hy deur middel van 'n skriftelike lasgewing wat aan die plaaslike owerheid gestuur word—

(a) gelas dat—

- (i) 'n ontwikkelingsbydrae aan die betrokke plaaslike owerheid verskuldig is ten opsigte van enige grond wat na die mening van die Administrateur voordelig geraak is deur die bepaling aldus voorgeskryf, of
- (ii) vergoeding deur die betrokke plaaslike owerheid verskuldig is ten opsigte van enige grond wat na die mening van die Administrateur nadelig geraak is deur die bepaling aldus voorgeskryf, en

⁴⁶ (3) en (4) ingevoeg by a.8/O 16/53.

⁴⁷ Artikel ingevoeg by a.9/O 16/53.

⁴⁸ (1) bis ingevoeg by a.3/O 12/62.

⁴⁹ (5) vervang by a.3/O 12/62.

^{49a} [35ter] ingevoeg by a.4/O 25/69; vervang by a.1/O 13/71.

- (b) fix the amount of such development contribution or compensation; provided that where a portion of the land referred to in paragraph (a)(i) is required by the local authority for any purpose whatsoever which it is from time to time by law empowered to carry out, the Administrator may, if he is of opinion that the value of such portion is equal to or less than the amount of the development contribution so fixed, direct that such portion shall be transferred to such local authority in full or partial settlement, as the case may be, of such development contribution.
- (2) The Administrator may, before any order in terms of subsection (1) is complied with, by order in writing sent to the local authority, cancel or from time to time vary such order.
- (3) The local authority shall, on receipt of any order referred to in subsection (1), (2) or (6), forthwith serve a true copy thereof on the owner concerned in the manner prescribed by section 260 of the Municipal Ordinance, 1951 (Ordinance 19 of 1951).
- (4) An order in terms of subsection (1) shall be complied with—
- (a) in the case of a development contribution—
- (i) before the land in respect of which such order has been issued or any portion of such land is put or converted to any use which is authorized or permitted by the provision so prescribed but which was not so authorized or permitted immediately before the provision was so prescribed, or
 - (ii) before such land or portion thereof is transferred to any person other than a local authority.
- (b) in the case of compensation, on a date to be determined by the Administrator and specified in such order.
- (5) The terms and conditions of any order referred to in subsection (1) shall—
- (a) subject to the provisions of subsection (6), be binding upon and be complied with by the local authority or the owner, as the case may be, and
 - (b) be in addition to any other obligation imposed on the local authority or owner in consequence of the provisions of the relevant town planning scheme.
- (6) Whenever it is proposed to transfer land in respect of which an order in terms of subsection (1) has been issued but has not been complied with or to transfer any portion of such land and
- (a) the obligation to transfer such land or such portion arises from a contract which was entered into before the relevant provision was prescribed in terms of section 35*bis*, or
 - (b) the owner of such land and the proposed transferee have in writing agreed that such transferee accepts liability for compliance with such order,
- the Administrator may, on application in writing by such owner and after consultation with such transferee, by order in writing sent to the local authority, determine that such owner shall, on the transfer of such land or of such portion to such transferee, be wholly or partly exempt from compliance with such order whereupon such transferee shall, subject to any further such exemption, on the occurrence of any event referred to in subsection (4)(a), be liable to comply with such order to the extent to which such order has not been complied with by such owner.
- (7) Where the approval of the local authority is in law required for—
- (a) the erection or alteration of or addition to a building on land in respect of which an order in terms of subsection (1) has been issued, or on any portion of such land, or
 - (b) the carrying out of any work whatsoever on such land, or on such portion, or
 - (c) such land or such portion or any building thereon being put or converted to any use, which is authorized or permitted by the provision so prescribed but which was not so authorized or permitted immediately before the provision was so prescribed, such approval shall nevertheless not be granted unless—
- (i) such order has been complied with, or
 - (ii) security to the satisfaction of the local authority for due compliance with such order has been furnished to such local authority.

[SERVICE No. 9—1971.]

- (b) die bedrag van sodanige ontwikkelingsbydrae of vergoeding vasstel; met dien verstande dat waar die plaaslike owerheid 'n gedeelte van die grond in paragraaf (a)(i) genoem, nodig het vir enige doel wat ook al wat hy van tyd tot tyd by wet gemagtig word om uit te voer, die Administrateur, indien hy van mening is dat die waarde van sodanige gedeelte gelyk is aan of minder is as die bedrag van die ontwikkelingsbydrae aldus vasgestel, kan gelas dat sodanige gedeelte aan sodanige plaaslike owerheid oorgedra moet word ter volle of gedeeltelike vereffening, na gelang van die geval, van sodanige ontwikkelingsbydrae.
- (2) Die Administrateur kan, voordat enige lasgewing ingevolge subartikel (1) nagekom word, deur middel van 'n skriftelike lasgewing wat aan die plaaslike owerheid gestuur word, sodanige lasgewing intrek of van tyd tot tyd verander.
- (3) Die plaaslike owerheid moet, by ontvangs van enige lasgewing in subartikel (1), (2) of (6) genoem, onverwyld 'n juiste kopie daarvan op die betrokke eienaar dien op die wyse by artikel 260 van die Munisipale Ordonnansie, 1951 (Ordonnansie 19 van 1951), voorgeskryf.
- (4) 'n Lasgewing ingevolge subartikel (1) moet nagekom word—
- (a) in die geval van 'n ontwikkelingsbydrae—
- (i) voordat die grond ten opsigte waarvan sodanige lasgewing uitgereik is, of enige gedeelte van sodanige grond, aangewend of omgeskep word vir enige gebruik wat by die bepaling aldus voorgeskryf, gemagtig of toegelaat word, maar wat nie aldus gemagtig of toegelaat was onmiddellik voordat die bepaling aldus voorgeskryf is nie, of
- (ii) voordat sodanige grond of gedeelte daarvan aan enigiemand uitgesonderd 'n plaaslike owerheid oorgedra word.
- (b) in die geval van vergoeding, op 'n datum wat deur die Administrateur bepaal en in sodanige lasgewing vermeld word.
- (5) Die bepalings en voorwaardes van enige lasgewing in subartikel (1) genoem—
- (a) is, behoudens die bepalings van subartikel (6), bindend vir en moet nagekom word deur die plaaslike owerheid of die eienaar, na gelang van die geval, en
- (b) is benewens enige ander verpligting wat aan die plaaslike owerheid of eienaar opgelê word ten gevolge van die bepalings van die betrokke dorpsaanlegkema.
- (6) Wanneer ook al dit die voorneme is om grond oor te dra ten opsigte waarvan 'n lasgewing ingevolge subartikel (1) uitgereik is maar nog nie nagekom is nie of om enige gedeelte van sodanige grond oor te dra en—
- (a) die verpligting om sodanige grond of sodanige gedeelte oor te dra uit 'n kontrak ontstaan wat aangegaan is voordat die betrokke bepaling ingevolge artikel 35bis voorgeskryf is, of
- (b) die eienaar van sodanige grond en die voornemende transportnemer skriftelik ooreengekom het dat sodanige transportnemer aanspreeklikheid vir die nakoming van sodanige lasgewing aanvaar,
- kan die Administrateur, op skriftelike aansoek deur sodanige eienaar en na oorleg met sodanige transportnemer, deur middel van 'n skriftelike lasgewing wat aan die plaaslike owerheid gestuur word, bepaal dat sodanige eienaar, by die oordrag van sodanige grond of van sodanige gedeelte aan sodanige transportnemer, geheel en al of gedeeltelik vrygestel word van die nakoming van sodanige lasgewing waarna sodanige transportnemer, behoudens enige verdere sodanige vrystelling, by die voorkoms van enige gebeure in subartikel (4)(a) genoem, sodanige lasgewing moet nakom in die mate waarin sodanige lasgewing nie deur sodanige eienaar nagekom is nie.
- (7) Waar die goedkeuring van die plaaslike owerheid by wet vereis word vir—
- (a) die oprigting of verandering of uitbreiding van 'n gebou op grond ten opsigte waarvan 'n lasgewing ingevolge subartikel (1) uitgereik is, of op enige gedeelte van sodanige grond, of
- (b) die uitvoering van enige werk wat ook al op sodanige grond of op sodanige gedeelte, of
- (c) die aanwending of omskepping van sodanige grond of van sodanige gedeelte of enige gebou daarop vir enige gebruik,
- wat by die bepaling aldus voorgeskryf gemagtig of toegelaat word maar wat nie aldus gemagtig of toegelaat was onmiddellik voordat die bepaling aldus voorgeskryf is nie, word sodanige goedkeuring nietemin nie toegestaan nie tensy—
- (i) sodanige lasgewing nagekom is, of
- (ii) sekuriteit ten genoeë van die plaaslike owerheid vir die behoorlike nakoming van sodanige lasgewing aan sodanige plaaslike owerheid verstrekkend is.

(8) Notwithstanding the provisions of any other ordinance relating to the payment of moneys into or the meeting of expenditure from any particular fund of the local authority, any development contribution shall be paid into and any compensation shall be paid from such funds of the local authority as the Administrator may from time to time determine.

(9) For the purposes of this section "owner" means the person who is the owner of the land referred to in subsection (1)(a)(i) at the time when an order in terms of that subsection is required to be complied with.

Scheme to be submitted to the Administrator.

36. (1) Every scheme prepared under this Ordinance shall be submitted to the Administrator for approval in such form as may be prescribed and shall be accompanied by such plans, documents and other relevant matters as may be required in terms of regulations framed by the Administrator under the provisions of this Ordinance ⁴⁸and the Administrator may at any time require the local authority to furnish such further plans, documents and other relevant particulars as he may deem necessary.

(2) Regulations framed by the local authority in terms of sub-section (2) (b) of section twenty-seven shall also be submitted with the scheme and the plans shall show all the necessary references to those regulations in so far as they may be applicable.

[continued on page 606]

⁴⁸ Amended by s.10/O 16/53.

(8) Ondanks die bepalings van enige ander ordonnansie insake die storting van gelde in of die bestryding van uitgawe uit enige besondere fonds van die plaaslike owerheid, moet enige ontwikkelingsbydrae gestort word in en enige vergoeding betaal word uit die fondse van die plaaslike owerheid wat die Administrateur van tyd tot tyd bepaal.

(9) Vir die toepassing van hierdie artikel beteken „eienaar” die persoon wat die eienaar is van die grond in subartikel (1)(a)(i) genoem, op die tydstip wanneer 'n lasgewing ingevolge gemelde subartikel nagekom moet word.

Skema moet aan die Administrateur voorgelê word.

36. (1) Elke skema ingevolge hierdie Ordonnansie opgestel, moet aan die Administrateur vir goedkeuring voorgelê word in so 'n vorm as wat voorgeskryf mag wees, en dit moet vergesel gaan van sulke planne, dokumente en ander desbetreffende sake as wat verlang mag word ooreenkomstig regulasies deur die Administrateur opgestel kragtens die bepalings van hierdie Ordonnansie ⁶⁰en die Administrateur kan te eniger tyd die plaaslike owerheid aansê om alle verdere planne, dokumente en ander desbetreffende besonderhede te verstrek wat hy nodig ag.

(2) Regulasies deur die plaaslike owerheid kragtens subartikel (ii) (b)⁶¹ van artikel *sewe-entwintig* opgestel, moet ook met die skema voorgelê word en die planne moet al die nodige verwysings na daardie regulasies vir sover hulle van toepassing is, aantoon.

[vervolg op bladsy 607]

⁶⁰ Gewysig by a.10/O 16/53.

⁶¹ Vermoedelik word hier subartikel (2) (b) bedoel — verwys na Engelse teks.

⁴⁹36 bis. On the submission to him of a scheme in terms of section *thirty-six*, the Administrator shall cause an investigation of the scheme to be undertaken.

Scheme to be referred to the Townships Board, and advertised.

37. (1) ⁵⁰When the investigation referred to in section *thirty-six bis* has been completed to the satisfaction of the Administrator, he shall call upon the local authority to submit to him within a specified period such number of additional copies as he may consider necessary of all documents, maps and plans relating to its scheme, duly amended in accordance with the requirements of sub-section (3) of section *thirty-five bis*, and on receipt thereof shall refer the scheme to the Board for its consideration and report, and the Board shall forthwith publish a notification once a week during three consecutive weeks in the *Provincial Gazette* and in a newspaper circulating in the area of the local authority concerned to the effect that a scheme has been submitted and that copies of it and of the relative maps, plans and other details of the scheme are lying for inspection at the respective offices of the local authority and of the ⁵⁰*Provincial Secretary*.

(2) Every owner or occupier of immovable property within the area of the local authority concerned shall have a right of objection to the scheme and may notify the Board in writing of any such objection and of the grounds thereof at any time within one month after the last publication in the *Provincial Gazette* of the notice referred to in sub-section (1).

Objection to scheme.

38. (1) On expiry of the period prescribed in sub-section (2) of section *thirty-seven* and in the event of objections to the scheme having been received, the Board shall fix a day for the hearing of such objections, and not less than fourteen days before the day so fixed the Board shall forward copies of all objections received to the local authority concerned and shall notify such local authority of the time and place fixed for the hearing of the objections.

(2) At the hearing of any such objections any local authority or objector may be represented by counsel or attorney. Such hearing shall be open to the public.

Consideration of Scheme by Board.

⁵¹39. After the hearing referred to in section *thirty-eight*, the Board may recommend to the Administrator that the scheme or any particular provisions thereof be further investigated as provided for in section *thirty-six bis*.

Mining area included in scheme.

40. If proclaimed land or land held under mining title be included in a scheme the approval of the Minister of Mines to that portion of the scheme situate within such proclaimed land or land held under mining title shall be furnished to the Board by the local authority before the recommendation of the Board is submitted to the Administrator under section *forty-one*; provided that the withholding of such approval shall not prevent the completion and approval of the scheme in respect of the remaining area of the local authority.

Approval and proclamation of scheme.

41. ⁵²(1) After considering the scheme, all objections thereto and the result of any investigation undertaken in terms of section *thirty-nine* the Board shall submit its recommendations in regard thereto to the Administrator. The Provincial Secretary shall advise the local authority of any amendments, modifications or additions to the scheme recommended by the Board.

(2) The Administrator may thereupon approve the scheme with any such ⁵³*amendments, modifications or additions* as he may deem fit and shall by proclamation in the *Provincial*

⁴⁹ Section inserted by s.5(1)/O 10/58. See further s.5(2)/O 10/58 as to procedure in case of pending schemes.

⁵⁰ Amended by s.6/O 10/58.

⁵¹ [39] substituted by s.7/O 10/58.

⁵² (1) substituted by s.8/O 10/58.

⁵³ Amended by s.8/O 10/58.

Onderzoek van skema.

⁵²36 bis. Wanneer 'n skema ingevolge artikel *ses-en-dertig* aan die Administrateur voorgelê word, laat hy 'n ondersoek na die skema instel.

Skema moet na Dorpekommissie verwys en geadverteer word.

37. (1) ⁵³Wanneer die ondersoek vermeld in artikel *ses-en-dertig bis* tot genoeë van die Administrateur voltooi is, sê hy die plaaslike owerheid aan om die getal bykomende eksemplare wat hy nodig ag van alle dokumente, kaarte en planne met betrekking tot die plaaslike owerheid se skema, behoorlik gewysig ooreenkomstig die vereistes van subartikel (3) van artikel *vyf-en-dertig bis*, binne 'n vasgestelde tydperk aan hom voor te lê en by ontvangs daarvan verwys hy die skema na die Kommissie vir sy oorweging en verslagdoen, en die Kommissie publiseer dan dadelik 'n kennisgewing eenmaal per week gedurende drie agtereenvolgende weke in die *Provinsiale Koerant* en in 'n nuusblad wat in die gebied van die betrokke plaaslike owerheid in omloop is ten effekte dat 'n skema ingedien is en dat kopieë daarvan en van die betrokke kaarte, planne en ander besonderhede van die skema op die onderskeie kantore van die plaaslike owerheid en van die ⁵³*Provinsiale Sekretaris* ter insage lê.

(2) Elke eienaar of okkupeerder van vaste-eiendom binne die gebied van die betrokke plaaslike owerheid besit die reg om beswaar te maak teen die skema en kan die Kommissie te eniger tyd binne een maand na die laaste publikasie in die *Provinsiale Koerant* van die kennisgewing in subartikel (1) genoem, skriftelik in kennis stel van enige sodanige beswaar en die redes daarvoor.

Beswaar teen skema.

38. (1) Na afloop van die tydperk in subartikel (2) van artikel *sewe-en-dertig* voorgeskryf en ingeval daar besware teen die skema ingekom het, stel die Kommissie 'n dag vas vir die verhoor van sulke besware en die Kommissie moet ten minste veertien dae voor die aldus vasgestelde dag kopieë van al die besware ontvang aan die betrokke plaaslike owerheid stuur, en sodanige plaaslike owerheid in kennis stel van die tyd en plek wat vir die verhoor van die besware vasgestel is.

(2) By die verhoor van enige sodanige besware kan 'n plaaslike owerheid of persoon wat beswaar maak, deur 'n advokaat of prokureur verteenwoordig word. Sodanige verhoor is oop vir die publiek.

Oorweging van skema deur Kommissie.

⁵⁴39. Na die verhoor vermeld in artikel *agt-en-dertig* kan die Kommissie by die Administrateur aanbeveel dat die skema of enige besondere bepalings daarvan verder ondersoek word soos bepaal in artikel *ses-en-dertig bis*.

Myng gebied ingesluit in skema.

40. Ingeval geproklameerde grond of grond in besit gehou onder myntitel in 'n skema ingesluit is, moet die goedkeuring van die Minister van Mynwese vir daardie deel van die skema wat geleë is binne sodanige geproklameerde grond of gronde in besit gehou onder myntitel deur die plaaslike owerheid aan die Kommissie verskaf word voordat die aanbeveling van die Kommissie aan die Administrateur kragtens artikel *een-en-veertig* voorgelê word; met die verstande dat die weerhouding van sodanige goedkeuring nie die voltooiing en goedkeuring van die skema sal verhinder ten opsigte van die orige gebied van die plaaslike owerheid nie.

Goedkeuring en proklamering van skema.

41. ⁵⁵(1) Na oorweging van die skema, alle besware daarteen en die uitslag van enige ondersoek ingestel ingevolge artikel *nege-en-dertig*, lê die Kommissie sy aanbevelings in verband daarmee aan die Administrateur voor. Die Provinsiale Sekretaris stel die plaaslike owerheid in kennis van enige wysigings, veranderings of uitbreidings aan die skema wat deur die Kommissie aanbeveel word.

(2) Die Administrateur kan dan die skema goedkeur met enige sodanige ⁵⁶wysigings, *veranderinge of uitbreidings* as wat hy geskik ag en moet by proklamasie in die *Provinsiale Koerant*

⁵² Artikel ingevoeg by a.5(1)/O 10/58. Verwys ook na a.5(2)/O 10/58 in verband met skemas wat voor inwerkingtreding van hierdie artikel vir ondersoek voorgelê is.

⁵³ Gewysig by a.6/O 10/58.

⁵⁴ [39] vervang by a.7/O 10/58.

⁵⁵ (1) vervang by a.8/O 10/58.

⁵⁶ Gewysig by a.8/O 10/58.

Gazette notify that it has been approved ⁶⁴provided that no amendments, modifications or additions which have not been recommended by the Board shall be made without further reference to the Board.

(3) Copies of the scheme as approved by the Administrator and proclaimed as above shall be lodged with the Surveyor-General and the Registrar of Deeds by the local authority concerned.

Operation of town-planning scheme.

42. ⁶⁵(1) When a scheme has been proclaimed as aforesaid the local authority shall observe and enforce the observance of all requirements of the scheme. Save with the consent of the Administrator after reference to the Board, the local authority shall not thereafter undertake or permit the erection or alteration of or addition to any building or the carrying out of any work, or any alteration in or modification of the use to which any building, land or works is put, if it would not conform to the provisions of the approved scheme.

(2) When a scheme has been proclaimed as aforesaid the local authority shall, notwithstanding anything in any other law contained, have the power to acquire by agreement or expropriation any land if it is satisfied that the acquisition of such land is necessary for or ancillary to the proper carrying out of the said scheme.

Other Ordinances or regulations in conflict with approved scheme.

43. The provisions of this Chapter or of an approved scheme shall ⁶⁶subject to the provisions of sub-section (3) of section thirty-five override the requirements of any other Ordinance or regulations framed thereunder which may be in conflict with such provisions.

Failure to prepare scheme or to enforce provisions of an approved scheme.

44. (1) If a local authority named in the First Schedule or a local authority to which the provisions of this Chapter have been applied in terms of section *thirty* fails to prepare a scheme within the time specified or the extension granted under section *twenty-nine* or *thirty-one* or fails to enforce to the satisfaction of the Administrator the provisions of an approved scheme operative in its area, the Administrator may by proclamation in the *Provincial Gazette* withdraw all or any of the powers vested in the local authority under Chapter 3 and this Chapter.

(2) Upon application by the local authority the Administrator may subsequently revoke such proclamation.

Approved scheme may be modified or elaborated with approval of Administrator.

⁶⁷45. (1) Any local authority may from time to time of its own motion, and shall if so required by the Administrator elaborate any of the provisions of its approved scheme, or enlarge its scheme, if manifestly inadequate, or may on application to the Administrator modify or alter any of the details of the scheme or substitute a new scheme for the approved scheme.

(2) The provisions of this Chapter shall *mutatis mutandis* apply with respect to any alteration of or addition to a scheme and to every new scheme substituted for an approved scheme.

Duties of owner of land affected by scheme.

46. Whenever a scheme has been approved by the Administrator, the local authority may by written notice call upon the owners of the land affected by the scheme to—

- (a) take such steps as may be necessary to alter the original lay-out or subdivision of the land so as to conform to the scheme;
- (b) cause any necessary alterations to be duly recorded on the plans and diagrams in the office of the Surveyor-General and in the Deeds Registry; and

⁶⁴ Proviso substituted by s.8/O 10/58.

⁶⁵ (1) substituted by s.4/O 9/50.

⁶⁶ Amended by s.11/O 16/53.

⁶⁷ As to validation of amendments to and departures from schemes, see s.16/O 16/53. As to incorporation of Cape Town Foreshore Plan in scheme of Cape Town Municipality, see s.18/O 16/53.

kennis gee dat dit goedgekeur is; ⁵⁷met dien verstande dat geen wysigings, veranderings of uitbreidings wat nie deur die Kommissie aanbeveel is nie, sonder verdere verwysing na die Kommissie aangebring mag word nie.

(3) Kopieë van die skema, soos deur die Administrateur goedgekeur en soos hierbo geproklameer, moet by die Landmeter-generaal en die Registrateur van Aktes deur die betrokke plaaslike owerheid ingedien word.

Toepassing van dorpsaanlegskema.

42.⁵⁸ (1) Wanneer 'n skema soos voormeld geproklameer is, moet die plaaslike owerheid alle vereistes van die skema nakom en sorg dat dit nagekom word. Behalwe met die toestemming van die Administrateur na oorleg met die Kommissie, mag die plaaslike owerheid nie daarna die oprigting of verandering of uitbreiding van enige gebou of die uitvoering van enige werk, of enige verandering of wysiging van die doel waarvoor enige gebou, grond of werke gebruik word, onderneem of toelaat as dit nie aan die bepalings van die goedgekeurde skema sal voldoen nie.

(2) Wanneer 'n skema geproklameer is, soos voornoem, besit die plaaslike owerheid, niteenstaande enige bepalings van enige ander wet, die mag om deur ooreenkoms of ont-eiening enige grond aan te skaf indien hy oortuig is dat die aanskaffing van sodanige grond nodig is vir of in verband staan met die behoorlike uitvoer van gemelde skema.

Ander Ordonnansies of regulasies in stryd met goedgekeurde skema.

43. Die bepalings van hierdie Hoofstuk of van 'n goedgekeurde skema geniet ⁵⁹onderworpe aan die bepalings van subartikel (3) van artikel vyf-en-dertig voorrang bo die vereistes van enige ander Ordonnansie of regulasies daaronder opgestel wat in stryd mag wees met sodanige bepalings.

Versuim om skema op te stel of bepalings van 'n goedgekeurde skema toe te pas.

44. (1) Indien 'n plaaslike owerheid in die Eerste Bylae genoem, of 'n plaaslike owerheid waarop die bepalings van hierdie Hoofstuk van toepassing gemaak is ooreenkomstig artikel dertig, versuim om binne die bepaalde tyd of die verlenging toegestaan kragtens artikel nege-en-twintig of een-en-dertig 'n skema op te stel of versuim om tot bevrediging van die Administrateur die bepalings van 'n goedgekeurde skema wat in sy gebied van krag is, toe te pas, kan die Administrateur by proklamasie in die *Provinsiale Koerant* almal of enige van die magte aan die plaaslike owerheid kragtens Hoofstuk 3 en hierdie Hoofstuk verleen, intrek.

(2) Op aansoek van die plaaslike owerheid kan die Administrateur daarna so 'n proklamasie herroep.

Goedgekeurde skema kan gewysig of uitgebrei word met goedkeuring van Administrateur.

45. (1) Enige plaaslike owerheid kan van tyd tot tyd uit sy eie beweging en moet, indien verlang deur die Administrateur, enige van die bepalings van sy goedgekeurde skema uitbrei of sy skema vergroot indien dit klaarblyklik ontoereikend is, of kan op aansoek by die Administrateur die skema in besonderhede wysig of verander, of kan die goedgekeurde skema deur 'n nuwe skema vervang.

(2) Die bepalings van hierdie Hoofstuk geld *mutatis mutandis* vir enige verandering van of toevoeging tot 'n skema en vir elke nuwe skema wat in die plek van 'n goedgekeurde skema gestel word.

Plig van eienaar van grond wat onder die skema val.

46. Wanneer 'n skema ook al deur die Administrateur goedgekeur is, kan die plaaslike owerheid deur middel van skriftelike kennisgewing van die eienaars van die grond wat onder die skema val, verlang:—

- (a) om sulke stappe te doen as wat nodig is vir die verandering van die oorspronklike aanleg of onderverdeling van die grond ten einde dit in ooreenstemming te bring met die skema;
- (b) om enige nodige veranderings behoorlik te laat aanteken op die planne en kaarte op die kantoor van die Landmeter-generaal en op die Registrasiekantoor van Aktes; en

⁵⁷ Voorbehoudsbepaling vervang by a.8/O 10/58.

⁵⁸ (1) vervang by a.4/O 9/50.

⁵⁹ Gewysig by a.11/O 16/53.

⁶⁰ Insake wettiging van wysigings aan en afwykings van skemas, sien a.16/O 16/53. Insake inlywing van Kaapstadse Strandgebiedsplan in skema van Kaapstadse Munisipaliteit, sien a.18/O 16/53.

(c) effect any transfers which may be rendered necessary by the scheme.

Any expense incurred by an owner aforesaid under the provisions of this section shall be borne by the local authority.

Surveyor-General and Registrar not to approve of certain subdivisions.

47. (1) After the receipt of a copy of an approved scheme as provided for in section *forty-one* the Surveyor-General shall not approve a general plan or diagram of any subdivision which is not in conformity with the approved scheme.

(2) Similarly the Registrar of Deeds shall not register any deed in reference to any property which comes within the area of a scheme unless the deed is accompanied by a certificate from the local authority that the land is affected or not affected by the scheme. If affected by the scheme the deed shall contain the provisions affecting the property.

Persons injuriously affected entitled to claim compensation.

48. (1) Any person having an interest in any land taken for the purpose of a scheme or in any land injuriously affected by the coming into operation of any provision contained in a scheme or by the execution of any work under a scheme shall, subject to the provisions of section *forty-nine*, be entitled to claim compensation from the local authority for all loss or damage thereby sustained by him, provided that the application for compensation be made to the local authority within six months from the date of the proclamation in the *Provincial Gazette* approving of the scheme.

(2) Any person who for the purpose of complying with any provision contained in a scheme or in making or resisting a claim under the provisions of this Ordinance relating to compensation or betterment has incurred expenditure which is rendered abortive by a subsequent variation or revocation of a scheme shall be entitled to claim from the local authority in so far as it was reasonably incurred the amount of the abortive expenditure, provided that the application for compensation be made to the local authority within six months from the date of the notification of such variation required in terms of sub-section (2) of section *forty-five*.

Compensation not payable in certain cases.

49. (1) No compensation shall be payable under sub-section (1) of section *forty-eight* in respect of any loss or damage resulting from the coming into operation of any provision of the scheme which—

- (a) prescribes the space about buildings; or
- (b) limits the number of buildings; or
- (c) regulates, or empowers the local authority to regulate the size, height, design or external appearance of buildings; or
- (d) prohibits or restricts building operations permanently on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services; or
- (e) prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger or injury to health, or serious detriment to the neighbourhood, or restricts (otherwise than by way of restriction of building operations) the use of the land so far as may be necessary for preventing such danger, injury or detriment; or
- (f) restricts the manner in which buildings may be used; or
- (g) in the interests of safety regulates or empowers the local authority to regulate the height and position of proposed walls, fences or hedges near the corners or bends of roads; or
- (h) in the case of land which at no time within the period of five years immediately preceding the approval of the scheme was or formed part of the site of a building fixes in relation to any street or proposed street a line beyond which no building in that street or proposed street may project; or
- (j) in the case of the erection of any building intended to be used for the purposes of business or industry, requires the provision of accommodation for loading, unloading or fuelling vehicles with a view to preventing obstruction of traffic on any highway; or

(c) om enige transporte wat as gevolg van die skema nodig is, uit te maak.

Enige koste deur 'n eienaar, soos voornoem, ingevolge die bepalings van hierdie artikel beloop, moet deur die plaaslike owerheid gedek word.

Landmeter-generaal en Registrateur keur nie sekere onderverdelings goed nie.

47. (1) Na ontvangs van 'n kopie van 'n goedgekeurde skema soos bepaal in artikel *een-en-veertig*, keur die Landmeter-generaal nie 'n algemene plan of kaart van 'n onderverdeling wat nie in ooreenstemming is met die goedgekeurde skema, goed nie.

(2) Insgelyks registreer die Registrateur van Aktes nie enige akte wat betrekking het op 'n eiendom wat binne die gebied van 'n skema val nie, tensy die akte vergesel gaan van 'n sertifikaat van die plaaslike owerheid dat die grond deur die skema geaffekteer word of nie. As dit deur die skema geaffekteer word, moet die akte die bepalings wat betrekking het op die eiendom, bevat.

Persone benadeel, geregtig om skadevergoeding te eis.

48. (1) Enige persoon wat belang het by enige grond wat in beslag geneem is vir die doeleindes van 'n skema of by enige grond wat benadeel word deur die inwerkingtreding van enige bepaling vervat in 'n skema of deur die uitvoer van enige werk onder 'n skema is, onderhewig aan die bepalings van artikel *nege-en-veertig*, geregtig om skadevergoeding van die plaaslike owerheid op te eis vir al die verlies of skade deur hom daardeur gely, met die verstande dat die aansoek om skadevergoeding by die plaaslike owerheid gedoen word binne ses maande vanaf die datum van die proklamasie in die *Provinsiale Koerant* wat die skema goedkeur.

(2) Enige persoon wat, met die doel om enige bepaling vervat in 'n skema, na te kom of om 'n eis in te stel of te opponeer ingevolge die bepalings van hierdie Ordonnansie met betrekking tot skadevergoeding of verbetering, uitgawe beloop het wat deur 'n daaropvolgende verandering of hersiening van 'n skema nutteloos gemaak word, is geregtig om die bedrag van die nuttelose uitgawe van die plaaslike owerheid op te eis vir sover dit redelikerwys beloop is, mits die aansoek om skadevergoeding by die plaaslike owerheid gedoen word binne ses maande vanaf die datum van die bekendmaking van sodanige verandering vereis ooreenkomstig die bepalings van subartikel (2) van artikel *vyf-en-veertig*.

Skadevergoeding nie betaalbaar in sekere gevalle nie.

49. (1) Geen skadevergoeding is betaalbaar ingevolge subartikel (1) van artikel *ag-en-veertig* ten opsigte van enige verlies of skade veroorsaak deur die inwerkingtreding van enige bepaling van die skema nie, wat—

- (a) die ruimte rondom geboue vasstel; of
- (b) die aantal geboue beperk; of
- (c) die grootte, hoogte, ontwerp of uiterlike voorkoms van geboue reël of aan die plaaslike owerheid mag verleen om dit te reël; of
- (d) wat permanente oprigting van geboue belet of beperk op grond van die feit dat weens die ligging of geartheid van die grond die oprigting van geboue daarop moontlik aanleiding sal gee tot gevaar of benadeling van die gesondheid of buitensporige uitgawe van publieke geld in verband met die voorsiening van paaie, rirole, watertoevoer of ander openbare dienste; of
- (e) die gebruik van grond belet (anders as deur middel van 'n verbod op die oprigting van geboue) vir 'n doel wat moontlik 'n gevaar of nadeel mag wees vir die gesondheid, of 'n ernstige nadeel vir die buurte, of die gebruik van grond beperk (anders as deur middel van 'n beperking op die oprigting van geboue) vir sover nodig mag wees om sodanige gevaar, beskadiging of benadeling te voorkom; of
- (f) die wyse waarop geboue gebruik mag word, beperk; of
- (g) in die belang van veiligheid, die hoogte en die ligging van voorgestelde mure, heinings, of hegge naby die hoeke of draaie in die paaie, reël of aan die plaaslike owerheid die mag verleen om dit te reël; of
- (h) in die geval van grond wat nie te eniger tyd binne die tydperk van vyf jaar onmiddellik voor die goedkeuring van die skema deel was of uitgemaak het van die terrein van 'n lyn vasstel in verband met enige straat of voorgestelde straat, verder as wat geen gebou langs daardie straat of voorgestelde straat mag uitsteek nie; of
- (j) in die geval van die oprigting van 'n gebou wat bedoel is om vir die doeleindes van 'n besigheid of nywerheid gebruik te word, verlang dat voorsiening gemaak word vir akkommodasie vir die op- en aflaai of die verskaffing van brandstof aan voertuie ten einde te voorkom dat die verkeer langs enige hoofpad belemmer word; of

- (k) prohibits or restricts the erection of advertisement hoardings, bill-posting and advertising and the display of advertisements and the disfigurement of the front or frontage of streets, walls, fences, buildings, lands, rocks, trees or other natural features; or
- (l) could have been made and enforced without liability to pay compensation by the local authority under any other law.

(2) No compensation shall be payable under sub-section (1) of section *forty-eight* in respect of any building erected or contract made or other thing done in contravention of any scheme after publication of the notification referred to in sub-section (1) of section *thirty-seven* or after written notice from the local authority that a projected building, contract or other thing to be done would if proceeded with be in contravention of a scheme then in course of preparation.

(3) Where a person would be entitled to claim compensation in respect of any matter or thing under this Ordinance and also under any other law he shall not be entitled to receive compensation both under this Ordinance and such other law, nor to receive any greater compensation under this Ordinance than he would be entitled to receive under such other law.

Local authority may recover betterment from owners of property increased in value.

50. Where by the coming into operation of any provision contained in a scheme, or by the execution by the local authority of any work under a scheme, any property is increased in value, the local authority may, subject to the provisions of this Ordinance, recover from the person whose property is so increased in value an amount not exceeding fifty per cent. of the amount of that increase. Provided that such local authority makes a claim in that behalf within twelve months after the date on which the provision came into operation or such longer period as may be specified in the scheme, or within twelve months after the completion of the work, as the case may be.

Compensation.

51. (1) Any question as to whether any property is injuriously affected or increased in value within the meaning of section *forty-eight* or *fifty* and as to the amount and manner of payment of such compensation or betterment and any question as to the value of any property taken for the purposes of a scheme shall in the absence of mutual agreement be determined by an arbitrator appointed under section *fifty-two*.

(2) In determining the amount of compensation to be paid for any land taken for the purposes of a scheme the arbitrator shall take as the value of such land the capital sum which such land might in his judgment be expected to realise if offered⁵⁸ at the time of the publication in the *Provincial Gazette* of the notice referred to in sub-section (1) of section *thirty-seven*, on such reasonable terms and conditions as a *bona fide* seller would require, due regard being had not only to such land but also to other land of similar class, character, value, position and to other comparative factors.

(3) The expression "land" for the purpose of this Chapter includes any building or improvements on such land.

Appointment of arbitrator.

52. Where the local authority and the owner concerned are unable to agree within thirty days after service on the owner of a notice by the local authority stating that it desires to expropriate any land as to the amount of compensation to be paid by or to the local authority under sections *forty-eight* and *fifty* respectively, the local authority and the owner may agree to the appointment of a particular person as sole arbitrator, whose decision shall be final; and if within fourteen days after notice has been given by either party to the other an agreement has not been reached as to who should be appointed as sole arbitrator, the Administrator shall, on application by either party or both parties, appoint a sole arbitrator, whose decision shall be final.

Arbitrator may co-opt.

53. (1) The arbitrator appointed in terms of section *fifty-two* shall be entitled, for the purpose of determining the amount of compensation payable by or to the local authority, to co-opt in

⁵⁸ Presumably "if offered for sale" is here intended — see Afrikaans text.

- (k) die oprigting van advertensieborde, aanplakbiljette en advertensies en die vertoning van advertensies, asook die ontsiering van die front of voorkant van strate, mure, heinings, geboue, gronde, rotse, bome, of ander kenmerke van die natuur, verbied of beperk; of
- (l) ingevoer kon geword het en van krag gemaak gewees het sonder aanspreeklikheid vir die betaling van skadevergoeding deur die plaaslike owerheid ingevolge enige ander wet.

(2) Geen skadevergoeding is betaalbaar ingevolge subartikel (1) van artikel *ag-en-veertig* ten opsigte van enige gebou opgerig of kontrak aangegaan of iets anders gedoen in stryd met enige skema na publikasie van die bekendmaking genoem in subartikel (1) van artikel *sewe-en-dertig* of na skriftelike kennisgewing van die plaaslike owerheid dat 'n voorgestelde gebou, kontrak of iets anders wat gedoen moet word, in stryd sou wees met 'n skema wat dan opgestel word indien daarmee voortgegaan word nie.

(3) Waar 'n persoon geregtig sou wees om skadevergoeding te eis ten opsigte van enige saak of ding ingevolge hierdie Ordonnansie en ook ingevolge enige ander wet, is hy nie geregtig om skadevergoeding te ontvang ingevolge hierdie Ordonnansie en so 'n ander wet of om enige groter skadevergoeding te ontvang ingevolge hierdie Ordonnansie as wat hy geregtig sou wees om te ontvang ingevolge sodanige ander wet nie.

Plaaslike owerheid kan bedrag ten opsigte van waardevermeerdering invorder van eienaars wie se eiendom in waarde gestyg het.

50. Waar 'n eiendom weens die inwerkingtreding van enige bepaling vervat in 'n skema of weens die uitvoer van enige werk onder 'n skema deur die plaaslike owerheid, in waarde styg, kan die plaaslike owerheid, onderhewig aan die bepalings van hierdie Ordonnansie, 'n bedrag van hoogstens vyftig persent van die bedrag van daardie vermeerdering invorder van die persoon wie se eiendom aldus in waarde gestyg het. Met die verstande dat sodanige plaaslike owerheid 'n eis ten opsigte daarvan instel binne twaalf maande na die datum waarop die bepaling in werking getree het of sodanige langer tydperk as wat in die skema bepaal mag word of binne twaalf maande na die voltooiing van die werk, soos die geval mag wees.

Skadevergoeding.

51. (1) Die vraag of 'n eiendom nadelig beïnvloed is of in waarde gestyg het volgens die bedoeling van artikel *ag-en-veertig* of *vyftig* en wat die bedrag en wyse van betaling van sodanige skadevergoeding of bedrag ten opsigte van waardevermeerdering moet wees en enige vraag oor die waarde van 'n eiendom wat vir die doeleindes van 'n skema in beslag geneem is, word, ingeval daar geen onderlinge ooreenkoms bestaan nie, bepaal deur 'n arbiter ingevolge artikel *twee-en-vyftig* aangestel.

(2) By die vasstelling van die bedrag van skadevergoeding wat betaal moet word vir enige grond in beslag geneem vir die doeleindes van 'n skema, beskou die arbiter as die waarde van sodanige grond die kapitaalbedrag wat sodanige grond volgens sy oordeel verwag mag word om op te bring indien te koop aangebied ten tyde van die publikasie in die *Provinsiale Koerant* van die kennisgewing genoem in subartikel (1) van artikel *sewe-en-dertig* op sulke redelike terme en voorwaardes as wat 'n *bona fide* verkoper sou verlang, met behoorlike inagneming nie alleen van sodanige grond nie maar ook van ander grond van 'n soortgelyke klas, geaardheid, waarde, ligging en van ander faktore van vergelyking.

(3) Die uitdrukking "grond" sluit vir die doel van hierdie Hoofstuk in enige gebou of verbeterings op sodanige grond.

Aanstelling van arbiter.

52. Waar die plaaslike owerheid en die betrokke eenaar nie in staat is om ooreen te kom omtrent die bedrag van skadevergoeding wat deur of aan die plaaslike owerheid betaal moet word ingevolge artikels *ag-en-veertig* en *vyftig* onderskeidelik nie, kan die plaaslike owerheid en die eenaar binne dertig dae nadat die plaaslike owerheid aan die eenaar kennis gegee het dat hy verlang om enige grond te onteien, ooreenkom omtrent die aanstelling van 'n besondere persoon as die enigste arbiter wie se beslissing finaal is en as 'n ooreenkoms nie binne veertien dae nadat kennis deur die een party aan die ander gegee is, bereik is oor die vraag wie as die enigste arbiter aangestel moet word nie, dan stel die Administrateur op aansoek van die een of ander party of albei partye een arbiter aan wie se beslissing finaal is.

Arbiter kan koöpteer.

53. (1) Die arbiter kragtens artikel *twee-en-vyftig* aangestel, is geregtig om met die doel om die bedrag van skadevergoeding betaalbaar deur of aan die plaaslike owerheid vas te stel, slegs in 'n raadgevende hoedanigheid 'n beëdigde waardeerder wat binne die gebied van die betrokke

an advisory capacity only, a sworn appraiser who resides in the area of the local authority concerned, and/or any other person (not being a sworn appraiser) as he shall deem fit.

(2) No sworn appraiser or other person co-opted in terms of sub-section (1) shall have directly or indirectly by himself or his partner any pecuniary interest in the matter in dispute.

Representation of parties.

54. At any arbitration proceedings under this Chapter either party to the dispute may be represented by counsel or attorney.

Award of costs.

55. It shall be lawful for the arbitrator appointed in terms of section *fifty-two* to make such order as to the costs of the arbitration proceedings as he may deem fit, and such order shall be final and binding on the parties concerned; provided that in no case shall the arbitrator be entitled to award costs on a scale exceeding that of the higher scale as provided in the Magistrates Court Act, 1917 (No. 32 of 1917), as amended.

How expenditure on scheme may be met.

56. (1) Any expenditure incurred by a local authority for the purpose of preparing a scheme or giving effect to the requirements thereof may be met from its revenue or from a loan or partly from revenue and partly from loan.

(2) Anything to the contrary notwithstanding in any Ordinance limiting the powers of any local authority, any local authority may, with the consent of the Administrator and subject to such terms and conditions as the Administrator may prescribe, borrow money for the preparation and operation of any scheme or for giving effect to any of the requirements thereof without observing the procedure prescribed by sections *one hundred and seventy-nine* and *one hundred and eighty* of the Cape Municipal Ordinance, 1912 (Ordinance No. 10 of 1912) as amended.

(3) All expenses incurred by the Administrator in connection with a scheme in respect of the publication of notices, official visits of inspection by members of the Board, meetings of the Board, fees, travelling and other allowances payable to members and staff of the Board shall be borne by the local authority concerned.

Powers and duties of local authorities pending approval of scheme.

⁵⁹57. ⁶⁰(1) Subject to the provisions of section *thirty-five bis*, a scheme in the course of preparation or awaiting approval shall not be amended in such a way as to substitute, nullify or alter any provision thereof—

- (a) which has been resolved upon by the local authority or a town planning committee;
- (b) under which the local authority has acted under sub-section (2) or sub-section (3);
- (c) concerning which an officer of the local authority has given information to any member of the public, or
- (d) prescribed by the Administrator under sub-section (1) of section *thirty-five bis*.

(2) Where its approval is in law required for—

- (a) the erection or alteration of or addition to a building, or the carrying out of any work whatsoever,
- (b) any land or building being put or converted to any use,

a local authority shall not, except with the prior consent of the Administrator, grant such approval if such erection or alteration of or addition to a building, or such work or use would not conform to the proposed provisions of a scheme in the course of preparation or awaiting approval ⁶¹or, unless the Administrator in any particular case directs otherwise, to any proposed new provision or proposed amending provision of a scheme in the course of preparation or awaiting approval where such new or amending provision has, after having been resolved upon by the local authority or a town planning committee, been submitted to the Administrator under sub-section (1) of section *thirty-five bis* or has been referred by the Administrator to the local authority under that sub-section.

⁵⁹ [57] substituted by s.5/O 9/50.

⁶⁰ (1) substituted by s.12/O 16/53.

⁶¹ Words to end of subsection added by s.12/O 16/53.

plaaslike owerheid woon en/of enige ander persoon (wat nie 'n beëdigde waardeerder is nie) as wat hy geskik mag ag, te koop teer.

(2) Geen beëdigde waardeerder of ander persoon gekoop teer kragtens subartikel (1) mag of regstreeks of onregstreeks, hetsy persoonlik of deur middel van sy vennoot, enige geldelike belang hê in die geskilpunt nie.

Verteenwoordiging van partye.

54. By enige arbitrasieverrigtings ingevolge hierdie Hoofstuk mag elke party wat in die geskil betrokke is, deur 'n advokaat of prokureur verteenwoordig wees.

Toekenning van koste.

55. Dis vir die arbiter wat kragtens artikel *twee-en-vyftig* aangestel is, wettig om sodanige bevel uit te reik omtrent die koste van die arbitrasieverrigtings as wat hy geskik mag ag en sodanige bevel is finaal en bindend op die betrokke partye; met die verstande dat die arbiter in geen geval geregtig is om koste toe te ken volgens 'n skaal wat hoër is as dié van die hoër skaal soos bepaal in die "Magistraatshoven Wet, 1917" (No. 32 van 1917), soos gewysig nie.

Hoe uitgawes in verband met skema bestry mag word.

56. (1) Enige uitgawe deur 'n plaaslike owerheid beloop met die doel om 'n skema op te stel of gevolg te gee aan die vereistes daarvan, kan uit sy inkomste bestry word of uit 'n lening of gedeeltelik uit inkomste en gedeeltelik uit 'n lening.

(2) Nieteenstaande enige strydige bepalings van enige Ordonnansie wat die magte beperk van 'n plaaslike owerheid, kan 'n plaaslike owerheid, met die toestemming van die Administrateur en onderhewig aan sodanige terme en voorwaardes as wat die Administrateur mag bepaal, geld opneem vir die opstel en in werking stel van enige skema of vir die uitvoer van enige van die vereistes daarvan, sonder om die gedragslyn neergelê in artikels *honderd-nege-en-sewentig* en *honderd-en-tagtig* van die "Kaapse Municipale Ordonnantie, 1912" (Ordonnansie No. 10 van 1912), soos gewysig, na te kom.

(3) Al die onkoste deur die Administrateur in verband met 'n skema beloop ten opsigte van die publikasie van kennisgewings, amptelike inspeksiebesoeke deur lede van die Kommissie, vergaderings van die Kommissie, gelde, reis- en ander toelae aan die lede en staf van die Kommissie betaalbaar, word deur die betrokke plaaslike owerheid gedek.

Bevoegdheede en pligte van plaaslike owerhede hangende goedkeuring van skema.

⁶¹57. ⁶²(1) Onderworpe aan die bepalings van artikel *vyf-en-dertig bis* mag 'n skema wat opgestel word of op goedkeuring wag, nie op so 'n wyse gewysig word dat 'n bepaling daarvan—

- (a) waartoe die plaaslike owerheid of 'n dorpsaanlegkomitee besluit het;
- (b) waarkragtens die plaaslike owerheid ingevolge subartikel (2) of subartikel (3) gehandel het;
- (c) in verband waarmee 'n amptenaar van die plaaslike owerheid inligting aan 'n lid van die publiek verstrek het, of
- (d) wat ingevolge subartikel (1) van artikel *vyf-en-dertig bis* deur die Administrateur voorgeskryf is,

vervang, nietig gemaak of verander word nie.

(2) Waar die goedkeuring van 'n plaaslike owerheid volgens wet nodig is vir—

- (a) die oprigting of verandering of uitbreiding van 'n gebou, of die uitvoering van watter werk ook al,
- (b) die gebruik of verandering van die gebruik van enige grond of gebou vir enige doel,

mag so 'n plaaslike owerheid nie, behalwe met die voorafverkreë toestemming van die Administrateur, sodanige goedkeuring verleen as so 'n oprigting of verandering of uitbreiding van 'n gebou, of sodanige werk of gebruik nie sal voldoen aan die voorgestelde bepalings van 'n skema wat opgestel word of op goedkeuring wag ⁶³of, tensy die Administrateur in enige besondere geval anders gelas, aan enige voorgestelde nuwe bepaling of voorgestelde wysigende bepaling van 'n skema wat opgestel word of op goedkeuring wag waar sodanige nuwe of wysigende bepaling, nadat die plaaslike owerheid of 'n dorpsaanlegkomitee daartoe besluit het, ingevolge subartikel (1) van artikel *vyf-en-dertig bis* aan die Administrateur voorgelê is of deur die Administrateur ingevolge gemelde subartikel na die plaaslike owerheid verwys is nie.

⁶¹ [57] vervang by a.5/O 9/50.

⁶² (1) vervang by a.12/O 16/53.

⁶³ Woorde tot end van subartikel toegevoeg by a.12/O 16/53.

⁶²(2) *bis*. Where its approval is in law required for the erection or alteration of or addition to a building a local authority shall not ⁶³*except with the prior consent of the Administrator*, grant such approval if in its opinion such erection, alteration or addition would facilitate the use of such building in a manner in conflict with the provisions of a scheme in the course of preparation or awaiting approval.

⁶⁴(3) Notwithstanding that the approval of the local authority is not required under any other law for any land or building being put or converted to any use, no person shall use or permit the use of any land or building for a purpose for which, or in a manner in which, it was not used on, and without discontinuance since, the first day of June, 1950, or on, and without discontinuance since, the date on which this Chapter became applicable to the local authority, whichever is the later date, or if such building was erected after such date, for a purpose or in a manner other than that for which it was erected, unless—

- (a) he has obtained written confirmation from the local authority that such use would not conflict with the proposed provisions of a scheme in the course of preparation or awaiting approval, or
- (b) if such use does so conflict with such proposed provisions, the local authority has with the consent of the Administrator approved such use;

provided that if in any proceedings it is alleged that any land or building was not used for a specified purpose or in a specified manner on or without discontinuance since the first day of June, 1950, or the date on which this Chapter became applicable to the local authority, the onus of proving the contrary shall be on the person who uses it or permits the use thereof for such purpose or in such manner; provided further that the cessation of a use for a period of not more than six months shall not be deemed to be a discontinuance of such use.

⁶⁵(3) *bis*. No person shall use or permit the use of any portion of the site of a building erected after the first day of June, 1950, or after the date on which this Chapter became applicable to the local authority, whichever is the later date, for a purpose or in a manner other than that shown on the plans for such building as approved by the local authority, or as amended with the approval of the local authority subject to the provisions of sub-section (2), sub-section (2) *bis* or sub-section (3).

(4) Any person who has ⁶⁶*without reference by the local authority to the Administrator* been refused approval in terms of sub-section (2) or ⁶⁷*sub-section (2) bis or paragraph (b) of sub-section (3)* may appeal to the Administrator whose decision shall be final. ⁶⁸Where the property of the appellant or any portion thereof is in terms of the scheme reserved for future road purposes, public place or local authority purposes and the Administrator is satisfied that such reservation is causing the appellant undue prejudice or hardship he may, after reference to the local authority, direct the local authority to acquire such property or portion thereof in terms of the powers conferred on it for the acquisition of land and the local authority shall forthwith take the necessary steps to acquire such land.

Application of regulations to local authorities.

⁶⁹57 *bis*. The Administrator may by notice in the *Provincial Gazette* apply any regulations made under section *sixty* and relating to town planning to any or all local authorities to which the provisions of this Chapter are not generally applicable in terms of this Ordinance.

CHAPTER 5. — MISCELLANEOUS.

Aerial and other surveys.

58. The Administrator shall have the power to authorise any local authority to undertake aerial and other surveys and such other measures as may in his opinion be necessary to formulate a town-planning scheme. The expenditure incurred in such surveys or other measures may be charged to any loan raised in terms of section *fifty-six*.

⁶² (2) *bis* inserted by s.12/O 16/53.

⁶³ Amended by s.4/O 12/62.

⁶⁴ (3) substituted by s.4/O 12/62.

⁶⁵ (3) *bis* inserted by s.4/O 12/62.

⁶⁶ Amended by s.4/O 12/62.

⁶⁷ Amended by s.12/O 16/53.

⁶⁸ Words to end of subsection added by s.9/O 10/58.

⁶⁹ Section inserted by s.10/O 10/58.

⁶⁴(2)bis. Waar sy goedkeuring by wet vereis word vir die oprigting, verandering of uitbreiding van 'n gebou, mag 'n plaaslike owerheid nie ⁶⁵behalwe met die voorafverkreë toestemming van die Administrateur, sodanige goedkeuring verleen indien na sy mening sodanige oprigting, verandering of uitbreiding die gebruik sal vergemaklik van so 'n gebou op 'n wyse wat in stryd is met die bepalings van 'n skema wat opgestel word of op goedkeuring wag nie.

⁶⁶(3) Ondanks die feit dat die goedkeuring van die plaaslike owerheid nie kragtens enige ander wet vereis word vir die gebruik of verandering van die gebruik van enige grond of gebou vir enige doel nie, mag niemand enige grond of gebou gebruik of die gebruik daarvan toelaat vir 'n doel waarvoor of op 'n wyse waarop dit nie gebruik is op en sonder onderbreking sedert die eerste dag van Junie 1950, of op en sonder onderbreking sedert die datum waarop hierdie hoofstuk op die plaaslike owerheid van toepassing geword het nie, watter ook al die laaste datum is, of as sodanige gebou na sodanige datum opgerig is, vir 'n ander doel of op 'n ander wyse as dié waarvoor dit opgerig is nie, tensy —

- (a) hy skriftelike bevestiging van die plaaslike owerheid verkry het dat sodanige gebruik nie strydig sal wees met die voorgestelde bepalings van 'n skema wat opgestel word of op goedkeuring wag nie, of
- (b) as sodanige gebruik aldus strydig is met sodanige voorgestelde bepalings, die plaaslike owerheid met die toestemming van die Administrateur sodanige gebruik goedgekeur het;

met dien verstande dat as in enige regsproses beweer word dat enige grond of gebou nie gebruik is vir 'n bepaalde doel of op 'n bepaalde wyse op of sonder onderbreking sedert die eerste dag van Junie 1950 of die datum waarop hierdie hoofstuk op die plaaslike owerheid van toepassing geword het nie, die las om die teendeel te bewys op die persoon rus wat dit gebruik of die gebruik daarvan toelaat vir sodanige doel of op sodanige wyse; voorts met dien verstande dat die staking van 'n gebruik vir 'n tydperk van hoogstens ses maande nie as 'n onderbreking van sodanige gebruik beskou word nie.

⁶⁷(3) bis Niemand mag enige gedeelte van die terrein van 'n gebou wat opgerig is na die eerste dag van Junie 1950 of na die datum waarop hierdie hoofstuk op die plaaslike owerheid van toepassing geword het, watter ook al die laaste datum is, gebruik of die gebruik daarvan toelaat nie vir 'n ander doel of op 'n ander wyse as dié wat aangetoon word op die planne vir sodanige gebou soos deur die plaaslike owerheid goedgekeur, of soos gewysig met die goedkeuring van die plaaslike owerheid onderworpe aan die bepalings van subartikel (2), subartikel (2) bis of subartikel (3).

(4) Iedereen aan wie goedkeuring ingevolge subartikel (2) of ⁶⁸subartikel (2)bis of paragraaf (b) van subartikel (3) geweier is, ⁶⁹sonder verwysing deur die plaaslike owerheid na die Administrateur kan hom beroep op die Administrateur by wie die eindbeslissing berus.

⁷⁰Waar die eiendom van die appellant of enige gedeelte daarvan ingevolge die skema vir toekomstige paddoeleindes, 'n openbare plek of plaaslike owerheidsdoeleindes gereserveer word en die Administrateur oortuig is dat sodanige reservering die appellant oormatige benadeling of ontbering veroorsaak, kan hy, na verwysing na die plaaslike owerheid, die plaaslike owerheid gelas om sodanige eiendom of gedeelte daarvan aan te skaf ingevolge die bevoegdheid hom verleen vir die aanskaffing van grond en moet die plaaslike owerheid dadelik die nodige stappe doen om sodanige grond aan te skaf.

Toepassing van regulasies op plaaslike owerhede.

⁷¹57 bis. Die Administrateur kan by kennisgewing in die Provinsiale Koerant enige regulasies wat kragtens artikel *sestig* opgestel is en op dorpsaanleg betrekking het, van toepassing maak op enige of alle plaaslike owerhede op wie die bepalings van hierdie hoofstuk nie ingevolge hierdie ordonnansie algemeen van toepassing is nie.

HOOFSTUK 5. — ALGEMEEN.

Lug- en ander opmetings.

58. Die Administrateur besit die mag om enige plaaslike owerheid toe te laat om lug- en ander opmetings uit te voer en sulke ander maatreëls te tref as wat volgens sy mening nodig is om 'n dorpsaanlegskema op te stel. Die uitgawes beloop in verband met sodanige opmetings of ander maatreëls kan in rekening gebring word teen enige lening kragtens artikel *ses-en-vyf*tig opgeneem.

⁶⁴ (2) bis ingevoeg by a.12/O 16/53.

⁶⁶ (3) vervang by a.4/O 12/62.

⁶⁸ Gewysig by a.12/O 16/53.

⁷⁰ Woorde tot end van subartikel toegevoeg by a.9/O 10/58.

⁷¹ Artikel ingevoeg by a.10/O 10/58.

⁶⁵ Gewysig by a.4/O 12/62.

⁶⁷ (3) bis ingevoeg by a.4/O 12/62.

⁶⁹ Gewysig by a.4/O 12/62.

Fees to be paid for diagrams.

59. (1) There shall be paid to the Secretary of the Board a fee, fixed by the Administrator but not exceeding ⁷⁰one pound, in respect of each diagram of an erf in an approved township or subdivided estate established in terms of Chapter 2.

(2) In an approved township or subdivided estate established in terms of Chapter 3, a similar fee shall be paid to the local authority concerned.

(3) The Surveyor-General shall not approve of any diagram as described in sub-sections (1) and (2), until he is satisfied that the fee imposed under the said sub-sections has been duly paid in respect of such diagram.

(4) All fees received by the Secretary of the Board, and one half of the fees received by any local authority in terms of this section, shall be paid by the Board or such local authority to the Provincial Administration.

⁷¹(5) The foregoing provisions of this section shall apply only to townships or subdivided estates in respect of which, before the commencement of the Townships Amendment Ordinance, 1949, a general plan was approved by the Surveyor-General or exemption from the submission of a general plan was granted.

Erf fees.

⁷²59 bis. (1) There shall be paid to the Secretary of the Board a fee, fixed by the Administrator but not exceeding one pound in respect of each erf (excluding reserved land) in a township or subdivided estate established in terms of Chapter 2.

(2) In a township or subdivided estate established in terms of Chapter 3, a similar fee shall be paid to the local authority concerned.

(3) The Surveyor-General shall not approve of any general plan in terms of sub-section (1) of section *nineteen* until he is satisfied that the fees imposed under sub-section (1) or (2) have been paid.

(4) If exemption from the submission of a general plan has been granted in terms of sub-section (5) of section *eighteen*, the Surveyor-General shall not permit the deduction of any erf until he is satisfied that the fees imposed under sub-section (1) or (2) have been paid.

(5) All fees received by the Secretary of the Board, and one half of the fees received by any local authority in terms of this section, shall be paid by the Board or such local authority to the Provincial Administration.

(6) The foregoing provisions of this section shall apply only to townships or subdivided estates in respect of which at the commencement of the Townships Amendment Ordinance, 1949, a general plan has not been approved by the Surveyor-General or exemption from the submission of a general plan has not been granted.

^{72a}(7) The fees imposed by this section shall not be payable in respect of erven in townships and subdivided estates which are approved schemes carried out by a local authority or a utility company or other body, for persons who are not members of the white group as defined in section *ten* of the Group Areas Act, 1957 (Act No. 77 of 1957); and in this sub-section the expressions "approved scheme", "local authority" and "utility company or other body" have the meanings assigned thereto by section *one* of the Housing Act, 1957 (Act No. 10 of 1957).

Administrator may make regulations.

60. The Administrator may make regulations prescribing:

(a) [deleted by s.3/O 13/70.]

(b) the fees (if any) to be charged in respect of any act, matter or thing required or permitted to be done under this Ordinance, ^{72b}with power to provide for exemption from the payment of all or any of the fees so prescribed, in respect of townships and subdivided estates referred to in sub-section (7) of section fifty-nine bis;

⁷⁰ Amended by s.5/O 11/49.

⁷¹ (5) inserted by s.5/O 11/49.

⁷² Section inserted by s.6/O 11/49.

^{72a} (7) inserted by s.2/O 26/64.

^{72b} Words inserted by s.3/O 26/64.

Gelde wat vir kaart betaal moet word.

59. (1) Aan die Sekretaris van die Kommissie moet 'n bedrag wat deur die Administrateur vasgestel is maar wat nie hoër is as ⁷²*een pond* nie, betaal word ten opsigte van elke kaart van 'n erf in 'n goedgekeurde dorp of onderverdeelde landgoed kragtens Hoofstuk 2 gestig.

(2) In 'n goedgekeurde dorp of onderverdeelde landgoed kragtens Hoofstuk 3 gestig, moet 'n dergelike bedrag aan die betrokke plaaslike owerheid betaal word.

(3) Die Landmeter-generaal keur nie enige kaart soos in subartikels (1) en (2) beskryf, goed totdat hy tevrede is dat die bedrag ingevolge gemelde subartikels opgelê, behoorlik betaal is ten opsigte van sodanige kaart nie.

(4) Alle gelde deur die Sekretaris van die Kommissie ontvang en een-helfte van die gelde deur 'n plaaslike owerheid ontvang kragtens hierdie artikel, word deur die Kommissie of sodanige plaaslike owerheid aan die Provinsiale Administrasie betaal.

⁷³(5) Die voorafgaande bepalings van hierdie artikel geld alleen dorpe of onderverdeelde landgoedere ten opsigte waarvan, voor die inwerkingtreding van die Wysigingsordonnansie op Dorpe, 1949, 'n algemene plan deur die Landmeter-generaal goedgekeur is of vrystelling van die voorlegging van 'n algemene plan verleen is.

Erf-gelde.

⁷⁴59 bis. (1) Aan die Sekretaris van die Kommissie moet 'n geld betaal word, wat deur die Administrateur vasgestel word, van hoogstens een pond ten opsigte van elke erf (met uitsondering van gereserveerde grond) in 'n dorp of onderverdeelde landgoed wat kragtens Hoofstuk 2 gestig word.

(2) In 'n dorp of onderverdeelde landgoed wat kragtens Hoofstuk 3 gestig word, moet 'n soortgelyke geld aan die betrokke plaaslike owerheid betaal word.

(3) Die Landmeter-generaal keur nie enige algemene plan ingevolge subartikel (1) van artikel *neëntien* goed nie, voordat daar tot sy genoeë bewys is dat die gelde opgelê by subartikel (1) of (2) betaal is.

(4) Indien vrystelling van die voorlegging van 'n algemene plan ingevolge subartikel (5) van artikel *agtien* verleen is, laat die Landmeter-generaal nie die aftrekking van enige erf toe nie, voordat daar tot sy genoeë bewys is dat die gelde opgelê by subartikel (1) of (2) betaal is.

(5) Alle gelde wat deur die Sekretaris van die Kommissie ontvang word en een-helfte van die gelde wat ingevolge hierdie artikel deur 'n plaaslike owerheid ontvang word, moet deur die Kommissie of sodanige plaaslike owerheid aan die Provinsiale Administrasie betaal word.

(6) Die voorafgaande bepalings van hierdie artikel geld alleen dorpe of onderverdeelde landgoedere ten opsigte waarvan ten tyde van die inwerkingtreding van die Wysigingsordonnansie op Dorpe, 1949, 'n algemene plan nie deur die Landmeter-generaal goedgekeur is of vrystelling van die voorlegging van 'n algemene plan nie verleen is nie.

^{74a}(7) Die gelde opgelê by hierdie artikel is nie betaalbaar ten opsigte van erwe in dorpe en onderverdeelde landgoedere wat goedgekeurde skemas is wat deur 'n plaaslike owerheid of 'n nutsmaatskappy of ander liggaam uitgevoer is vir persone wat nie lede van die blanke groep soos omskryf in artikel *tien* van die Wet op Groepsgebiede, 1957 (Wet no. 77 van 1957) is nie; en in hierdie subartikel het die uitdrukkings „goedgekeurde skema”, „nutsmaatskappy of ander liggaam” en „plaaslike owerheid” die betekenis wat by artikel *een* van die Behuisingwet, 1957 (Wet no. 10 van 1957), onderskeidelik aan die uitdrukkings „goedgekeurde skema”, „nutsmaatskappy of ander liggaam” en „plaaslike bestuur” geheg word.

Administrateur kan regulasies maak.

60. Die Administrateur kan regulasies maak wat voorskryf:

(a) [geskrap by a.3/O 13/70.]

(b) die gelde (indien enige) wat gevorder sal word ten opsigte van enige daad, saak of ding wat ingevolge hierdie Ordonnansie gedoen moet of mag word, ^{74b}*met bevoegdheid om voorsiening te maak vir vrystelling van die betaling van alle of enige van die gelde aldus voorgeskryf, ten opsigte van dorpe en onderverdeelde landgoedere waarna in subartikel (7) van artikel nege-en-vyftig bis verwys word;*

⁷² Gewysig by a.5/O 11/49.

⁷³ (5) toegevoeg by a.5/O 11/49.

⁷⁴ Artikel ingevoeg by a.6/O 11/49.

^{74a} (7) ingevoeg by a.2/O 26/64.

^{74b} Woorde ingevoeg by a.3/O 26/64.

- (c) the form in which a town-planning scheme shall be prepared and submitted;
- ⁷⁸(c) *bis.* the standards which shall be observed in the preparation of a scheme, with power to prescribe different standards for different local authorities;
- ⁷⁴(c) *ter.* the regulation or prohibition of the parking or stopping of vehicles in any road or street in any area in respect of which the provisions of Chapter 4 apply, and such regulations shall override and take precedence over any regulations of the local authority: provided that no such regulations shall be made by the Administrator until he has given at least two months' notice of his intention to the local authority and shall have considered any representations made by such local authority during such period;
- (d) the occasions when, and the manner in which, the public shall be consulted during the preparation of a town-planning scheme.
- (e) generally for the purposes of this Ordinance and in furtherance of the objects thereof.

Any such regulation may impose a penalty for any infringement thereof not exceeding a fine of ten pounds.

Observance of township conditions and provisions of scheme.

⁷⁶61. (1) It shall be the duty of every local authority to take all lawful steps necessary for enforcing compliance with—

- (a) the provisions of a town planning scheme whether it is in the course of preparation or is awaiting approval,
- (b) the conditions imposed in terms of any law by the Administrator in respect of a township, subdivided estate, minor subdivision or any land comprised therein,

and to that end it shall ensure that it does not approve any plans for or otherwise authorise the erection of any building or structure or any portion of a building or structure or approve or authorise the use of any building, structure, land or any portion of a building, structure or land if such erection or such use would be in conflict with any such provision or condition.

(2) If, in the opinion of the Administrator, a local authority fails to perform its duties or exercise its powers satisfactorily under subsection (1), he may, after notice to such local authority, revoke any approval or authorisation granted by it, perform such duties, exercise such powers and recover from such local authority any amount expended by him in that connection.

Demolition of unauthorised buildings or payment of levy.

⁷⁶61 *bis* (1) If any building or any portion thereof was at any time before the commencement of the Townships Amendment Ordinance, 1968, or is at any time thereafter erected in contravention of—

- (a) the provisions of this ordinance; or
- (b) the conditions imposed in terms of this ordinance or the Townships Ordinance, 1927 (Ordinance No. 13 of 1927), by the Administrator in respect of a township, subdivided estate, minor subdivision or any land comprised therein, or
- (c) the provisions incorporated in terms of this ordinance in a town planning scheme, whether such scheme is in the course of preparation, awaiting approval or has been approved,

the local authority shall, except in the case of a departure authorised or validated by or under any law, issue and serve an order (hereinafter referred to as the order) on the owner thereof to rectify such contravention or, at his option, to demolish such building or such portion thereof as may be specified in the order before a date similarly specified, being not more than six months after the date of the order. If such owner fails to comply with the order the local authority shall, subject to the provisions of subsection (4), take all such steps as may be necessary to rectify such contravention or to cause such building or such portion, as the case may be, to be demolished.

(2) If, in the opinion of the Administrator, a local authority fails to perform its duties or exercise its powers satisfactorily under subsection (1) he may, after notice to such local

⁷⁸ (c) *bis* inserted by s.13/O 16/53.

⁷⁴ (c) *ter* inserted by s.4/O 17/54

⁷⁶ [61] substituted by s.2/O 28/68.

⁷⁶ [61 *bis*] inserted by s.14/O 16/53; substituted by s.3/O 28/68.

- (c) die vorm waarin 'n dorpsaanlegskema opgestel en voorgelê moet word;
- ⁷⁸(c) *bis* die standaard wat nagekom moet word by die opstel van 'n skema, met bevoegdheid om verskillende standarde vir verskillende plaaslike owerhede voor te skryf;
- ⁷⁹(c) *ter* die reëling van of verbod op die parkeer of tot stilstand bring van voertuie in enige pad of straat in enige gebied ten opsigte waarvan die bepalings van hoofstuk 4 van toepassing is, en sodanige regulasies vervang en geniet voorrang bo enige regulasies van die plaaslike owerheid; met dien verstande dat sodanige regulasies nie deur die Administrateur gemaak word voordat hy aan die plaaslike owerheid kennis van minstens twee maande van sy voorneme gegee het en enige verhoër wat deur so 'n plaaslike owerheid gedurende sodanige tydperk gerig is, oorweeg het nie;
- (d) die geleenthede wanneer, en die wyse waarop die publiek geraadpleeg moet word gedurende die opstel van 'n dorpsaanlegskema;
- (e) oor die algemeen vir die doeleindes van hierdie Ordonnansie en ter bevordering van die oogmerke daarvan.

Enige sodanige regulasie kan as straf vir enige oortreding daarvan 'n boete opleë van hoogstens tien pond.

Nakoming van dorpsvoorwaardes en bepalings van skema.

⁷⁷61. (1) Dit is die plig van elke plaaslike owerheid om alle wettige stappe te doen wat nodig is om nakoming af te dwing van—

- (a) die bepalings van 'n dorpsaanlegskema hetsy dit opgestel word of op goedkeuring wag,
- (b) die voorwaardes ingevolge enige wet deur die Administrateur gestel ten opsigte van 'n dorp, onderverdeelde landgoed, klein onderverdeling of enige grond daarin bevat, en vir dié doel moet hy verseker dat hy nie enige planne goedkeur vir of andersins die oprigting magtig van enige gebou of struktuur of enige gedeelte van 'n gebou of struktuur, of die gebruik goedkeur of magtig van enige gebou, struktuur, grond of enige gedeelte van 'n gebou, struktuur of grond indien sodanige oprigting of sodanige gebruik strydig met enige sodanige bepaling of voorwaarde sal wees nie.

(2) Indien 'n plaaslike owerheid na die mening van die Administrateur in gebreke bly om sy pligte of bevoegdhede kragtens subartikel (1) bevredigend uit te voer of uit te oefen, kan die Administrateur, na kennisgewing aan sodanige plaaslike owerheid, enige goedkeuring of magtiging herroep wat deur sodanige plaaslike owerheid verleen is, sodanige pligte uitvoer, sodanige bevoegdhede uitoefen en op sodanige plaaslike owerheid enige bedrag verhaal wat deur hom in dié verband bestee is.

Sloping van ongemagtigde geboue of betaling van heffing.

⁷⁸61 *bis* (1) As 'n gebou of enige gedeelte daarvan te eniger tyd voor die inwerkingtrede van die Wysigingsordonnansie op Dorpe, 1968, opgerig is of te eniger tyd daarna opgerig word in stryd met—

- (a) die bepalings van hierdie ordonnansie; of
- (b) die voorwaardes ingevolge hierdie ordonnansie of die Ordonnansie op Dorpe, 1927 (Ordonnansie no. 13 van 1927), deur die Administrateur gestel ten opsigte van 'n dorp, onderverdeelde landgoed, klein onderverdeling of enige grond daarin bevat, of
- (c) die bepalings ingevolge hierdie ordonnansie in 'n dorpsaanlegskema geïnkorporeer, hetsy sodanige skema opgestel word, op goedkeuring wag of goedgekeur is,

moet die plaaslike owerheid, behalwe in die geval van 'n afwyking wat by of kragtens enige wet gemagtig of gewettig word, aan die eienaar daarvan 'n lasgewing (hierna die lasgewing genoem) uitreik en bestel om sodanige oortreding reg te stel of, na sy keuse, om sodanige gebou of die gedeelte daarvan wat in die lasgewing bepaal word te sloop voor 'n datum wat eweneens bepaal word, wat nie later mag wees as ses maande na die datum van die lasgewing nie. Indien so 'n eienaar in gebreke bly om aan die lasgewing te voldoen, dan moet die plaaslike owerheid, behoudens die bepalings van subartikel (4), alle stappe doen wat nodig is om sodanige oortreding reg te stel of om so 'n gebou of sodanige gedeelte, na gelang van die geval, te laat sloop.

(2) Indien 'n plaaslike owerheid na die mening van die Administrateur in gebreke bly om sy pligte of bevoegdhede ingevolge subartikel (1) bevredigend uit te voer of uit te oefen, kan die

⁷⁸ (c) *bis* ingevoeg by a.13/O 16/53

⁷⁸ (c) *ter* ingevoeg by a.4/O 17/54.

⁷⁷ [61] vervang by a.2/O 28/68.

⁷⁸ [61 *bis*] ingevoeg by a.14/O 16/53; vervang by a.3/O 28/68.

authority, exercise the powers conferred and perform the duties imposed on such local authority by that subsection and any amount expended by him in that connection shall be recoverable by him from such local authority.

(3) A certificate alleging the existence and stating the nature and extent of the contravention to which the order referred to in subsection (1) relates shall be served on the owner together with the order. Such certificate shall be issued by—

- (a) the town clerk or secretary of the local authority, where the order is issued by the local authority, or
- (b) the Provincial Secretary, where the order is issued by the Administrator,

and such certificate shall be *prima facie* proof of such existence, nature and extent.

(4) (a) If the owner disputes the correctness of the certificate referred to in subsection (3) he shall, within one month of the service thereof, lodge with the Administrator a written statement setting out the grounds and reasons on which he disputes such correctness. Such dispute shall be referred to arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965).

(b) The Administrator shall, on receipt of the statement referred to in paragraph (a), appoint an arbitrator or arbitrators for the purpose of deciding upon such dispute.

(c) Any award made in consequence of the arbitration referred to in paragraph (a) may fix a date, being not more than three months after the date on which such award is made, on or before which the order shall be complied with by the owner, whereupon such date shall, for the purposes of the succeeding provisions of this section, be deemed to be the date specified in the order.

(5) Any amount expended by a local authority under subsection (1) and any amount recovered from it by the Administrator under subsection (2) shall be recoverable by such local authority from the owner.

(6) The Administrator may suspend compliance with the terms of the order on condition that and for so long as the owner pays to the local authority an infringement levy in an amount determined by the Administrator and set forth in a notice served by him upon such owner.

(7) Any infringement levy shall become due and payable periodically at such intervals as the Administrator may determine and may be made payable with retrospective effect from the date on which the erection of the building or portion thereof in question commenced.

(8) The Administrator may, whenever he deems it necessary, either unconditionally or subject to any conditions which he may specify, by notice served upon the owner—

- (a) vary the amount of the infringement levy or the intervals at which it shall be paid; or
- (b) defer payment of such infringement levy for such period as he may determine, or
- (c) cancel such infringement levy.

(9) In the event of the Administrator cancelling an infringement levy, the owner shall, within six months of the date of such cancellation, rectify the contravention or at his option demolish such building or portion thereof as was specified in the order, failing which the local authority shall take all such steps as may be necessary to rectify the contravention or to cause such building or such portion thereof to be demolished, and all amounts expended by the local authority in that connection, including any amount recovered from it by the Administrator under subsection (10), shall be recoverable by it from such owner.

(10) If, in the opinion of the Administrator, a local authority fails to perform its duties or exercise its powers satisfactorily under subsection (9), he may, after notice to such local authority, perform such duties and exercise such powers, and any amount expended by him in that connection shall be recoverable by him from such local authority.

(11) The owner of a building or portion thereof on the date when the order is served and any person who thereafter becomes the owner thereof shall be jointly and severally liable for the payment of the infringement levy.

(12) If an owner satisfies the Administrator that the contravention in respect of which the order was served has ceased to exist, he shall by notice served on such owner, rescind, with effect from a date to be fixed by him, the order and any infringement levy which has been

Administrateur, na kennisgewing aan sodanige plaaslike owerheid, die bevoegdhede uitoefen en die pligte uitvoer wat ingevolge gemelde subartikel aan sodanige plaaslike owerheid verleen en opgedra is, en is enige bedrag wat deur hom in dié verband bestee word, deur hom op so 'n plaaslike owerheid verhaalbaar.

(3) 'n Sertifikaat waarin die bestaan beweer en die aard en omvang vermeld word van die oortreding waarop die lasgewing in subartikel (1) genoem, betrekking het, moet tesame met die lasgewing aan die eenaar bestel word. Sodanige sertifikaat moet uitgereik word deur—

(a) die stadsklerk of sekretaris van die plaaslike owerheid, waar die lasgewing deur die plaaslike owerheid uitgereik word, of

(b) die Provinsiale Sekretaris, waar die lasgewing deur die Administrateur uitgereik word, en sodanige sertifikaat is *prima facie* bewys van sodanige bestaan, aard en omvang.

(4) (a) As die eenaar die juistheid van die sertifikaat in subartikel (3) genoem, betwis, moet hy, binne een maand van die bestelling daarvan, by die Administrateur 'n skriftelike verklaring indien waarin die gronde en redes uiteengesit word waarop hy sodanige juistheid betwis. Sodanige geskil moet ooreenkomstig die bepalings van die Wet op Arbitrasie, 1965 (Wet no. 42 van 1965) na arbitrasie verwys word.

(b) By ontvangs van die verklaring in paragraaf (a) genoem, stel die Administrateur 'n arbiter of arbiters aan om oor sodanige geskil te beslis.

(c) Enige toekenning gemaak ten gevolge van die arbitrasie in paragraaf (a) genoem, kan 'n datum vasstel, wat nie later mag wees nie as drie maande na die datum waarop sodanige toekenning gemaak word, waarvóór of waarop die eenaar aan die lasgewing moet voldoen, en daarna word sodanige datum vir die toepassing van die hieropvolgende bepalings van hierdie artikel geag die datum te wees wat in die lasgewing bepaal is.

(5) Enige bedrag wat ingevolge subartikel (1) deur 'n plaaslike owerheid bestee word en enige bedrag wat ingevolge subartikel (2) deur die Administrateur op hom verhaal word, is deur sodanige plaaslike owerheid op die eenaar verhaalbaar.

(6) Die Administrateur kan nakoming van die bepalings van die lasgewing opskort op voorwaarde dat en solank die eenaar aan die plaaslike owerheid 'n oortredingsheffing betaal van 'n bedrag wat deur die Administrateur bepaal en in 'n kennisgewing deur hom aan sodanige eenaar bestel, uiteengesit word.

(7) Enige oortredingsheffing word periodiek by tussenpose al na die Administrateur bepaal, verskuldig en betaalbaar, en kan betaalbaar gemaak word met terugwerkende krag tot die datum waarop die oprigting van die betrokke gebou of gedeelte daarvan 'n aanvang geneem het.

(8) Die Administrateur kan, wanneer hy dit ook al nodig ag, òf onvoorwaardelik òf onderworpe aan enige voorwaardes wat hy bepaal, deur middel van 'n kennisgewing wat aan die eenaar bestel word—

(a) die bedrag van die oortredingsheffing of die tussenpose waarby dit betaal moet word, wysig; of

(b) betaling van sodanige oortredingsheffing uitstel vir die tydperk wat hy bepaal, of

(c) sodanige oortredingsheffing intrek.

(9) Ingeval die Administrateur 'n oortredingsheffing intrek, moet die eenaar, binne ses maande vanaf die datum van sodanige intrekking, die oortreding reg stel of, na sy keuse, sodanige gebou of gedeelte daarvan wat in die lasgewing bepaal is, sloop, en indien hy in gebreke bly, moet die plaaslike owerheid alle stappe doen wat nodig is om die oortreding reg te stel of om sodanige gebou of sodanige gedeelte daarvan te laat sloop, en is alle bedrae wat deur die plaaslike owerheid in dié verband bestee word, insluitende enige bedrag wat ingevolge subartikel (10) deur die Administrateur op hom verhaal word, deur hom op sodanige eenaar verhaalbaar.

(10) Indien 'n plaaslike owerheid na die mening van die Administrateur in gebreke bly om sy pligte of bevoegdhede ingevolge subartikel (9) bevredigend uit te voer of uit te oefen, kan die Administrateur na kennisgewing aan sodanige plaaslike owerheid, sodanige pligte uitvoer en sodanige bevoegdhede uitoefen, en is enige bedrag wat deur hom in dié verband bestee word, deur hom op sodanige plaaslike owerheid verhaalbaar.

(11) Die eenaar van 'n gebou of gedeelte daarvan op die datum waarop die lasgewing bestel word en enige persoon wat daarna die eenaar daarvan word, is gesamentlik en afsonderlik aanspreeklik vir die betaling van die oortredingsheffing.

(12) As 'n eenaar die Administrateur oortuig dat die oortreding ten opsigte waarvan die lasgewing bestel is, nie langer bestaan nie, herroep hy, deur middel van 'n kennisgewing aan sodanige eenaar bestel, met ingang van 'n datum wat deur hom vasgestel word, die lasgewing

[DIENS NO. 6—1968.]

determined in that connection; provided that such rescission shall not relieve any person from liability to pay any infringement levy still due and payable in respect of any period prior to such date.

(13) For the purposes of this section—

- (a) “building”, “erect” and “erection” have the meanings assigned thereto by section 1 of the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952); and
- (b) the provisions of section 260 of the Municipal Ordinance, 1951 (Ordinance No. 19 of 1951), shall *mutatis mutandis* apply to the service of any notice, certificate or the order; and
- (c) “owner” in relation to a building or portion thereof means—
 - (i) the person from time to time registered in a Deeds Registry as the owner of the land on which the building or portion thereof has been erected, or
 - (ii) the lessee from time to time of State-owned land on which the building or portion thereof has been erected,
 and includes—
 - (aa) the liquidator or judicial manager of an owner which is a company incorporated or registered as such under any law and which is under liquidation or judicial management;
 - (bb) the trustee or assignee of the estate of an owner which has been sequestrated or assigned;
 - (cc) the executor or administrator of the estate of a deceased owner;
 - (dd) the legal representative of an owner who is under any other legal disability, and
 - (ee) the authorised representative in the Republic of an owner who is absent from the Republic or whose whereabouts are unknown.

Right of entry.

⁷⁷61 *ter.* (1) A local authority shall through its members, employees or contractors, together with any assistants and advisers that may be necessary, have access to or over any property by the shortest and most practicable route reasonable in the circumstances, for the purpose of—

- (a) doing anything authorised or required to be done by such local authority under this ordinance, or
- (b) making any inquiry, investigation or survey in connection with the exercise of its powers or the performance of its duties under this ordinance.

(2) The Administrator and the Provincial Secretary, and any person authorised thereto in writing by the Administrator or the Provincial Secretary, shall have access to or over any property by the shortest and most practicable route reasonable in the circumstances, for the purpose of—

- (a) doing anything authorised or required to be done under this ordinance by the Administrator or the Provincial Secretary, as the case may be, or
- (b) making any inquiry, investigation or survey in connection with the exercise of his power or the performance of his duties under this ordinance by the Administrator or the Provincial Secretary, as the case may be.

(3) Any person who threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards or at, any person referred to in sub-section (1) or sub-section (2) in the exercise of his powers under this section, shall be guilty of an offence.

Administrator may impose conditions.

⁷⁸61 *quater.* When the Administrator in terms of this Ordinance grants approval, authority or exemption or upholds an appeal, he may do so subject to such conditions as he may deem fit and as may lawfully be complied with.

Offences and penalties.

⁷⁹62. (1) Any person who contravenes or fails to comply with—

- (a) any provision of this ordinance or any regulation in force thereunder;
- (b) any condition imposed in terms of this ordinance or the Townships Ordinance, 1927 (Ordinance No. 13 of 1927), by the Administrator in respect of a township, subdivided

⁷⁷ Section inserted by s.14/O 16/53.

⁷⁸ Section inserted by s.5/O 17/54.

⁷⁹ [62] substituted by s.5/O 12/62 and s.4/O 28/68.

en enige oortredingsheffing wat in dié verband bepaal is; met dien verstande dat sodanige herroeping nie 'n persoon vrystel van aanspreeklikheid om enige oortredingsheffing te betaal wat nog ten opsigte van enige tydperk voor sodanige datum verskuldig en betaalbaar is nie.

(13) Vir die toepassing van hierdie artikel—

- (a) het „gebou”, „oprig” en „oprigting” die betekenis wat by artikel 1 van die Ordonnansie op Afdelingsrade, 1952 (Ordonnansie no. 15 van 1952), daaraan geheg word; en
- (b) is die bepalings van artikel 260 van die Munisipale Ordonnansie, 1951 (Ordonnansie no. 19 van 1951), *mutatis mutandis* van toepassing op die diening of bestelling van enige kennisgewing, sertifikaat of die lasgewing; en
- (c) beteken „eienaar” met betrekking tot 'n gebou of gedeelte daarvan—
 - (i) die persoon wat van tyd tot tyd in 'n Registrasiekantoor van Aktes geregistreer is as die eienaar van die grond waarop die gebou of gedeelte daarvan opgerig is, of
 - (ii) die huurder van tyd tot tyd van Staatsgrond waarop die gebou of gedeelte daarvan opgerig is, en omvat dit—
 - (aa) die likwidateur of geregtelike bestuurder van 'n eienaar wat 'n maatskappy is wat kragtens enige wet as sodanig geïnkorporeer of geregistreer is en wat in likwidasie of onder geregtelike bestuur is;
 - (bb) die trustee of beredderaar van die boedel van 'n eienaar wat gesekwestreer of afgestaan is;
 - (cc) die eksekuteur of administrateur van die boedel van 'n oorlede eienaar;
 - (dd) die regsverteenwoordiger van 'n eienaar wie se handelingsbevoegdheid op enige ander wyse beperk is, en
 - (ee) die gemagtigde verteenwoordiger in die Republiek van 'n eienaar wat uit die Republiek afwesig is of wie se verblyf onbekend is.

Reg van toegang.

⁷⁹61*ter*. (1) 'n Plaaslike owerheid het deur middel van sy lede, werknemers of aannemers, tesame met enige assistente en raadgevers wat nodig is, toegang tot of oor enige eiendom langs die kortste en doenlikste roete wat in die omstandighede redelik is, ten einde—

- (a) enigiets te doen wat so 'n plaaslike owerheid kragtens hierdie ordonnansie gemagtig of verplig word om te doen, of
- (b) navraag, ondersoek of opmetings te doen in verband met die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge hierdie ordonnansie.

(2) Die Administrateur en die Provinsiale Sekretaris, en enigiemand wat deur die Administrateur of die Provinsiale Sekretaris skriftelik daartoe gemagtig word, het toegang tot of oor enige eiendom langs die kortste en doenlikste roete wat in die omstandighede redelik is, ten einde—

- (a) enigiets te doen wat die Administrateur of die Provinsiale Sekretaris, na gelang van die geval, kragtens hierdie ordonnansie gemagtig of verplig word om te doen, of
- (b) navraag, ondersoek of opmetings te doen in verband met die uitoefening van sy bevoegdhede en die uitvoering van sy pligte kragtens hierdie ordonnansie deur die Administrateur of die Provinsiale Sekretaris, na gelang van die geval.

(3) Iedereen wat iemand genoem in subartikel (1) of subartikel (2) by die uitoefening van sy bevoegdhede ingevolge hierdie artikel, dreig, weerstaan, hinder of belemmer, of vuil, beledigende of lasterlike taal teenoor of teen hom besig, is skuldig aan 'n misdryf.

Administrateur kan voorwaardes stel.

⁸⁰61 *quater*. Wanneer die Administrateur kragtens hierdie ordonnansie goedkeuring, magtiging of vrystelling verleen of 'n appèl handhaaf, kan hy dit doen onderworpe aan die voorwaardes wat hy goed dink en wat wettig nagekom kan word.

Misdrywe en strawwe.

⁸¹62. (1) Iedereen wat—

- (a) enige bepaling van hierdie ordonnansie of 'n regulasie wat daarkragtens van krag is;
- (b) enige voorwaarde ingevolge hierdie ordonnansie of die Ordonnansie op Dorpe, 1927 (Ordonnansie no. 13 van 1927), deur die Administrateur gestel ten opsigte van 'n dorp,

⁷⁹ Artikel ingevoeg by a.14/O 16/53.

⁸⁰ Artikel ingevoeg by a.5/O 17/54.

⁸¹ [62] vervang by a.5/O 12/62 en a.4/O 28/68.

estate, minor subdivision or any land comprised therein or in respect of any approval or appeal under section 57;

- (c) any provision of an approved town planning scheme;
- (d) any provision of a town planning scheme in the course of preparation or awaiting approval in so far as it applies to—
 - (i) the use of any land, or
 - (ii) any building or structure or portion of a building or structure, used or erected after the first day of June, 1950, or the date on which the provisions of Chapter 4 became applicable to the local authority, whichever is the later date, or to any portion of such land or of the site of such building or structure, except in so far as a departure therefrom has been authorised or validated by or under any law;
- (e) any order issued and served in terms of section 61 *bis* unless and for so long as compliance with such order has been suspended in terms of subsection (6) of that section,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand rands or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment, and in addition in the case of a continuing offence to a fine not exceeding fifty rands or to imprisonment for a period not exceeding fifty days or to both such fine and such imprisonment for each day on which such offence is continued after written notice to discontinue such offence has been given by the local authority or by the Administrator, as the case may be, to the person committing such offence; provided that no person shall be liable to any penalty for a continuing offence in respect of any contravention while an infringement levy is being paid in connection therewith in accordance with the provisions of section 61 *bis* (7) or has been deferred in terms of section 61 *bis* (8) (b).

(2) Any person who, after the commencement of the Townships Amendment Ordinance, 1968, is convicted of an offence under the provisions of this section as it existed from time to time during the period from the first day of June, 1950, to the day immediately prior to the date of commencement of the Townships Amendment Ordinance, 1968, shall be liable to the penalties provided for in subsection (1).

(3) It shall be the duty of every employee of the local authority to report to such local authority or to any employee thereof who has been specially appointed by such local authority for the purpose of receiving such report (hereinafter referred to as the appointed employee), any act or omission which comes to his notice in the course of his official duties and which *prima facie* constitutes an offence under subsection (1). If any act or omission is not rectified within six months of its being reported as hereinbefore provided, the local authority or the appointed employee, as the case may be, shall inform the Provincial Secretary thereof.

Repeal of laws.

63. The Townships Ordinance, 1927 (Ordinance No. 13 of 1927), with the exception of sections *thirty-five* and *thirty-six* thereof, and the Townships Ordinance, 1928 (Ordinance No. 24 of 1928) are hereby repealed; provided that any matter under the said Ordinances pending and uncompleted at the commencement of this Ordinance shall be completed in terms of the said Ordinances.

Short title and commencement.

64. This Ordinance may be cited as the Townships Ordinance, 1934, and shall commence and come into operation on a date to be fixed by the Administrator by proclamation in the *Provincial Gazette*.⁸⁰

First Schedule.

LOCAL AUTHORITIES TO WHICH THE PROVISIONS OF CHAPTER 3 AND 4 ARE APPLIED:

Municipality of the City of Cape Town.

Municipality of the City of Port Elizabeth.

Municipality of the City of East London.

⁸⁰ 1st January, 1935 (Proc. 189 — 7.12.34).

onderverdeelde landgoed, klein onderverdeling of enige grond daarin bevat of ten opsigte van enige goedkeuring of beroep kragtens artikel 57;

- (c) enige bepaling van 'n goedgekeurde dorpsaanlegskema;
- (d) enige bepaling van 'n dorpsaanlegskema wat opgestel word of op goedkeuring wag, vir sover dit van toepassing is op—
 - (i) die gebruik van enige grond, of
 - (ii) 'n gebou of struktuur of gedeelte van 'n gebou of struktuur, wat gebruik of opgerig is na die eerste dag van Junie 1950 of die datum waarop die bepalings van hoofstuk 4 op die plaaslike owerheid van toepassing geword het, watter ook al die laaste datum is, of op enige gedeelte van sodanige grond of van die terrein van sodanige gebou of struktuur, behalwe vir sover 'n afwyking daarvan by of kragtens enige wet gemagtig of gewettig is;
- (e) enige lasgewing uitgereik en bestel ingevolge artikel 61 *bis* tensy en solank nakoming van sodanige lasgewing ingevolge subartikel (6) van dié artikel opgeskort is,

oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met sowel sodanige boete as sodanige gevangenisstraf, en daarbenewens in die geval van 'n voortdurende misdryf met 'n boete van hoogstens vyftig rand of met gevangenisstraf vir 'n tydperk van hoogstens vyftig dae of met sowel sodanige boete as sodanige gevangenisstraf vir elke dag waarop sodanige misdryf voortduur nadat skriftelik kennis om sodanige misdryf te staak deur die plaaslike owerheid of deur die Administrateur, na gelang van die geval, gegee is aan die persoon wat sodanige misdryf pleeg; met dien verstande dat niemand aanspreeklik is vir enige boete vir 'n voortdurende misdryf ten opsigte van enige oortreding terwyl 'n oortredingsheffing ooreenkomstig die bepalings van artikel 61 *bis* (7) in verband daarmee betaal word of ingevolge artikel 61 *bis* (8) (b) uitgestel is nie.

(2) Iedereen wat na die inwerkingtreding van die Wysigingsordonnansie op Dorpe, 1968, skuldig bevind word aan 'n misdryf kragtens die bepalings van hierdie artikel soos dit van tyd tot tyd gedurende die tydperk vanaf die eerste dag van Junie 1950 tot die dag onmiddellik voor die datum van inwerkingtreding van die Wysigingsordonnansie op Dorpe, 1968, bestaan het, is strafbaar met die strawwe waarvoor in subartikel (1) voorsiening gemaak word.

(3) Dit is die plig van elke werknemer van die plaaslike owerheid om verslag te doen aan sodanige plaaslike owerheid of aan enige werknemer daarvan wat spesiaal deur sodanige plaaslike owerheid aangestel is om sodanige verslag te ontvang (hierna die aangestelde werknemer genoem) oor enige handeling of versuim wat in die loop van sy amptelike pligte onder sy aandag kom en wat *prima facie* 'n misdryf kragtens subartikel (1) uitmaak. Indien enige handeling of versuim nie herstel word binne ses maande nadat daarvoor verslag gedoen is soos hierbo bepaal nie, moet die plaaslike owerheid of die aangestelde werknemer, na gelang van die geval, die Provinsiale Sekretaris daarvan in kennis stel.

Herroeping van wette.

63. Die Ordonnansie op Dorpe, 1927 (Ordonnansie No. 13 van 1927) met die uitsondering van artikels *vyf-en-dertig* en *ses-en-dertig* daarvan, en die Ordonnansie op Dorpe, 1928 (Ordonnansie No. 24 van 1928) word hiermee herroep; met die verstande dat enige saak ingevolge gemelde Ordonnansies wat hangende en nie afgehandel is by die inwerkingtreding van hierdie Ordonnansie nie, afgehandel moet word ooreenkomstig gemelde Ordonnansies.

Kort titel en inwerkingtreding.

64. Hierdie Ordonnansie kan aangehaal word as die Ordonnansie op Dorpe, 1934, en neem 'n aanvang en tree in werking op 'n datum wat deur die Administrateur by proklamasie in die *Provinsiale Koerant*⁸² vasgestel moet word.

Eerste Bylae.

PLAASLIKE OWERHEDE WAAROP DIE BEPALINGS VAN HOOFSTUKKE 3 EN 4 VAN TOEPASSING IS:

- Munisipaliteit van die Stad Kaapstad.
- Munisipaliteit van die Stad Port Elizabeth.
- Munisipaliteit van die Stad Oos-Londen.

⁸² 1 Januarie 1935 (Prok. 189 — 7.12.34).

Second Schedule.**MATTERS TO BE CONSIDERED IN THE PREPARATION OF THE SCHEME.**

1. Roads and streets, with particular regard to:
 - (a) Their provision, grades, location, changes of direction, deviation, width and connection with other roads and streets within or adjacent to the area of the town-planning scheme, and the closing of existing roads or streets or portions thereof.
 - (b) Nature and volume of the traffic which will have to be carried.
 - (c) Whether they are likely to be used as, or become, principal or main through-traffic roads, secondary-traffic roads or as purely access roads to residences and erven. Also whilst serving as main or secondary roads, whether they may not be of such a total width as to permit of some portion of such width being used for ornamental purposes.
 - (d) The securing of improved facilities for municipal or other public purposes.
 - (e) The preservation of existing trees, shrubs, plantations and works or things calculated to maintain the amenity of an area or district and the roads and streets therein.
 - (f) The desirability of providing street or road frontage beside any river, watercourse, vlei, lake or pan within the area.
 - (g) The provision of "ring" roads so as to permit of through traffic avoiding central business areas.
2. The reservation of land for afforestation purposes, recreation grounds, parks and other open spaces, including playing grounds for children.
3. The reservation of ground for aerodromes, parking places for motor cars and other such public utility services.
4. The preservation of places of natural beauty and of local or national historical interest.
5. The reservation of areas to be used solely for agricultural purposes.
6. The reservation of sufficient land or sites for national, provincial or local government purposes and other public requirements.
7. The providing of sites for occupation as native locations, and the adequate provisions of and for use or occupation by persons other than Europeans.
8. The provision of proper drainage of subsoil and surface water, the provision of sewerage and provision for the ultimate disposal of surface and subsoil water and sewage.
9. The zoning of areas to be used wholly or mainly for residential, business, industrial, noxious or objectionable trade and other specific purposes.
10. The size and shape of erven, having regard to their prospective uses and the desirability or practicability of altering the size or shape of existing unbuilt-on erven so as to effect improvement in the lay-out of any particular area.
11. The regulation of buildings, having regard to:
 - (a) Number which may be built on any one erf.
 - (b) The proportionate area of any erf which may be built on.
 - (c) The open space to be provided about buildings.
 - (d) The location or position of buildings on an erf relative to the street and boundary lines and to other buildings.
 - (e) Their height, character and materials of construction.
 - (f) Their use as single occupation houses, flats, apartment houses, business premises, warehouses or for other purposes.
 - (g) Minimum cost of buildings within prescribed areas. The zoning of areas with regard to any or all of the matters mentioned in this clause.
12. Systems of water supply, including the reservation, where necessary, of sites for service reservoirs, pumping stations and other water supply requirements, public lighting, power supply and public transportation.

[SERVICE No. 6—1968.]

Tweede Bylae.

SAKE WAT IN OORWEGING GENEEM MOET WORD BY DIE OPSTEL VAN DIE SKEMA.

1. Paaie en strate, met spesiale inagneming van:—
 - (a) Die voorsiening daarvan, hellings, ligging, verandering van rigting, verlegging, wydte en aansluiting daarvan met ander paaie en strate binne of langs die gebied van die dorpsaanlegskema en die sluiting van bestaande paaie of strate of gedeeltes daarvan.
 - (b) Die aard en omvang van die verkeer wat daarvoor sal gaan.
 - (c) Of hulle moontlik gebruik sal word as hoofpaaie vir deurgaande verkeer, of as verkeerspaaie van minder belang of eenvoudig as toegangspaaie na wonings en erwe of dit sal word. Ook terwyl hulle dien as hoof- of hulppaaie, of hulle nie van so 'n totale wydte mag wees om dit moontlik te maak dat 'n gedeelte van sodanige wydte gebruik word vir versieringsdoeleindes nie.
 - (d) Die daarstelling van beter fasiliteite vir munisipale of ander openbare doeleindes.
 - (e) Die beskerming van bestaande bome, struikgewasse, plantasies en werke of dinge wat bereken is om die aantreklikheid van 'n gebied of distrik en die paaie en strate daarin te bewaar.
 - (f) Die wenslikheid om langs enige rivier, waterloop, vlei, meer of pan binne die gebied voorsiening te maak vir straat- of padfronte.
 - (g) Die voorsiening van "kring"-paaie om sodoende deurgaande verkeer in staat te stel om sentrale besigheidsdele te vermy.
2. Die onthou van grond vir bosaanplanting, ontspanningsgronde, parke en ander ope ruimtes, met insluiting van speelgronde vir kinders.
3. Die uithouding van grond vir lughawens, staanplekke vir motorkarre en ander openbare utiliteitsdienste van soortgelyke aard.
4. Die beskerming van plekke met pragtige natuurskoon en van plaaslike of geskiedkundige volksbelang.
5. Die uithou van gebiede wat slegs vir landboudoeleindes gebruik sal word.
6. Die uithou van voldoende grond of persele vir die doeleindes van die volks-, provinsiale of plaaslike regerings en ander openbare behoeftes.
7. Die voorsiening van terreine vir gebruik as naturellekasies en die genoegsame voorsiening van grond vir gebruik of bewoning deur ander persone as blankes.
8. Die voorsiening van die behoorlike dreinerings van water onder en bo die grond, die voorsiening van riolerings en vir die wegdoen van water bo en onder die grond, asook rioolvullis.
9. Die verdeling van gebiede in wyke om uitsluitlik of hoofsaaklik gebruik te word vir die doeleindes van bewoning, besighede, nywerhede, skadelike of aanstootlike handelondernemings en ander spesifieke doeleindes.
10. Die grootte en vorm van erwe, met inagneming van die doeleindes waarvoor hulle in die toekoms gebruik sal word en die wenslikheid of uitvoerbaarheid om die grootte of vorm van bestaande onbeboude erwe te verander om sodoende 'n verbetering aan te bring in die aanleg van enige besondere gebied.
11. Die reëling van geboue, met inagneming van:
 - (a) Die aantal wat op enige afsonderlike erf gebou mag word.
 - (b) Die proporsionele grootte van 'n erf waarop gebou mag word.
 - (c) Die ope ruimte wat rondom geboue voorsien moet word.
 - (d) Die plek of ligging van geboue op 'n erf in verhouding tot die straat en grenslyne en tot ander geboue.
 - (e) Die hoogte, aard en boumateriale daarvan.
 - (f) Die gebruik daarvan as afsonderlike woonhuise, flats, huurkamerwoningen, besigheidspersele, handelshuise of vir ander doeleindes.
 - (g) Minimumkoste van geboue binne voorgeskrewe gebiede. Die verdeling van gebiede in wyke met betrekking tot enige of al die sake in hierdie klousule genoem.
12. Watertoevoerstelsels, insluitende die uithou, waar nodig, van terreine vir reservoars, pompstasies en ander watertoevoerbenodigdhede, openbare verligting, lewering van krag en vervoerdienste aan die publiek.

No. 17, 1973

Goedgekeur op 3 Augustus 1973
Engelse teks deur die Staatspresident geteken

Afgekondig op 17 Augustus 1973

ORDONNANSIE

Tot wysiging van die Ordonnansie op Dorpe, 1934, in artikel 20, om die Registra-
teur van Aktes te onthef van die plig om 'n dorpsregister te open en met betrekking
tot die uitreiking van sertifikate van geregistreerde titel en die transport van erwe
in 'n dorp of onderverdeelde landgoed; in artikels 24, 25 en 26, om gevolglike
wysigings insake dorpsregisters aan te bring; deur die vervanging van artikel 35 *ter*,
om voorsiening te maak vir die betaling van 'n verhogingsheffing deur of ver-
goeding aan eienaars van grond waarvan die waarde vermeerder of verminder
word ten gevolge van enige bepaling voorgeskryf ingevolge artikel 35 *bis* en vir
die vasstelling van die bedrag van sodanige heffing of vergoeding by ooreenkoms
of arbitrasie; deur die invoeging van 'n nuwe artikel 35 *quat*, om die Administra-
teur in staat te stel om, sonder dat sekere statutêre vereistes nagekom is, bepalings
voor te skryf vir 'n dorpsaanlegskema om te verseker dat sodanige skema in beide
amptelike tale sal wees of om verwysings in sodanige skema na gewigte en mate
tot die metrieke stelsel om te reken; om gevolglike wysigings aan te bring, insake
die uitreiking van 'n sertifikaat waarby die oordrag van onroerende goed gemagtig
word, in die Dorpsbesturen Ordonnantie, 1921, die Plaatselike Besturen Ordon-
nantie, 1921, die Munisipale Ordonnansie, 1951, en die Ordonnansie op Afdelings-
rade, 1952, en om voorsiening te maak vir sake wat daarmee in verband staan.

DIT WORD VERORDEN deur die Provinsiale Raad van die Provinsie die
Kaap die Goeie Hoop as volg:—

Wysiging van artikel 20
van Ord. 33 van 1934.

1. Artikel 20 van die Ordonnansie op Dorpe, 1934 (hierna die hoofordonnansie
genoem), word hierby gewysig —

(a) deur subartikel (2) te skrap;

(b) deur subartikel (7) deur die volgende subartikel te vervang:—

“(7) Geen registrasie van die transport van 'n erf in 'n dorp of onderver-
deelde landgoed na die inwerkingtreding van hierdie Ordonnansie uitgelê, mag
geskied op die Registrasiekantoor van Aktes en geen sertifikaat van ge-
registreerde titel ten opsigte van enige sodanige erf mag uitgereik word nie,
tensy en totdat so 'n dorp of onderverdeelde landgoed ingevolge subartikel (6)
bekend gemaak is as 'n goedgekeurde dorp of onderverdeelde landgoed en
'n verwysing na die *Provinsiale Koerant* waarin sodanige dorp of onderver-
deelde landgoed aldus bekend gemaak word, op die algemene plan van soda-
nige dorp of onderverdeelde landgoed geëndosseer is.”, en

(c) deur na subartikel (7) die volgende nuwe subartikel in te voeg:—

“(7A) Geen erf in 'n dorp of onderverdeelde landgoed mag getransporteer
of andersins behandel word nie behalwe in ooreenstemming met die voor-
waardes waarop die aansoek om sodanige dorp te stig of om sodanige land-
goed te onderverdeel, deur die Administrateur toegestaan is.”.

Wysiging van artikel 24
van Ord. 33 van 1934.

2. Artikel 24 van die hoofordonnansie word hierby gewysig deur subartikels (1) en
(2) deur die volgende subartikels te vervang:—

“(1) Die eiendomsreg op alle openbare plekke in 'n goedgekeurde dorp of
onderverdeelde landgoed berus, na bekendmaking in die *Provinsiale Koerant*
ooreenkomstig artikel 20 (6), by die Administrateur in trust vir enige sodanige
plaaslike owerheid as wat daarna vir so 'n dorp of onderverdeelde landgoed
ingestel mag word of by die plaaslike owerheid self indien so 'n plaaslike ower-

No. 17, 1973

Assented to 3 August 1973
English text signed by the State President

Promulgated 17 August 1973

ORDINANCE

To amend the Townships Ordinance, 1934, in section 20, to relieve the Registrar of Deeds of the duty to open a townships register and in relation to the issue of certificates of registered title and the transfer of erven in a township or subdivided estate; in sections 24, 25 and 26, to make consequential amendments relating to townships registers; by the substitution of section 35 *ter*, to provide for the payment of an enhancement levy by or compensation to owners of land of which the value is increased or decreased in consequence of any provision prescribed in terms of section 35 *bis* and for the determination of the amount of such levy or compensation by agreement or arbitration; by the insertion of a new section 35 *quat*, to enable the Administrator, without certain statutory requirements having been complied with, to prescribe provisions for a town planning scheme to ensure that such scheme will be in both official languages or to convert references in such scheme to weights and measures to the metric system; to make consequential amendments, relating to the issue of a certificate authorizing the transfer of immovable property, to the Village Management Boards Ordinance, 1921, the Local Boards Ordinance, 1921, the Municipal Ordinance, 1951, and the Divisional Councils Ordinance, 1952, and to provide for matters incidental thereto.

BE IT ORDAINED by the Provincial Council of the Province of the Cape of Good Hope as follows:—

1. Section 20 of the Townships Ordinance, 1934 (hereinafter referred to as the principal ordinance), is hereby amended —

Amendment of section
20 of Ord. 33 of 1934.

(a) by the deletion of subsection (2);

(b) by the substitution for subsection (7) of the following subsection:—

“(7) No registration of the transfer of any erf in a township or subdivided estate laid out after the commencement of this Ordinance shall be effected in the Deeds Registry and no certificate of registered title in respect of any such erf shall be issued unless and until such township or subdivided estate has, in terms of subsection (6), been notified as an approved township or subdivided estate and a reference to the *Provincial Gazette* in which such township or subdivided estate is so notified has been endorsed on the general plan of such township or subdivided estate.”, and

(c) by the insertion after subsection (7) of the following new subsection:—

“(7A) No erf in a township or subdivided estate shall be transferred or otherwise dealt with except in accordance with the conditions upon which the application to establish such township or to subdivide such estate was granted by the Administrator.”.

2. Section 24 of the principal ordinance is hereby amended by the substitution for subsections (1) and (2) of the following subsections:—

Amendment of section
24 of Ord. 33 of 1934.

“(1) The ownership of all public places in an approved township or subdivided estate shall, upon notification in the *Provincial Gazette* in terms of section 20 (6), vest in the Administrator in trust for any such local authority as may thereafter be constituted for such township or subdivided estate or in the local authority itself if such local authority is already in existence the owner being

heid reeds bestaan, en die eienaar is heeltal onteien van enige belang in sulke openbare plekke; met dien verstande dat ingeval die geregistreerde eienaar van die dorp of onderverdeelde landgoed verlang om transport te verleen van daardie deel daarvan wat in sy naam geregistreer bly, hy daardie openbare plekke wat in sy naam geregistreer is, mag insluit in die oordrag onderhewig aan die voorwaarde dat dit in die Administrateur in trust of in die reeds bestaande plaaslike owerheid, na gelang van die geval, gevestig bly. Die Registrateur moet 'n aantekening maak dat die openbare plekke wat op die algemene plan aangedui word, kragtens hierdie Ordonnansie aldus gevestig is. As 'n plaaslike owerheid later ingestel word, moet die Registrateur met die magtiging van die Administrateur, 'n dergelike aantekening maak dat die eiendomsreg ten opsigte van sodanige openbare plekke in die plaaslike owerheid gevestig is.

(2) As die algemene plan van 'n goedgekeurde dorp of onderverdeelde landgoed wettiglik verander word as gevolg van die sluiting van 'n openbare plek en die stigting van 'n nuwe openbare plek, val die eiendomsreg van die grond wat die gesluite openbare plek uitmaak, terug aan die persoon op wie se grond die dorp of onderverdeelde landgoed uitgelê was of aan sy opvolger in eiendomsreg en die eiendomsreg ten opsigte van die grond waaruit die nuwe openbare plek bestaan, is gevestig in die Administrateur of plaaslike owerheid, na gelang van omstandighede, vanaf die datum van die verandering van die algemene plan op dieselfde wyse asof dit op die oorspronklike plan van die dorp of onderverdeelde landgoed aangetoon was. Die Registrateur moet daarna die nodige endossemente maak op die eiendomsbewys van die grond en op die duplikaat daarvan wat op sy kantoor bewaar word."

Wysiging van artikel 25 van Ord. 33 van 1934.

3. Artikel 25 van die hoofordonnansie word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:—

"(1) As 'n algemene plan van 'n goedgekeurde dorp of onderverdeelde landgoed of van enige gedeelte daarvan wettiglik ingetrek word, val die eiendomsreg ten opsigte van die openbare plekke daarop aangedui terug aan die eienaar of sy opvolger in eiendomsreg, onderhewig aan enige terme, voorwaardes of uitsonderings gestel deur die Administrateur wat so 'n intrekking in die *Provinsiale Koerant* moet laat bekend maak. Die Registrateur moet daarna die nodige endossemente maak op die eiendomsbewys van die grond en op die duplikaat daarvan wat op sy kantoor bewaar word."

Wysiging van artikel 26 van Ord. 33 van 1934, soos vervang by artikel 2 van Ord. 18 van 1972.

4. (1) Artikel 26 (8) van die hoofordonnansie word hierby gewysig deur paragraaf (iv) deur die volgende paragraaf te vervang:—

"(iv) die Registrateur enige endossemente op die betrokke transportaktes moet aanbring wat nodig is om aan sodanige algehele of gedeeltelike intrekking uitvoering te gee."

(2) Die bepalings van subartikel (1) tree in werking op die datum waarop artikel 12 van die Opmetingswysigingswet, 1972 (Wet 71 van 1972), in werking tree.

Vervanging van artikel 35 ter van Ord. 33 van 1934, soos vervang by artikel 1 van Ord. 13 van 1971 en gewysig by artikel 1 van Ord. 3 van 1972.

5. (1) Artikel 35 ter van die hoofordonnansie word hierby deur die volgende artikel vervang:—

35 ter. (1) Ten opsigte van elke bepaling wat na die inwerkingtreding van die Wysigingsordonnansie op Dorpe, 1969 (Ordonnansie 25 van 1969), deur die Administrateur ingevolge artikel 35 bis voorgeskryf word of is vir 'n plaaslike owerheid se skema wat opgestel word of op goedkeuring wag, is daar, behoudens die bepalings van subartikels (8), (9) en (10) —

(a) 'n verhogingsheffing aan sodanige plaaslike owerheid verskuldig deur die eienaar van enige grond waarvan die waarde vermeerder word of is ten gevolge daarvan dat sodanige bepaling aldus voorgeskryf word of is, en

(b) vergoeding deur sodanige plaaslike owerheid verskuldig aan die eienaar van enige grond waarvan die waarde verminder word of is ten gevolge daarvan dat sodanige bepaling aldus voorgeskryf word of is.

(2) 'n Verhogingsheffing by subartikel (1) (a) beoog, is 'n bedrag gelyk aan vyftig persent van die geraamde verskil.

(3) Die vergoeding by subartikel (1) (b) beoog, is 'n bedrag gelyk aan die hele geraamde verskil.

"Verhogingsheffing en vergoeding.

entirely dispossessed of any interest in such public places; provided that in the event of the registered owner of the township or subdivided estate wishing to transfer away that portion thereof which remains registered in his name, he may include in the transfer those public places which are registered in his name subject to the vestment thereof remaining in the Administrator in trust or in the local authority already in existence, as the case may be. The Registrar shall record that the public places as shown on the general plan are in terms of this Ordinance so vested. If a local authority be later constituted the Registrar shall on the authority of the Administrator similarly record that the ownership of such public places vests in it.

(2) If the general plan of an approved township or subdivided estate is lawfully altered in consequence of the closing of a public place and the creation of a new public place the ownership of the land constituting the closed public place shall revert in the person on whose land the township or subdivided estate was laid out or his successor in title and the ownership of the land constituting the new public place shall vest in the Administrator or local authority, as the case may be, as from the date of the alteration of the general plan in the same manner as if it had been shown on the original plan of the township or subdivided estate. The Registrar shall thereupon make the necessary endorsements on the title-deed of the land and the duplicate thereof filed in his office.”.

3. Section 25 of the principal ordinance is hereby amended by the substitution for subsection (1) of the following subsection:—

Amendment of section 25 of Ord. 33 of 1934.

“(1) If a general plan of an approved township or subdivided estate or of any part thereof is lawfully cancelled the ownership of the public places represented thereon shall revert in the owner or his successor in title subject to any terms, conditions or exceptions made by the Administrator who shall cause such cancellation to be notified in the *Provincial Gazette*. The Registrar shall thereupon make the necessary endorsements on the title-deed of the land and the duplicate thereof filed in his office.”.

4. (1) Section 26 (8) of the principal ordinance is hereby amended by the substitution for paragraph (iv) of the following paragraph: —

Amendment of section 26 of Ord. 33 of 1934, as substituted by section 2 of Ord. 18 of 1972.

“(iv) the Registrar shall effect such endorsements to the relevant title deeds as may be necessary to give effect to such total or partial cancellation.”.

(2) The provisions of subsection (1) shall come into operation on the date on which section 12 of the Land Survey Amendment Act, 1972 (Act 71 of 1972), comes into operation.

5. (1) The following section is hereby substituted for section 35 *ter* of the principal ordinance:—

Substitution of section 35 *ter* of Ord. 33 of 1934, as substituted by section 1 of Ord. 13 of 1971 and amended by section 1 of Ord. 3 of 1972.

35 *ter*. (1) In respect of every provision which is or has been prescribed by the Administrator after the commencement of the Townships Amendment Ordinance, 1969 (Ordinance 25 of 1969), in terms of section 35 *bis* for a local authority's scheme in the course of preparation or awaiting approval, there shall, subject to the provisions of subsections (8), (9) and (10) —

“Enhancement levy and compensation.

(a) be an enhancement levy due to such local authority by the owner of any land of which the value is or has increased in consequence of such provision being or having been so prescribed, and

(b) be compensation due by such local authority to the owner of any land of which the value is or has decreased in consequence of such provision being or having been so prescribed.

(2) An enhancement levy contemplated by subsection (1) (a) shall be an amount equal to fifty per cent of the estimated difference.

(3) The compensation contemplated by subsection (1) (b) shall be an amount equal to the whole of the estimated difference.

(4) (a) Die geraamde verskil kan by ooreenkoms tussen die plaaslike owerheid en die eienaar vasgestel word en elke sodanige ooreenkoms —

(i) moet aan die Administrateur voorgelê word tesame met 'n verslag van die plaaslike owerheid oor die redes, feite en omstandighede wat daartoe gelei het dat hy en die eienaar die geraamde verskil op die ooreengekome bedrag vasgestel het, en

(ii) is onderworpe aan die goedkeuring van die Administrateur.

(b) Die Administrateur kan, na oorweging van die verslag by paragraaf (a) beoog en as hy, na oorleg met die plaaslike owerheid en die eienaar, van mening is dat die bedrag waartoe hulle ooreengekom het, nie 'n ware weergawe van die geraamde verskil is nie, gelas dat, tensy 'n verdere ooreenkoms soos by paragraaf (a) beoog, deur die plaaslike owerheid en die eienaar getref word binne 'n tydperk van drie maande vanaf die datum van sodanige lasgewing en deur hom goedgekeur word, die geraamde verskil vasgestel moet word deur die skattingshof saamgestel kragtens Hoofstuk II van die Skattingsordonnansie, 1944 (Ordonnansie 26 van 1944), wat ingevolge genoemde ordonnansie regsbevoegdheid het in die gebied waar die betrokke grond geleë is, en die bepalings van genoemde hoofstuk (uitgesonderd artikels 17, 19 en 21 (4)) en van artikels 81 en 82 (2) van genoemde ordonnansie is *mutatis mutandis* van toepassing ten opsigte van sodanige hof en sy bevoegdhede, funksies en pligte.

(c) As geen sodanige ooreenkoms getref is nie na verstryking van die tydperk by paragraaf (b) beoog, moet die plaaslike owerheid die betrokke skattingshof skriftelik in kennis stel van dié feit en sodanige hof bepaal daarna 'n tyd wanneer en 'n plek waar hy sal sit om die geraamde verskil vas te stel en gee skriftelike kennis van minstens een-en-twintig dae aan die Administrateur, die plaaslike owerheid en die eienaar van die tyd en plek aldus bepaal.

(d) Die skattingshof ontvang en oorweeg, op die tyd en plek ingevolge paragraaf (c) bepaal, die getuienis wat die Administrateur, die plaaslike owerheid en die eienaar, hetsy persoonlik of deur middel van 'n verteenwoordiger, aanbied en stel daarna die geraamde verskil vas.

(e) Die bedrag ingevolge paragraaf (d) vasgestel, is afdoende en bindend vir die plaaslike owerheid en die eienaar en word vir alle doeleindes geag die bedrag te wees waartoe die plaaslike owerheid en die eienaar ooreengekom het en die bepalings van paragraaf (b) is, na sodanige vasstelling, nie van toepassing nie ten opsigte van die bedrag aldus vasgestel.

(f) 'n Behoorlike verrekening moet gedoen word ten opsigte van enige bedrag wat voor 'n vasstelling ingevolge paragraaf (d) betaal is ten gevolge van 'n ooreenkoms by paragraaf (a) beoog en enige bedrag wat ingevolge subartikel (9) geag word betaal te gewees het ter volle of gedeeltelike vereffening van 'n verhogingsheffing.

(5) (a) Die plaaslike owerheid of die eienaar kan, as 'n ooreenkoms soos by subartikel (4) beoog, nie binne 'n tydperk van drie maande vanaf die vasgestelde datum getref is nie, die ander skriftelik in kennis stel dat 'n geskil in verband met die geraamde verskil tussen hulle ontstaan het en vereis dat sodanige geskil deur middel van arbitrasie besleg word en moet die Administrateur van sodanige geskil in kennis stel.

(b) Indien, binne 'n tydperk van nege maande vanaf die vasgestelde datum, geen ooreenkoms soos by subartikel (4) beoog, aan die Administrateur voorgelê is nie of hy nie in kennis gestel is dat 'n geskil soos by paragraaf (a) beoog, ontstaan het nie, kan hy, deur middel van 'n skriftelike kennisgewing aan die plaaslike owerheid en die eienaar gelas dat, tensy so 'n ooreenkoms getref word of òf die plaaslike owerheid òf die eienaar ingevolge paragraaf (a) optree binne 'n tydperk van drie maande vanaf die datum van sodanige lasgewing, dit geag sal word dat 'n geskil in verband met die geraamde verskil ontstaan het tussen die plaaslike owerheid en die eienaar en dat sodanige geskil deur middel van arbitrasie besleg moet word.

(c) Ingeval enige geskil soos by hierdie subartikel beoog, ontstaan of geag word te ontstaan het, word die geraamde verskil deur middel van arbitrasie ingevolge die Wet op Arbitrasie, 1965 (Wet 42 van 1965), vasgestel deur 'n enkele arbiter wat aangestel word by ooreenkoms tussen die plaaslike owerheid en die eienaar of, by ontstentenis van sodanige ooreenkoms, deur die Administrateur wie se beslissing in verband met sodanige aanstelling afdoende en bindend vir die plaaslike owerheid en die eienaar is.

(4) (a) The estimated difference may be determined by agreement between the local authority and the owner and every such agreement shall —

(i) be submitted to the Administrator together with a report by the local authority as to the reasons, facts and circumstances which led it and the owner to determine the estimated difference in the amount agreed upon, and

(ii) be subject to the approval of the Administrator.

(b) The Administrator may, after consideration of the report contemplated by paragraph (a) and if he is, after consultation with the local authority and the owner, of opinion that the amount agreed upon between them is not a true reflection of the estimated difference, direct that, unless a further agreement as contemplated by paragraph (a) is reached by the local authority and the owner within a period of three months from the date of such direction and is approved by him, the estimated difference shall be determined by the valuation court constituted under Chapter II of the Valuation Ordinance, 1944 (Ordinance 26 of 1944), which has jurisdiction in terms of the said ordinance in the area where the land concerned is situate, and the provisions of the said Chapter (other than sections 17, 19 and 21 (4)) and of sections 81 and 82 (2) of the said ordinance shall *mutatis mutandis* apply in respect of such court and its powers, functions and duties.

(c) If, after the expiration of the period contemplated by paragraph (b) no such agreement has been reached, the local authority shall in writing notify the valuation court concerned of that fact and such court shall thereupon fix a time when and place where it will sit to determine the estimated difference and shall give not less than twenty-one days written notice to the Administrator, the local authority and the owner of the time and place so fixed.

(d) The valuation court shall, at the time and place fixed in terms of paragraph (c), receive and consider such evidence as the Administrator, the local authority and the owner may tender, either personally or through a representative, and shall thereafter determine the estimated difference.

(e) The amount determined in terms of paragraph (d) shall be final and binding upon the local authority and the owner and shall for all purposes be deemed to be the amount agreed upon by the local authority and the owner and the provisions of paragraph (b) shall, after such determination, not apply in respect of the amount so determined.

(f) A due adjustment shall be made in respect of any amount paid prior to a determination in terms of paragraph (d) in consequence of an agreement contemplated by paragraph (a) and any amount deemed, in terms of subsection (9), to have been paid in full or partial settlement of an enhancement levy.

(5) (a) The local authority or the owner may, if no agreement as contemplated by subsection (4) has been reached within a period of three months from the fixed date, notify the other in writing that a dispute in regard to the estimated difference has arisen between them and require that such dispute be determined by arbitration and shall notify the Administrator of such dispute.

(b) If, within a period of nine months from the fixed date, no agreement as contemplated by subsection (4) has been submitted to the Administrator or he has not been notified that a dispute as contemplated by paragraph (a) has arisen, he may, by notice in writing to the local authority and the owner direct that, unless such an agreement is reached or either the local authority or the owner acts in terms of paragraph (a) within a period of three months from the date of such direction, a dispute in regard to the estimated difference shall be deemed to have arisen between the local authority and the owner and that such dispute shall be determined by arbitration.

(c) In the event of any dispute as contemplated by this subsection arising or being deemed to have arisen, the estimated difference shall be determined by arbitration in terms of the Arbitration Act, 1965 (Act 42 of 1965), by a single arbitrator appointed by agreement between the local authority and the owner or, in the absence of such agreement, by the Administrator whose decision in regard to such appointment shall be final and binding upon the local authority and the owner.

(6) 'n Arbitrer wat aangestel is om 'n geskil by subartikel (5) beoog, te besleg, ken die koste van die arbitrasieverrigtinge toe —

(a) in die geval van 'n geskil by subartikel (5) (a) beoog —

(i) teen die plaaslike owerheid as die geraamde verskil soos deur die arbitrer vasgestel —

(aa) in die geval van 'n verhogingsheffing, gelyk is aan of minder is as, en

(bb) in die geval van vergoeding, gelyk is aan of meer is as,

die bedrag wat laas deur die eienaar skriftelik as die geraamde verskil voorgestel is voordat sodanige geskil ontstaan het;

(ii) teen die eienaar as die geraamde verskil soos deur die arbitrer vasgestel —

(aa) in die geval van 'n verhogingsheffing, gelyk is aan of meer is as, en

(bb) in die geval van vergoeding, gelyk is aan of minder is as,

die bedrag wat laas deur die plaaslike owerheid skriftelik as die geraamde verskil voorgestel is voordat sodanige geskil ontstaan het, en

(iii) in enige geval nie by subparagrafe (i) en (ii) beoog nie, teen die plaaslike owerheid en die eienaar onderskeidelik met inagneming veral van die verhouding waarin —

(aa) in die geval van 'n verhogingsheffing, die bedrag waarmee die geraamde verskil soos deur die arbitrer vasgestel, minder is as die bedrag wat laas deur die plaaslike owerheid skriftelik as die geraamde verskil voorgestel is voordat sodanige geskil ontstaan het, staan tot die bedrag waarmee die geraamde verskil aldus vasgestel, meer is as die bedrag wat laas deur die eienaar skriftelik as die geraamde verskil voorgestel is voordat sodanige geskil ontstaan het, en

(bb) in die geval van vergoeding, die bedrag waarmee die geraamde verskil soos deur die arbitrer vasgestel, meer is as die bedrag wat laas deur die plaaslike owerheid skriftelik as die geraamde verskil voorgestel is voordat sodanige geskil ontstaan het, staan tot die bedrag waarmee die geraamde verskil aldus vasgestel, minder is as die bedrag wat laas deur die eienaar skriftelik as die geraamde verskil voorgestel is voordat sodanige geskil ontstaan het, en

(b) in die geval van 'n geskil wat ingevolge subartikel (5) (b) geag word te ontstaan het, teen die plaaslike owerheid en die eienaar, wat gesamentlik en afsonderlik daarvoor aanspreeklik is.

(7) Die betaling van 'n verhogingsheffing of vergoeding is benewens enige ander verpligting wat aan die plaaslike owerheid of die eienaar van die betrokke grond opgelê word ten gevolge van die bepalings van die betrokke skema en sodanige heffing of vergoeding is betaalbaar —

(a) in die geval van 'n verhogingsheffing —

(i) voordat sodanige grond of enige gedeelte daarvan aangewend of omgeskep word vir enige gebruik wat gemagtig of toegelaat word by die bepaling by subartikel (1) beoog maar wat nie aldus gemagtig of toegelaat was voor die vasgestelde datum nie, of

(ii) voordat sodanige grond of enige gedeelte daarvan, uitgesonderd 'n gedeelte wat onderworpe is aan 'n lasgewing ingevolge subartikel (9) uitgereik, aan enige persoon oorgedra word, en

(b) in die geval van vergoeding, binne 'n tydperk van ses maande vanaf die datum van die ooreenkoms by subartikel (4) of (5) (b) beoog of van die toekenning deur 'n arbitrer ingevolge hierdie artikel gedoen, na gelang van die geval.

(8) Wanneer dit ook al die voorneme is om grond oor te dra ten opsigte waarvan 'n verhogingsheffing verskuldig is maar nog nie betaal is nie of om enige gedeelte van sodanige grond oor te dra en —

(6) An arbitrator appointed to determine a dispute contemplated by subsection (5) shall award the costs of the arbitration proceedings —

(a) in the case of a dispute contemplated by subsection (5) (a) —

(i) against the local authority if the estimated difference as determined by the arbitrator is —

(aa) in the case of an enhancement levy, equal to or less than, and

(bb) in the case of compensation, equal to or greater than,

the amount last proposed in writing as the estimated difference by the owner before such dispute arose;

(ii) against the owner if the estimated difference as determined by the arbitrator is —

(aa) in the case of an enhancement levy, equal to or greater than, and

(bb) in the case of compensation, equal to or less than,

the amount last proposed in writing as the estimated difference by the local authority before such dispute arose, and

(iii) in any case not contemplated by subparagraphs (i) and (ii), against the local authority and the owner respectively having regard particularly to the proportion which —

(aa) in the case of an enhancement levy, the amount by which the estimated difference as determined by the arbitrator is less than the amount last proposed in writing as the estimated difference by the local authority before such dispute arose bears to the amount by which the estimated difference so determined is greater than the amount last proposed in writing as the estimated difference by the owner before such dispute arose, and

(bb) in the case of compensation, the amount by which the estimated difference as determined by the arbitrator is greater than the amount last proposed in writing as the estimated difference by the local authority before such dispute arose bears to the amount by which the estimated difference so determined is less than the amount last proposed in writing as the estimated difference by the owner before such dispute arose, and

(b) in the case of a dispute deemed in terms of subsection (5) (b) to have arisen, against the local authority and the owner, who shall be jointly and severally liable therefor.

(7) The payment of an enhancement levy or compensation shall be in addition to any other obligation imposed on the local authority or the owner of the land concerned in consequence of the provisions of the relevant scheme and such levy or compensation shall be payable —

(a) in the case of an enhancement levy —

(i) before such land or any portion thereof is put or converted to any use which is authorized or permitted by the provision contemplated by subsection (1) but which was not so authorized or permitted before the fixed date, or

(ii) before such land or any portion thereof, other than a portion which is subject to a direction issued in terms of subsection (9), is transferred to any person, and

(b) in the case of compensation, within a period of six months from the date of the agreement contemplated by subsection (4) or (5) (b) or of the award made by an arbitrator in terms of this section, as the case may be.

(8) Whenever it is proposed to transfer land in respect of which an enhancement levy is due but has not yet been paid or to transfer any portion of such land and —

(a) die verpligting om sodanige grond of sodanige gedeelte oor te dra, ontstaan uit of ten gevolge van 'n kontrak wat deur die eienaar en die voornemende transportnemer aangegaan is voor die vasgestelde datum, of

(b) die eienaar van sodanige grond en die voornemende transportnemer skriftelik ooreengekom het dat sodanige transportnemer aanspreeklikheid vir die betaling van sodanige heffing aanvaar,

kan die Administrateur, na oorleg met die eienaar, die voornemende transportnemer en die plaaslike owerheid, beslis dat sodanige eienaar, by die oordrag van sodanige grond of van sodanige gedeelte aan sodanige transportnemer, geheel en al of gedeeltelik vrygestel word van aanspreeklikheid vir die betaling van sodanige heffing, en by sodanige oordrag word sodanige transportnemer, behoudens enige verdere sodanige vrystelling, aanspreeklik vir die betaling, by die voorkoms van enige gebeure by subartikel (7) (a) beoog, van sodanige heffing in die mate waarin sodanige heffing nie deur sodanige eienaar betaal is nie.

(9) (a) Waar die plaaslike owerheid 'n gedeelte van die grond in subartikel (1) (a) genoem, nodig het vir enige doel wat ook al wat hy van tyd tot tyd by wet gemagtig of verplig word om uit te voer, kan die plaaslike owerheid, deur middel van 'n skriftelike kennisgewing wat aan die eienaar beteken word voordat enige ooreenkoms soos by subartikel (4) beoog, getref word, die eienaar in kennis stel dat hy voornemens is om die Administrateur te versoek om ingevolge paragraaf (c) te gelas dat sodanige gedeelte aan die plaaslike owerheid oorgedra moet word.

(b) Die plaaslike owerheid en die eienaar moet daarna die waarde onmiddellik voor die vasgestelde datum van die gedeelte van grond by paragraaf (a) beoog, vasstel ooreenkomstig die bepalinge van subartikels (4), (5) en (6) en vir die doeleindes daarvan —

(i) word enige verwysing in genoemde subartikels na die geraamde verskil geag 'n verwysing na die waarde van sodanige gedeelte te wees;

(ii) is die bepalinge van genoemde subartikel (6) van toepassing asof die vasstelling van sodanige waarde betrekking het op die betaling van vergoeding, en

(iii) word die tydperk by subartikel (5) (a) beoog, geag 'n aanvang te geneem het op die datum waarop die kennis in paragraaf (a) genoem, gegee word.

(c) Die plaaslike owerheid moet die Administrateur skriftelik in kennis stel van die waarde vasgestel ooreenkomstig die voorafgaande bepalinge van hierdie subartikel en die Administrateur kan gelas dat, as die waarde aldus vasgestel gelyk is aan of minder is as die bedrag van die verhogingsheffing wat ten opsigte van die betrokke grond verskuldig is, die gedeelte in paragraaf (a) genoem, oorgedra moet word aan die plaaslike owerheid en, by die oordrag van sodanige gedeelte aan die plaaslike owerheid, word die waarde aldus vasgestel, geag 'n bedrag te wees wat betaal is ter volle of gedeeltelike vereffening, na gelang van die geval, van sodanige verhogingsheffing.

(d) 'n Behoorlike verrekening ten opsigte van enige bedrag betaal ten opsigte van die betrokke verhogingsheffing moet gedoen word by die oordrag aan die plaaslike owerheid van die gedeelte van grond by paragraaf (a) beoog.

(10) (a) Die Administrateur kan, òf in die algemeen òf met betrekking tot die regsgebied van enige plaaslike owerheid, beslis dat die bepalinge van subartikel (1) nie van toepassing is nie ten opsigte van enige klas of tipe van bepaling wat ingevolge artikel 35 *bis* voorgeskryf kan word en enige beslissing ingevolge hierdie paragraaf gedoen, kan —

(i) gedoen word met terugwerkende krag tot 'n datum wat nie vroeër is nie as die ses-en-twintigste dag van September 1969, en

(ii) te eniger tyd deur hom verander of ingetrek word.

(b) Die Administrateur kan, op skriftelike aansoek van die plaaslike owerheid of die eienaar en as hy van mening is, na oorleg met die plaaslike owerheid en die eienaar, dat spesiale omstandighede bestaan wat sodanige optrede regverdig, beslis dat, ongeag of die geraamde verskil ingevolge hierdie artikel vasgestel is of nie —

(a) the obligation to transfer such land or such portion arises from or in consequence of a contract which was entered into by the owner and the proposed transferee before the fixed date, or

(b) the owner of such land and the proposed transferee have in writing agreed that such transferee accepts liability for payment of such levy,

the Administrator may, after consultation with the owner, the proposed transferee and the local authority, determine that such owner shall, on the transfer of such land or of such portion to such transferee, be wholly or partly exempt from liability for payment of such levy and upon such transfer such transferee shall, subject to any further such exemption, become liable for payment, on the occurrence of any event contemplated by subsection (7) (a), of such levy to the extent to which such levy has not been paid by such owner.

(9) (a) Where a portion of the land referred to in subsection (1) (a) is required by the local authority for any purpose whatsoever which it is from time to time by law empowered or required to carry out, the local authority may, by notice in writing served on the owner before any agreement as contemplated by subsection (4) is reached inform the owner that it intends requesting the Administrator do direct in terms of paragraph (c) that such portion shall be transferred to it.

(b) The local authority and the owner shall thereafter determine the value immediately prior to the fixed date of the portion of land contemplated by paragraph (a) in accordance with the provisions of subsections (4), (5) and (6) and for the purposes thereof —

(i) any reference in the said subsections to the estimated difference shall be deemed to be a reference to the value of such portion;

(ii) the provisions of the said subsection (6) shall apply as if the determination of such value related to the payment of compensation, and

(iii) the period contemplated by subsection (5) (a) shall be deemed to have commenced on the date on which the notice referred to in paragraph (a) is given.

(c) The local authority shall notify the Administrator in writing of the value determined in accordance with the preceding provisions of this subsection and the Administrator may direct that, if the value so determined is equal to or less than the amount of the enhancement levy due in respect of the land concerned, the portion referred to in paragraph (a) shall be transferred to the local authority and, upon the transfer of such portion to the local authority, the value so determined shall be deemed to be an amount paid in full or partial settlement, as the case may be, of such enhancement levy.

(d) A due adjustment in respect of any amount paid in respect of the enhancement levy concerned shall be made upon the transfer to the local authority of the portion of land contemplated by paragraph (a).

(10) (a) The Administrator may, either generally or in relation to the area of jurisdiction of any local authority, determine that the provisions of subsection (1) shall not apply in respect of any class or type of provision which may be prescribed in terms of section 35 *bis* and any determination made in terms of this paragraph may —

(i) be made with retrospective effect to a date not earlier than the twenty-sixth day of September, 1969, and

(ii) at any time be altered or withdrawn by him.

(b) The Administrator may, on the written application of the local authority or the owner and if he is of opinion, after consultation with the local authority and the owner, that special circumstances justifying such action exist, determine that, whether or not the estimated difference has been determined in terms of this section —

(i) die bepalings van subartikel (1) nie van toepassing is of geag word nie van toepassing te gewees het nie ten opsigte van die betrokke grond;

(ii) in die geval van 'n verhogingsheffing, die persentasie beoog by subartikel (2) verminder word of geag word verminder te gewees het tot 'n persentasie deur hom gespesifiseer, of

(iii) in die geval van vergoeding, net dié proporsie van die geraamde verskil wat hy gelas, verskuldig is of geag word verskuldig te gewees het aan sodanige eienaar,

en in sodanige geval moet 'n behoorlike verrekening gedoen word ten opsigte van enige bedrag wat voor sodanige beslissing betaal is as 'n verhogingsheffing of vergoeding en enige bedrag wat ingevolge subartikel (9) geag word betaal te gewees het ter volle of gedeeltelike vereffening van 'n verhogingsheffing.

(11) Waar die goedkeuring van 'n plaaslike owerheid by wet vereis word vir —

(a) die oprigting of verandering of uitbreiding van 'n gebou op grond ten opsigte waarvan 'n verhogingsheffing verskuldig is of op enige gedeelte van sodanige grond;

(b) die uitvoering van enige werk wat ook al op sodanige grond of op enige gedeelte daarvan, of

(c) die aanwending of omskepping van sodanige grond of enige gedeelte daarvan of enige gebou daarop vir enige gebruik,

wat gemagtig of toegelaat word by die bepaling by subartikel (1) beoog maar wat nie aldus gemagtig of toegelaat was voor die vasgestelde datum nie, word sodanige goedkeuring nietemin nie toegestaan nie tensy —

(i) sodanige verhogingsheffing betaal is;

(ii) enige grond wat onderworpe is aan 'n lasgewing ingevolge subartikel (9) uitgereik, aan sodanige plaaslike owerheid oorgedra is, of

(iii) sekuriteit vir die betaling van sodanige verhogingsheffing of vir die oordrag van die grond in paragraaf (ii) genoem, ten genoeë van sodanige plaaslike owerheid aan hom verstrekk is.

(12) Ondanks die bepalings van enige ander ordonnansie insake die storting van gelde in of die bestryding van uitgawe uit enige besondere fonds of rekening van 'n plaaslike owerheid, moet elke verhogingsheffing gestort word in 'n afsonderlike rekening en aangewend word alleenlik —

(a) om uitgawe te bestry wat, na die mening van die plaaslike owerheid, betrekking het op of in verband staan met of nodig is vir die uitvoering van sy skema, met inbegrip van die betaling van vergoeding ingevolge hierdie artikel verskuldig en die bestryding van die koste van arbitrasieverrigtinge wat teen sodanige plaaslike owerheid toegeken word, of

(b) met die goedkeuring van die Administrateur, om uitgawe te bestry wat deur die plaaslike owerheid aangegaan is met betrekking tot die voorsiening van kapitaalwerke of geriewe binne sy regsgebied.

(13) Vir die toepassing van hierdie artikel beteken —

'eienaar' die persoon wie se naam in 'n Registrasiekantoor van Aktes geregistreer is as die eienaar van die betrokke grond op die vasgestelde datum;

'geraamde verskil' die verskil tussen die waarde van die betrokke grond onmiddellik voor en onmiddellik na die vasgestelde datum, met inagneming van die bepalings van die skema van toepassing op sodanige grond;

'koste van arbitrasieverrigtinge' die koste van en verbonde aan arbitrasieverrigtinge wat deur enige party daarby aangegaan is en omvat dit die besoldiging van die arbiter en takseergelde;

'vasgestelde datum' die datum waarop die bepaling by subartikel (1) beoog, voorgeskrif word of is, en

(i) the provisions of subsection (1) shall not apply or be deemed not to have applied in respect of the land concerned;

(ii) in the case of an enhancement levy, the percentage contemplated by subsection (2) shall be reduced or be deemed to have been reduced to a percentage specified by him, or

(iii) in the case of compensation, only such proportion of the estimated difference as he may direct shall be due or be deemed to have been due to such owner,

and in such event a due adjustment shall be made in respect of any amount paid prior to such determination as an enhancement levy or compensation and any amount deemed, in terms of subsection (9), to have been paid in full or partial settlement of an enhancement levy.

(11) Where the approval of a local authority is in law required for —

(a) the erection or alteration of or addition to a building on land in respect of which an enhancement levy is due or on any portion of such land;

(b) the carrying out of any work whatsoever on such land or on any portion thereof, or

(c) such land or any portion thereof or any building thereon being put or converted to any use,

which is authorized or permitted by the provision contemplated by subsection (1) but which was not so authorized or permitted before the fixed date, such approval shall nevertheless not be granted unless —

(i) such enhancement levy has been paid;

(ii) any land which is subject to a direction issued in terms of subsection (9) has been transferred to such local authority, or

(iii) security for the payment of such enhancement levy or for the transfer of the land referred to in paragraph (ii) has been furnished to such local authority to its satisfaction.

(12) Notwithstanding the provisions of any other ordinance relating to the payment of moneys into or the meeting of expenditure from any particular fund or account of a local authority, every enhancement levy shall be paid into a separate account and applied solely —

(a) to meeting expenditure which, in the opinion of the local authority, is related or incidental to or necessary for the implementation of its scheme, including the payment of compensation due in terms of this section and the defrayment of the costs of arbitration proceedings awarded against such local authority, or

(b) with the approval of the Administrator, to meeting expenditure incurred by the local authority in relation to the provision of capital works or amenities within its area of jurisdiction.

(13) For the purposes of this section —

‘costs of arbitration proceedings’ means the costs of and incidental to arbitration proceedings incurred by any party thereto and includes the remuneration of the arbitrator and taxation fees;

‘estimated difference’ means the difference between the value of the land concerned immediately prior to and immediately subsequent to the fixed date, having regard to the provisions of the scheme applicable to such land;

‘fixed date’ means the date on which the provision contemplated by subsection (1) is or was prescribed;

‘owner’ means the person whose name is registered in a Deeds Registry as the owner of the land concerned on the fixed date, and

'waarde' die bedrag wat die betrokke grond sou behaal het as dit op die oop mark deur 'n gewillige verkoper aan 'n gewillige koper verkoop was.'.

(2) Die bepaling van subartikel (1) word geag in werking te getree het op die ses-en-twintigste dag van September 1969.

(3) (a) Enige ontwikkelingsbydrae of gedeelte daarvan of enige vergoeding wat betaal is en enige grond wat oorgedra is voor die inwerkingtreding van hierdie ordonnansie ten gevolge van 'n lasgewing wat uitgereik is of heet uitgereik te gewees het ingevolge artikel 35 *ter* van die hoofordonnansie soos genoemde artikel bestaan het te eniger tyd voor sodanige inwerkingtreding word, behoudens die bepaling van subartikel (5), geag betaal te gewees het as 'n verhogingsheffing of vergoeding verskuldig en geldig vasgestel ooreenkomstig die bepaling van genoemde artikel soos gewysig by hierdie ordonnansie of oorgedra te gewees het ten gevolge van 'n geldige lasgewing uitgereik ingevolge subartikel (9) van genoemde artikel soos aldus gewysig, na gelang van die geval.

(b) Enige ontwikkelingsbydrae, vergoeding of grond genoem in 'n lasgewing wat uitgereik is of heet uitgereik te gewees het ingevolge artikel 35 *ter* van die hoofordonnansie soos dit bestaan het te eniger tyd voor die inwerkingtreding van hierdie ordonnansie, wat nie ten volle betaal of oorgedra is voor sodanige inwerkingtreding nie, word, behoudens die bepaling van subartikel (5), geag 'n verhogingsheffing of vergoeding te wees wat verskuldig en geldig vasgestel is ooreenkomstig die bepaling van genoemde artikel soos gewysig by hierdie ordonnansie of onderworpe te wees aan 'n geldige lasgewing uitgereik ingevolge subartikel (9) van genoemde artikel soos aldus gewysig, na gelang van die geval, en die tydperk beoog by subartikel (7) (b) van genoemde artikel soos aldus gewysig, word, in die geval van enige sodanige vergoeding, geag te verstryk op die datum bepaal ten opsigte van sodanige vergoeding ingevolge subartikel (4) (b) van genoemde artikel soos dit bestaan het voor sodanige inwerkingtreding, of, as geen datum aldus bepaal is nie, ses maande na sodanige inwerkingtreding.

(4) Waar die Administrateur voor die inwerkingtreding van hierdie ordonnansie bepaal het dat 'n ontwikkelingsbydrae of vergoeding soos beoog by artikel 35 *ter* soos genoemde artikel bestaan het te eniger tyd voor sodanige inwerkingtreding, nie verskuldig is nie, word die bepaling aldus gedoen, vir alle doeleindes geag 'n beslissing te wees wat gedoen is ingevolge subartikel (10) (b) (i) van genoemde artikel soos gewysig by hierdie ordonnansie.

(5) Iedereen wat —

(a) 'n ontwikkelingsbydrae of vergoeding betaal het of aanspreeklik is vir die betaling daarvan wat, ingevolge subartikel (3), geag word betaal te gewees het as 'n verhogingsheffing of vergoeding of 'n verhogingsheffing of vergoeding te wees wat verskuldig en geldig vasgestel is ooreenkomstig die bepaling van artikel 35 *ter* van die hoofordonnansie soos gewysig by hierdie ordonnansie, of

(b) enige grond oorgedra het of moet oordra wat, ingevolge subartikel (3), geag word oorgedra te gewees het ten gevolge van of onderworpe te wees aan 'n geldige lasgewing uitgereik ingevolge artikel 35 *ter* (9) van die hoofordonnansie soos gewysig by hierdie ordonnansie,

kan, binne 'n tydperk van drie maande vanaf die inwerkingtreding van hierdie ordonnansie, deur middel van 'n skriftelike kennisgewing aan die betrokke munisipaliteit, afdelingsraad, dorpsbestuur of plaaslike bestuur of aan die betrokke eienaar, na gelang van die geval, vereis dat —

(i) 'n nuwe vasstelling van die bedrag wat betaal is of vir die betaling waarvan hy aanspreeklik is, gedoen word ooreenkomstig die bepaling van artikel 35 *ter* van die hoofordonnansie soos gewysig by hierdie ordonnansie asof sodanige bedrag 'n verhogingsheffing of vergoeding was soos beoog by genoemde artikel soos aldus gewysig, en

(ii) 'n vasstelling van die waarde van enige grond wat oorgedra is of oorgedra moet word, gedoen word ooreenkomstig die bepaling van subartikels (4), (5) en (6) van genoemde artikel soos aldus gewysig en vir die doeleindes van genoemde vasstelling word enige verwysing in genoemde subartikels na die geraamde verskil geag 'n verwysing te wees na die waarde van sodanige grond en is die bepaling van genoemde subartikel (6) van toepassing asof sodanige vasstelling betrekking het op die betaling van vergoeding,

'value' means the amount which the land concerned would have realized if sold in the open market by a willing seller to a willing buyer."

(2) The provisions of subsection (1) shall be deemed to have come into operation on the twenty-sixth day of September, 1969.

(3) (a) Any development contribution or portion thereof or any compensation paid and any land transferred prior to the commencement of this ordinance in consequence of an order issued or purported to have been issued in terms of section 35 *ter* of the principal ordinance as the said section existed at any time prior to such commencement shall, subject to the provisions of subsection (5), be deemed to have been paid as an enhancement levy or compensation due and validly determined in accordance with the provisions of the said section as amended by this ordinance or to have been transferred in consequence of a valid direction issued in terms of subsection (9) of the said section as so amended, as the case may be.

(b) Any development contribution, compensation or land referred to in an order issued or purported to have been issued in terms of section 35 *ter* of the principal ordinance as it existed at any time prior to the commencement of this ordinance which has not been paid in full or transferred prior to such commencement shall, subject to the provisions of subsection (5), be deemed to be an enhancement levy or compensation due and validly determined in accordance with the provisions of the said section as amended by this ordinance or to be subject to a valid direction issued in terms of subsection (9) of the said section as so amended, as the case may be, and the period contemplated by subsection (7) (b) of the said section as so amended shall, in the case of any such compensation, be deemed to expire on the date determined in respect of such compensation in terms of subsection (4) (b) of the said section as it existed prior to such commencement or, if no date has been so determined, six months after such commencement.

(4) Where the Administrator has, prior to the commencement of this ordinance, determined that a development contribution or compensation as contemplated by section 35 *ter* as the said section existed at any time prior to such commencement shall not be due, the determination so made shall for all purposes be deemed to be a determination made in terms of subsection (10) (b) (i) of the said section as amended by this ordinance.

(5) Any person who —

(a) has paid or is liable to pay a development contribution or compensation which is, in terms of subsection (3), deemed to have been paid as or to be an enhancement levy or compensation due and validly determined in accordance with the provisions of section 35 *ter* of the principal ordinance as amended by this ordinance, or

(b) has transferred or is required to transfer any land which is, in terms of subsection (3), deemed to have been transferred in consequence of or to be subject to a valid direction issued in terms of section 35 *ter* (9) of the principal ordinance as amended by this ordinance,

may, within a period of three months from the commencement of this ordinance, by notice in writing to the municipality, divisional council, village management board or local board concerned or to the owner concerned, as the case may be, require —

(i) a fresh determination of the amount paid or liable to be paid to be made in accordance with the provisions of section 35 *ter* of the principal ordinance as amended by this ordinance as if such amount were an enhancement levy or compensation as contemplated by the said section as so amended, and

(ii) a determination of the value of any land which has been transferred or is required to be transferred to be made in accordance with the provisions of subsections (4), (5) and (6) of the said section as so amended and for the purposes of the said determination any reference in the said subsections to the estimated difference shall be deemed to be a reference to the value of such land and the provisions of the said subsection (6) shall apply as if such determination related to the payment of compensation,

en vir die doeleindes van sodanige nuwe vasstelling of vasstelling word die tydperk beoog by subartikel (5) (a) van genoemde artikel soos aldus gewysig, geag te begin het op die datum waarop sodanige kennis gegee word.

(6) (a) Enige bedrag vasgestel ten gevolge van 'n nuwe vasstelling beoog by subartikel (5) (i) word vir alle doeleindes geag die bedrag te wees wat verskuldig is deur die munisipaliteit, afdelingsraad, dorpsbestuur of plaaslike bestuur as die vergoeding of deur die eienaar as die verhogingsheffing wat ingevolge subartikel (3) geag word verskuldig en geldig vasgestel te wees ooreenkomstig die bepalings van artikel 35 *ter* van die hoofordonnansie soos gewysig by hierdie ordonnansie, na gelang van die geval.

(b) Enige waarde vasgestel ten gevolge van 'n vasstelling beoog by subartikel (5) (ii) word —

(i) as die betrokke grond voor die doen van sodanige vasstelling oorgedra is, by sodanige doen, of

(ii) as die betrokke grond nie aldus oorgedra is nie, by die oordrag daarvan,

geag 'n bedrag te wees wat betaal is ter volle of gedeeltelike vereffening van die verhogingsheffing wat ingevolge subartikel (3) geag word verskuldig en geldig vasgestel te wees ooreenkomstig die bepalings van artikel 35 *ter* van die hoofordonnansie soos gewysig by hierdie ordonnansie.

(c) 'n Behoorlike verrekening ten opsigte van enige bedrag wat betaal is of ingevolge paragraaf (b) geag word betaal te gewees het ten opsigte van die verhogingsheffing of vergoeding wat ingevolge subartikel (3) geag word verskuldig en geldig vasgestel te wees ooreenkomstig die bepalings van artikel 35 *ter* van die hoofordonnansie soos gewysig by hierdie ordonnansie moet gedoen word by die doen van die nuwe vasstelling of vasstelling beoog by hierdie subartikel en by die oordrag van grond beoog by paragraaf (b) (ii), na gelang van die geval.

6. Die volgende artikel word hierby in die hoofordonnansie na artikel 35 *ter* ingevoeg:—

35 *quat*. Ondanks die bepalings van artikels 35 *bis* en 45 kan die Administrateur, sonder dat daar aan die bepalings van artikels 35 *bis* en 36 tot en met 41 voldoen is, enige bepaling vir die skema van enige plaaslike owerheid voorskryf, hetsy sodanige skema opgestel word, op goedkeuring wag of goedgekeur is, as sodanige bepaling deur sodanige plaaslike owerheid opgestel is uitsluitlik met die doel om —

(a) te verseker dat sodanige skema of 'n deel daarvan of enige gedeelte van sodanige skema of deel in beide amptelike tale sal wees, of

(b) die gewigte en mate genoem in sodanige skema of deel daarvan of enige gedeelte van sodanige skema of deel tot die metrieke stelsel om te reken,

en sodanige bepaling word vir alle doeleindes geag by sodanige skema of deel ingelyf te wees met ingang van die datum waarop sodanige skema of deel deur sodanige plaaslike owerheid opgestel is of, in die geval van 'n bepaling wat ingelyf is by sodanige skema of deel nadat sodanige skema of deel deur sodanige plaaslike owerheid opgestel is, die datum waarop sodanige laasgenoemde bepaling aldus ingelyf is.”.

7. Artikel 36 (2) van die Dorpsbesturen Ordonnantie, 1921, word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:—

“(e) dat —

(i) enige verhogingsheffing wat verskuldig is of geag word verskuldig te wees ingevolge artikel 35 *ter* (1) van die Ordonnansie op Dorpe, 1934 (Ordonnansie 33 van 1934), en wat geheel en al of gedeeltelik betaalbaar is voor die oordrag beoog by subartikel (1), aldus betaal is;

(ii) enige grond wat onderworpe is of geag word onderworpe te wees aan 'n lasgewing uitgereik ingevolge artikel 35 *ter* (9) van genoemde ordonnansie, aan die Bestuur oorgedra is, of

(iii) sekuriteit vir die betaling van sodanige heffing of die oordrag van enige grond beoog by subparagraaf (ii) ten genoë van die Bestuur aan hom verstrekk is.”.

Invoeging van artikel 35 *quat* in Ord. 33 van 1934.

“Voorskryf van bepalings vir sekere doeleindes.

Wysiging van artikel 36 van Ord. 10 van 1921, soos vervang by artikel 5 van Ord. 25 van 1969 en gewysig by artikel 2 van Ord. 13 van 1971.

and for the purposes of such fresh determination or determination the period contemplated by subsection (5) (a) of the said section as so amended shall be deemed to have commenced on the date on which such notice is given.

(6) (a) Any amount determined in consequence of a fresh determination contemplated by subsection (5) (i) shall for all purposes be deemed to be the amount due by the municipality, divisional council, village management board or local board as the compensation or by the owner as the enhancement levy deemed, in terms of subsection (3), to be due and validly determined in accordance with the provisions of section 35 *ter* of the principal ordinance as amended by this ordinance, as the case may be.

(b) Any value determined in consequence of a determination contemplated by subsection (5) (ii) shall —

(i) if the land concerned was transferred prior to the making of such determination, upon such making, or

(ii) if the land concerned was not so transferred, upon the transfer thereof,

be deemed to be an amount paid in full or partial settlement of the enhancement levy deemed, in terms of subsection (3), to be due and validly determined in accordance with the provisions of section 35 *ter* of the principal ordinance as amended by this ordinance.

(c) A due adjustment in respect of any amount paid or deemed in terms of paragraph (b) to have been paid in respect of the enhancement levy or compensation deemed, in terms of subsection (3), to be due and validly determined in accordance with the provisions of section 35 *ter* of the principal ordinance as amended by this ordinance shall be made upon the making of the fresh determination or determination contemplated by this subsection and upon the transfer of land contemplated by paragraph (b) (ii), as the case may be.

6. The following section is hereby inserted in the principal ordinance after section 35 *ter*:—

35 *quat*. Notwithstanding the provisions of sections 35 *bis* and 45, the Administrator may, without the provisions of sections 35 *bis* and 36 to and including 41 having been complied with, prescribe any provision for the scheme of any local authority, whether such scheme is in the course of preparation, awaiting approval or has been approved, if such provision has been prepared by such local authority solely for the purpose of —

(a) ensuring that such scheme or part thereof or any portion of such scheme or part will be in both official languages, or

(b) converting weights and measures referred to in such scheme or part thereof or any portion of such scheme or part to the metric system,

and such provision shall for all purposes be deemed to have been incorporated in such scheme or part with effect from the date upon which such scheme or part was prepared by such local authority or, in the case of a provision which was incorporated in such scheme or part after such scheme or part was prepared by such local authority, the date on which such last-mentioned provision was so incorporated.”

7. Section 36 (2) of the Village Management Boards Ordinance, 1921, is hereby amended by the substitution for paragraph (e) of the following paragraph:—

“(e) that —

(i) any enhancement levy which is or is deemed to be due in terms of section 35 *ter* (1) of the Townships Ordinance, 1934 (Ordinance 33 of 1934), and which is wholly or partly payable before the transfer contemplated by subsection (1) has been so paid;

(ii) any land which is or is deemed to be subject to a direction issued in terms of section 35 *ter* (9) of the said ordinance has been transferred to the Board, or

(iii) security for the payment of such levy or the transfer of any land contemplated by subparagraph (ii) has been furnished to the Board to its satisfaction.”

Insertion of section 35 *quat* in Ord. 33 of 1934.

“Prescribing of provisions for certain purposes.

Amendment of section 36 of Ord. 10 of 1921, as substituted by section 5 of Ord. 25 of 1969 and amended by section 2 of Ord. 13 of 1971.

Wysiging van artikel 31 van Ord. 11 van 1921, soos vervang by artikel 6 van Ord. 25 van 1969 en gewysig by artikel 3 van Ord. 13 van 1971.

8. Artikel 31 (2) van die Plaatselike Besturen Ordonnantie, 1921, word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:—

“(e) dat —

(i) enige verhogingsheffing wat verskuldig is of geag word verskuldig te wees ingevolge artikel 35 *ter* (1) van die Ordonnansie op Dorpe, 1934 (Ordonnansie 33 van 1934), en wat geheel en al of gedeeltelik betaalbaar is voor die oordrag beoog by subartikel (1), aldus betaal is;

(ii) enige grond wat onderworpe is of geag word onderworpe te wees aan 'n lasgewing uitgereik ingevolge artikel 35 *ter* (9) van genoemde ordonnansie, aan die Bestuur oorgedra is, of

(iii) sekuriteit vir die betaling van sodanige heffing of die oordrag van enige grond beoog by subparagraaf (ii) ten genoeë van die Bestuur aan hom verstrekk is.”.

Wysiging van artikel 108 van Ord. 19 van 1951, soos gewysig by artikel 3 van Ord. 15 van 1961, artikel 12 van Ord. 24 van 1966, artikel 7 van Ord. 25 van 1969 en artikel 4 van Ord. 13 van 1971.

9. Artikel 108 (2) van die Munisipale Ordonnansie, 1951, word hierby gewysig deur paragraaf (e) deur die volgende paragraaf te vervang:—

“(e) dat —

(i) enige verhogingsheffing wat verskuldig is of geag word verskuldig te wees ingevolge artikel 35 *ter* (1) van die Ordonnansie op Dorpe, 1934 (Ordonnansie 33 van 1934), en wat geheel en al of gedeeltelik betaalbaar is voor die oordrag beoog by subartikel (1), aldus betaal is;

(ii) enige grond wat onderworpe is of geag word onderworpe te wees aan 'n lasgewing uitgereik ingevolge artikel 35 *ter* (9) van genoemde ordonnansie, aan die raad oorgedra is, of

(iii) sekuriteit vir die betaling van sodanige heffing of die oordrag van enige grond beoog by subparagraaf (ii) ten genoeë van die raad aan hom verstrekk is.”.

Wysiging van artikel 100 van Ord. 15 van 1952, soos gewysig by artikel 3 van Ord. 4 van 1953, artikel 9 van Ord. 28 van 1966, artikel 8 van Ord. 25 van 1969 en artikel 5 van Ord. 13 van 1971.

10. Artikel 100 (2) van die Ordonnansie op Afdelingsrade, 1952, word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te vervang:—

“(d) dat —

(i) enige verhogingsheffing wat verskuldig is of geag word verskuldig te wees ingevolge artikel 35 *ter* (1) van die Ordonnansie op Dorpe, 1934 (Ordonnansie 33 van 1934), en wat geheel en al of gedeeltelik betaalbaar is voor die oordrag beoog by subartikel (1), aldus betaal is;

(ii) enige grond wat onderworpe is of geag word onderworpe te wees aan 'n lasgewing uitgereik ingevolge artikel 35 *ter* (9) van genoemde ordonnansie, aan die raad oorgedra is, of

(iii) sekuriteit vir die betaling van sodanige heffing of die oordrag van enige grond beoog by subparagraaf (ii) ten genoeë van die raad aan hom verstrekk is.”.

Kort titel.

11. Hierdie ordonnansie heet die Wysigingsordonnansie op Dorpe, 1973.

8. Section 31 (2) of the Local Boards Ordinance, 1921, is hereby amended by the substitution for paragraph (e) of the following paragraph:—

Amendment of section 31 of Ord. 11 of 1921, as substituted by section 6 of Ord. 25 of 1969 and amended by section 3 of Ord. 13 of 1971.

“(e) that —

- (i) any enhancement levy which is or is deemed to be due in terms of section 35 *ter* (1) of the Townships Ordinance, 1934 (Ordinance 33 of 1934), and which is wholly or partly payable before the transfer contemplated by subsection (1) has been so paid;
- (ii) any land which is or is deemed to be subject to a direction issued in terms of section 35 *ter* (9) of the said ordinance has been transferred to the Board, or
- (iii) security for the payment of such levy or the transfer of any land contemplated by subparagraph (ii) has been furnished to the Board to its satisfaction.”.

9. Section 108 (2) of the Municipal Ordinance, 1951, is hereby amended by the substitution for paragraph (e) of the following paragraph:—

Amendment of section 108 of Ord. 19 of 1951, as amended by section 3 of Ord. 15 of 1961, section 12 of Ord. 24 of 1966, section 7 of Ord. 25 of 1969 and section 4 of Ord. 13 of 1971.

“(e) that —

- (i) any enhancement levy which is or is deemed to be due in terms of section 35 *ter* (1) of the Townships Ordinance, 1934 (Ordinance 33 of 1934), and which is wholly or partly payable before the transfer contemplated by subsection (1) has been so paid;
- (ii) any land which is or is deemed to be subject to a direction issued in terms of section 35 *ter* (9) of the said ordinance has been transferred to the council, or
- (iii) security for the payment of such levy or the transfer of any land contemplated by subparagraph (ii) has been furnished to the council to its satisfaction.”.

10. Section 100 (2) of the Divisional Councils Ordinance, 1952, is hereby amended by the substitution for paragraph (d) of the following paragraph:—

Amendment of section 100 of Ord. 15 of 1952, as amended by section 3 of Ord. 4 of 1953, section 9 of Ord. 28 of 1966, section 8 of Ord. 25 of 1969 and section 5 of Ord. 13 of 1971.

“(d) that —

- (i) any enhancement levy which is or is deemed to be due in terms of section 35 *ter* (1) of the Townships Ordinance, 1934 (Ordinance 33 of 1934), and which is wholly or partly payable before the transfer contemplated by subsection (1) has been so paid;
- (ii) any land which is or is deemed to be subject to a direction issued in terms of section 35 *ter* (9) of the said ordinance has been transferred to the Council, or
- (iii) security for the payment of such levy or the transfer of any land contemplated by subparagraph (ii) has been furnished to the council to its satisfaction.”.

11. This ordinance shall be called the Townships Amendment Ordinance, 1973.

Short title.

ANNEXURE D

REGULATIONS PROMULGATED BY THE ADMINISTRATOR IN TERMS OF SECTION 60 OF THE TOWNSHIPS ORDINANCE (P/N = PROVINCIAL NOTICE)

1. P/N.460 of 30th September, 1937 (Annexure N) contains regulations prescribing the form in which a town planning scheme shall be prepared and submitted and the occasions when and the manner in which the public shall be consulted during the preparation of a town planning scheme.
2. P/N.153 of 13th February, 1953, amends 1 above by adding a proviso at the end of subsection (3) of regulation 7 to the effect that no amendment to a provisional town planning scheme shall be made without the Administrator's consent first being obtained in terms of section 57 of the Ordinance.
3. P/N.317 of 9th May, 1958, amends 1 above by adding a new regulation 15 requiring all applications for drive-in cinemas to be submitted to the Administrator for approval.
4. P/N.742 of 30th October, 1959, promulgates a new regulation stating that notwithstanding any other provisions, no land shall be used for the purposes of a fish meal factory without the prior consent of the Administrator who may impose such conditions as he may deem fit.
5. P/N.976 of 23rd September, 1966, as amended by P/N.685 of 1st September, 1967, promulgates regulations laying down fees payable in respect of certain town planning applications and appeals to the Administrator, fees and charges payable to the local authority, exemptions and stipulates that the Administrator requisite fee is paid.
6. P/N.623 of 14th August, 1970, repeals P/N.383 of 1958, and freshly defines words and expressions that may be used when approving a minor subdivision, township or subdivided estate, permits preliminary applications (for need and desirability) and prescribes the form of applications and fees.
7. P/N.871 of 19th Oct, 1973, repeals P/N.520 of 1971 and stipulates amended and metricated regulations relating to Public

ANNEXURE E

LOCAL AUTHORITIES (MUNICIPALITIES UNLESS OTHERWISE INDICATED)
AUTHORISED IN TERMS OF CHAPTER 4 OF ORDINANCE 33 OF
1934 TO PREPARE TOWN PLANNING SCHEMES:

- (0) Denotes scheme in operation
(1) Denotes scheme being prepared
(2) Denotes no action to plan yet known
(3) Denotes intention to prepare scheme not yet advertised

Alicedale	(0)	East London Division	
Aliwal North (portion)	(0)	(portion)	(0)
Barkley West	(0)	Elliot	(3)
Beaufort West	(1)	Fish Hoek	(0)
Bedford	(2)	Fraserburg	(0)
Bellville	(0)	George	(0)
Beacon Bay (V.M.B.)	(0)	George (D.C.)(portion)	(1)
Blanco (Local Board)	(2)	Gonubie Mouth	(0)
Bredasdorp D.C. (only Arniston area)	(0)	Goodwood	(0)
Berlin (V.M.B.)	(0)	Gordons Bay	(0)
Calvinia	(2)	Graaff Reinet	(0)
Caledon (D.C.)	(1)	Grabouw	(0)
Cape (D.C.)	(0)	Grahamstown	(0)
Cape Town Municipality	(0)	Hartswater	(1)
Ceres	(0)	Heidelberg	(3)
Citrusdal	(0)	Hermanus	(0)
Craddock	(0)	Hofmeyr	(3)
Cookhouse	(0)	Hopefield	(0)
Colesberg	(3)	Hopetown	(2)
Danielskuil	(1)	Humansdorp	(2)
De Aar	(0)	Jeffrey's Bay	(0)
De Doorns	(2)	Kakamas	(3)
Despatch	(0)	Kenhardt (D.C.)	(1)
Douglas	(0)	Kimberley	(0)
Durbanville	(1)	King William's Town	(0)
East London	(0)	Kleinmond	(1)
		Knysna Municipality	(0)

Kokstad	(0)	Prieska	(2)
Komga	(3)	Queenstown	(0)
Kraaifontein	(0)	Riversdal	(2)
Kuilsrivier	(0)	Robertson	(0)
Langebaan (V.M.B.)	(1)	Saldanha	(0)
Mafeking	(0)	Simonstown	(1)
Malmesbury	(0)	Somerset West	(0)
Malmesbury (D.C.)	(3)	Springbok	(2)
Marydale	(0)	Steynsburg	(1)
Middelburg	(0)	Stellenbosch Municipality	(0)
Milnerton	(0)	Stellenbosch (D.C.)	(1)
Montagu	(0)	Stilbaai	(1)
Moorreesburg	(2)	Strand	(0)
Mossel Bay	(0)	Stutterheim	(3)
Oudtshoorn	(0)	Swellendam	(0)
Oudtshoorn (D.C.) (portion)	(1)	St Helenabaai (V.M.B.)	(2)
Paarl Municipality	(0)	Sedgefield (V.M.B.)	(1)
Parow	(0)	Touws River	(3)
Patensie (V.M.B.)	(0)	Uitenhage	(0)
Petrusville	(0)	Umtata	(0)
Pinelands	(1)	Upington	(0)
Plettenberg Bay	(0)	Venterstad	(2)
Port Alfred	(1)	Vredenburg	(0)
Port Elizabeth	(0)	Vredendal	(0)
Port Elizabeth (D.C.)	(1)	Vryburg	(0)
Port St John's	(1)	Wellington	(0)
Postmasburg	(1)	Worcester	(0)

Joint Town Planning Schemes

- A. Mossel Bay Municipality and Divisional Council and Groot Brak Local Board.
- B. Paarl Municipality and Divisional Council, Wellington Municipality, Kraaifontein Municipality and Franschhoek Municipality.

- C. Algoa Bay Metro Planning Committee (Members: All local authorities in the Port Elizabeth Divisional Council area and most in the Uitenhage Divisional Council area).
- D. Cape Joint Town Planning Scheme (Members: All local authorities in the Cape Divisional Council area and most in the Stellenbosch Divisional Council area).
- E. Knysna Municipality, Plettenberg Bay Municipality and Knysna Divisional Council.
- F. East London Municipality and Divisional Council and Gonubie Mouth Municipality.
- G. George Municipality and Divisional Council, Knysna Municipality and Divisional Council and Sedgefield V.M.B. (Lakes area).

[460.]

[1937.]

Office of the Administrator,
Cape Town, 30th September, 1937.

THE Administrator has been pleased, in terms of Section 60 of Ordinance No. 33 of 1934, to make the subjoined regulations prescribing the form in which a town planning scheme shall be prepared and submitted and the occasions when and the manner in which the public shall be consulted during the preparation of a town planning scheme.

F. VOIGT,
Provincial Secretary.

TOWNSHIPS ORDINANCE, 1934 (No. 33 OF 1934).

(Regulations framed under Section 60 thereof, relating to
Town Planning Schemes.)

Interpretation.

1. The "Ordinance" means the Townships Ordinance, 1934 (No. 33 of 1934), and any amendments thereof and any expression defined in and for the purposes of that Ordinance shall when used in these regulations bear the same meaning as is assigned to it in that Ordinance except where otherwise specially provided.

Joint Schemes.

2. The provisions of these regulations shall, with the necessary modifications, apply to joint schemes proposed in terms of section *thirty-three* of the Ordinance.

Civic Survey Map: Map No. 1.

3. (1) Except as provided in sub-section 4 of this regulation every local authority required under section *twenty-nine* of the Ordinance to prepare a town planning scheme and every other local authority to which the provisions of Chapter 4 of the Ordinance have been applied under section *thirty* or *thirty-two* of the Ordinance, shall within three years from the commencement of the Ordinance or the date of such application, as the case may be, prepare a map of the local authority or portion thereof to which a scheme is to apply. Such map, or if it consists of more than one, all such maps taken together shall be known as the Civic Survey Map and be marked "Map No. 1."

(2) The Civic Survey Map shall not be drawn to a scale smaller than 1 inch equals 1,000 feet or 1:12,500 if a natural scale be used, without the special permission of the Board.

(3) Particulars in regard to conditions existing at the date of the preparation of the Civic Survey Map shall be shown as follows:—

- (a) The area to which the provisions of the scheme apply shall be that within the inner edge of the boundary line coloured distinctly on the map.
- (b) The boundaries of all townships and sub-divided estates established under Ordinance No. 13 of 1927 and the Ordinance.
- (c) The blocks of erven or lots into which the area of the Local Authority has been divided with the name or number of each street or road therein.

- (d) The farms and their sub-divisions with their registered designations.
 - (e) The position of all streets and public places vested in the local authority under the provisions of the Ordinances governing such Local Authority.
 - (f) The routes of tramways, railways and main traffic roads.
 - (g) The position of any sea front, river, watercourse, dam or lake showing in relation thereto all jetties or landing stages.
 - (h) The position of all bridges and drifts.
 - (i) The hill features and the positions of all conspicuous peaks, hill tops, ridges, "neks," natural drainage channels, other important landmarks and all other features which may affect the town planning scheme.
 - (j) All reserves, outspans and other open spaces with particulars as to their several purposes.
 - (k) Areas of land set apart or reserved for occupation of or use by natives.
 - (l) Areas devoted to residential, commercial, industrial and agricultural purposes. (Where such uses are intermingled the area to be denoted by the predominant use.)
 - (m) Areas provided with light, water and sewerage. (This information may be shown by different colours on a separate map or maps or in any other distinctive manner.)
 - (n) Such other information as the Local Authority may deem useful.
- (4) Any existing map or maps on which the particulars mentioned in the preceding sub-section are shown, or can be shown, may be used as the Civic Survey Map, and in such case the Local Authority shall not be required to prepare a special map for the purpose, except to add such further particulars to the existing map as may be necessary to comply with these regulations.

Map No. 2.

4. (1) (a) When Map No. 1 has been prepared as required by the preceding regulation then the Local Authority shall forthwith prepare another map and a statement setting forth in detail an explanation and description of the several proposals as shown on the map referred to in sub-section (b) hereof and containing the particulars prescribed by sub-sections (2) and (3).

(b) Such map, or if more than one map, all such maps taken together, shall constitute and be known as the Provisional Town Planning Map and shall be marked "Map No. 2," which together with the said statement, shall be known as the "Provisional Town Planning Scheme."

(2) On Map No. 2 there shall be shown all the proposals in connection with the town planning scheme and in particular those matters set forth in the Second Schedule to the Ordinance as may affect the scheme.

(3) (a) On Map No. 2 or on another similar map the contour lines of the areas in which any new works are proposed to be carried out or existing layouts are being altered if such contours are required by the Board shall be shown, such contour lines shall be at 10 feet vertical intervals except when the ground has a maximum grade of 1:50 when they shall be at 5 feet intervals.

(b) Map No. 2 shall not be drawn to a scale smaller than 1 inch equals 300 feet without the special permission of the Board. The Board may require maps of certain congested areas to be drawn to a larger scale.

Preliminary Statement.

6. (1) The Local Authority shall prepare and adopt by resolution a

preliminary statement of proposals for development (hereinafter referred to as the preliminary statement).

(2) The preliminary statement must contain the matters detailed in Regulation No. 6.

Matters to be included in the Preliminary and Final Statements.

6. The matters to be included in the preliminary statement and also in the final statement referred to in Regulation No. 8 are—

- (a) area to be included in the town planning scheme;
- (b) (i) the new streets or roads which it is proposed shall form part of the scheme with their position, and any proposed change of width of any existing streets or roads;
- (ii) building lines or spaces about buildings proposed to be prescribed;
- (c) roads or streets which it is proposed to close or divert;
- (d) areas or zones to be used exclusively or mainly for special residential, general residential, general business, special industrial, general industrial, general and industrial purposes;
- (e) restrictions proposed and the areas or zones to which the several restrictions are to apply as regards—
 - (i) the size and dimensions of erven and the desirability or otherwise of altering existing erven with a view to improvement in the design or layout of any section of the area;
 - (ii) character of buildings to be erected (e.g. whether dwelling-houses, public buildings, business premises, factories or workshops or partly one class of building and partly another);
 - (iii) density of buildings (that is number of dwelling-houses to the acre and proportion of site to be covered by buildings);
 - (iv) height of buildings. The proposed restrictions and the areas to which they are to apply should be shown by distinctive colours or hatchings on Map No. 2;
- (f) (i) Sites to be reserved for recreation grounds, children's playgrounds, squares, parks, ornamental gardens or other open spaces, parking places, aerodromes, afforestation purposes and other public purposes;
- (ii) sites reserved for Government and educational purposes;
- (iii) areas reserved for occupation by natives. The sites and areas mentioned in sub-section (f) (i), (ii) and (iii) should be shown by distinctive colours or hatchings on Map No. 2.

Advertising Provisional Town Planning Scheme.

7. (1) The Local Authority shall, before finally adopting the provisional town planning scheme, give notice in English and Afrikaans of its intention so to do by advertisement once a week for three consecutive weeks in the *Provincial Gazette* and in a newspaper circulating in the area of the Local Authority, and shall take steps by means of public posters to bring its intention to the notice of persons interested.

(2) The said notice or other public announcement shall include an intimation that the provisional town planning scheme proposed to be adopted will be open for inspection at a specified place or places, and that any objections or representations with regard to the provisional town planning scheme may be sent in writing to the Local Authority within a period of six weeks from the date of first publication of such notice.

(3) The Local Authority shall take into consideration any objections and representations in writing which it may receive within the period specified under sub-section (2) of this regulation and shall take such steps as it may think necessary to secure so far as may be possible the agreement and co-operation of persons or bodies interested in the subject matter. The Local Authority shall, within a period of six months after the expiration of the period specified in sub-section (2) or within such further time as the Administrator may determine, by resolution adopt the provisional town planning scheme with or without amendment.

Preparation of Proposed Town Planning Scheme.

8. (1) After the Local Authority has by resolution adopted the provisional town planning scheme, the scheme shall be known as the proposed town planning scheme and shall, not later than twelve months after its adoption be submitted to the Administrator, together with a final statement of the proposals contained in the scheme, which final statement shall contain the particulars detailed in Regulation No. 6.

(2) The proposed scheme shall refer to a map (hereinafter called "Map No. 3") showing by means of symbols, colours, or otherwise the area included in the scheme and illustrating such particulars and details in relation thereto as can conveniently be illustrated by reference letters, numbers, distinguishing colours or otherwise and more particularly the matters embraced in the final statement.

Documents to be submitted to the Administrator.

9. The Local Authority shall as soon as possible thereafter submit to the Administrator the following documents:—

- (1) The proposed town planning scheme comprising Map No. 3 and the final statement, both in duplicate.
- (2) A certified copy of the resolution directing that the scheme be submitted to the Administrator for approval.
- (3) A list of all laws and regulations in force in the area of the Local Authority which may be in conflict with any provisions contained in the scheme, with references thereto.
- (4) Particulars of all such objections or representations received by the Local Authority under Regulation No. 7 (2) which have not been accepted and adopted in the preparation of the proposed scheme.
- (5) Particulars of—
 - (a) proposed acquisition of land by the Local Authority, the purposes thereof and the approximate time when or conditions under which such land will be acquired;
 - (b) estimated cost of carrying out the scheme; and
 - (c) the population and rateable value of the area of the Local Authority, together with such other information as may be necessary for the consideration of the scheme.
- (6) Copies of regulations framed under the provisions of sub-section 2 (b) of section *twenty-seven* of the Ordinance.

Proposed Town Planning Scheme to be Referred to Board.

10. The proposed town planning scheme shall then be referred by the Administrator to the Board in terms of section *thirty-seven* of the Ordinance, and the Board shall forthwith proceed to carry out the duties imposed upon it under sections *thirty-seven*, *thirty-eight* and *thirty-nine* of the Ordinance.

Modification of Scheme.

11. Should the proposed scheme be modified in terms of section *thirty-nine* of the Ordinance, Map No. 3 may be used for such modification provided the amendments can be clearly indicated thereon, in which case it shall not be necessary for the Local Authority to prepare an entirely new map.

Should it not be possible clearly to show the above amendments on Map No. 3, a new map shall be prepared showing such amendments and be marked "Map No. 3, as amended."

* 12. After the requirements of the Board have been complied with the Board shall recommend to the Administrator that the proposed scheme with modifications, if any, be approved.

Approval of Proposed Town Planning Scheme by Administrator.

13. (1) The Administrator shall take into consideration any recommendations made by the Board and shall, after approval of the proposed scheme with such modifications thereof as he may deem fit, notify by proclamation in the *Provincial Gazette* that the proposed scheme has been approved and that it shall be known as the approved preliminary scheme and he shall notify the Local Authority and the Board accordingly.

(2) Copies of the plans and statement of the approved preliminary scheme proclaimed as above and signed by the Administrator shall be lodged with the Surveyor-General and the Registrar of Deeds by the Local Authority concerned. All maps so lodged shall be prepared on hand-made drawing paper or paper approved by the Chairman of the Board.

14. (1) After the approval and proclamation of the proposed scheme by the Administrator, the Local Authority shall forthwith proceed to prepare the final scheme upon maps prepared to a scale to be approved by the Board and these maps shall be prepared on hand-made drawing paper or paper approved by the Chairman of the Board.

(2) Copies of the plans of the final scheme shall be signed by the Administrator and lodged with the Surveyor-General and the Registrar of Deeds by the Local Authority concerned.

POSSIBLE EXAMPLE OF A TOWN PLANNING STATEMENT TO BE READ IN CONJUNCTION WITH THE ZONING MAP: THIS SET COULD SERVE AS A GUIDE IN THE PREPARATION OF TOWN PLANNING SCHEMES: THE SET IS AMENDED FROM TIME TO TIME, THE DATE BELOW INDICATING THE TIME OF THE LAST AMENDMENT: AFRIKAANS VERSION ALSO AVAILABLE

(File AFO/1/61 - November, 1973)

CONTENTS

Clause

1. Definitions.
2. Area of Scheme.
3. Reservation of land (Table "A" - Indication on map of uses for which land is reserved).
4. Use of reserved land.
5. Use of land and erection and use of buildings in specified use zones (Tables B.1 and B.2 - Use Zones, permitted uses and special consents).
6. Advertisement of intended application for special consent.
7. Saving for special purposes.
8. Density Control (sizes of sites, widths of abutting streets, building lines, on-site parking, coverage, bulk, height, etc.).
 - 8.1 Agricultural zone.
 - 8.2 Single residential zone.
 - 8.3 General residential zone.
 - 8.4 Business zone.
 - 8.5 Minor business zone.
 - 8.6 Light industrial and industrial zones.
 - 8.7 Undetermined zone.
9. Miscellaneous.
 - 9.1 Number of buildings per erf.
 - 9.2 External appearance of buildings.
 - 9.3 Loading and off-loading facilities.
 - 9.4 Use of outbuildings prior to completion of main building.
 - 9.5 Council's duties under scheme.
 - 9.6 Service of Documents.
 - 9.7 Approved townships.
 - 9.8 Putting courses and drive-in restaurants - special provisions.

* Indicates where latest noteworthy amendments/insertions/deletions have taken place to the previous set dated March, 1971.

THE MUNICIPALITY/DIVISIONAL COUNCIL/VILLAGE MANAGEMENT BOARD OF _____
: TOWN PLANNING STATEMENT

1. Definitions

In this scheme -

"agricultural building" means a building used or intended to be used in connection with, and which would ordinarily be incidental to, or reasonably necessary in connection with the use of the site of that building as agricultural land and includes a dwelling-house;

"basement" means that portion of a building the finished floor level of which is at least 2 m below a level halfway between the highest and lowest natural ground levels immediately contiguous to the building;

"block of flats" means a building containing two or more dwelling units;

"building" means in addition to the meaning assigned thereto in paragraphs (a) and (b) of section 1 of Ordinance No. 15 of 1952, any structure or erection whatsoever irrespective of its nature or size;

"bulk" means the total area of all floors of all buildings, which area is covered by a roof, slab or projection from any such buildings; such area shall be measured from the external surfaces of the walls of any such building but shall not in any event exceed the "maximum bulk" as herein defined; provided that for the purpose of determining the bulk of any building -

- (a) any floor area, including basement area which is to be used solely by the occupiers of residential accommodation on the site for garaging or parking purposes, and the area covered by the projection of eaves shall be excluded, but
- (b) all balconies, terraces, verandahs or stairs above the floor level of the ground floor whether or not they are covered by any roof, slab or other covering, shall be included,

"business premises" means a building used or intended to be used as shops and/or offices and includes a bank, professional chambers, doctors' surgeries, stock or produce exchange and buildings designed for similar uses, but does not include a place of assembly, an institution, public garage, industrial building or noxious industrial building;

"Council" means the Municipality/Divisional Council/Village Management Board of _____ ;

"coverage" means the total percentage area of site that may be covered by buildings, measured over the outside walls and covered by a roof or projection provided that the area covered by a maximum eaves projection of 1 m shall be excluded for the purpose of determining the maximum permissible coverage;

"drive-in restaurant" means any land or buildings used for a restaurant or cafe from which food and refreshment are served to patrons who remain seated in motor-cars parked in the vicinity of such restaurant or cafe;

"dwelling-house" means a building containing only one dwelling unit;

"dwelling unit" means a self-contained interleading group of rooms used only for the living accommodation and housing of a single family together with such outbuildings as are ordinarily used therewith;

"erection" in relation to a building includes -

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

"ground floor" means the lowest floor of a building not being a basement;

"industrial building" means a building, other than a noxious industrial building, used or intended to be used as a factory within the meaning of the Factories Act, No. 22 of 1941, and includes any office, caretaker's quarters, or other building the use of which is incidental to, and such as would ordinarily be incidental to, or reasonably necessary in connection with the use of such factory on the same site;

"institutional building" means a building or portion of a building used or intended to be used as a charitable institution and/or the administration thereof, and includes a hospital, clinic or dispensary, whether private or public used in connection therewith, but does not include -

- (a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;
- (b) premises licensed under Act No. 38 of 1916 for the detention of mentally disordered persons, or
- (c) a mental hospital;

"land" includes land covered with water and any right in or over land. Any reference to land is limited to land in the area of the Municipality/Divisional Council/Village Management Board of ;

"lateral boundary" of a site or an erf means a boundary other than a street boundary or a rear boundary;

"light industrial building" means an industrial building in which the only power-driven machinery is driven by electricity, no single motor being rated at more than 4 kw with a total maximum of 23 kw for all motors per site;

"licensed hotel" means a building designed to comply with the requirements of a hotel as laid down in the Liquor Act No. 30 of 1928, as amended, and includes premises for off-sales of liquor;

"map" means the map or plan indicating the town planning provisions in force at the time;

"maximum bulk" means the factor prescribed in these regulations for a specified zone multiplied by the nett area of the site, or by the nett area of that portion of the site, which falls within the zone to which such factor applies; provided that where a site falls within two or more zones to which different factors apply the maximum bulk for the whole site shall be the total of the maximum bulk for each portion of such site as falls within the zone concerned;

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

"noxious industrial building" means a building used or intended to be used for the purpose of carrying on an offensive trade such as set out in Government Notice No. 1606 of 1934, with any additions made thereto, in terms of Public Health Act No. 36 of 1919, and any amendments thereto;

"occupier" in relation to any building, structure or land means and includes any person in actual occupation of, or legally entitled to occupy such building, structure or land, or any person having the charge or management thereof and includes the agent of any person absent from the area or whose whereabouts is unknown;

"outbuilding" means a subsidiary and single storeyed structure used or intended to be used for the housing of servants, the garaging of motor vehicles and for storage purposes, ordinarily and reasonably required in conjunction with the main structure;

"place of assembly" means -

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

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

"place of public worship" means a church, synagogue, chapel or other place of public devotion, and includes any building incidental thereto but excludes funeral parlours, including any chapel forming part thereof;

"private open space" means any land reserved in this scheme for use as a private ground for sports, play, rest and recreation or as an ornamental garden or pleasure ground;

"public garage" means a trade or business in respect of which a licence is required in terms of Item 27 of the First Schedule to the Registration and Licensing of Businesses Ordinance (No. 15 of 1953, as amended), and shall include the trade or business of fuelling motor vehicles for payment or reward;

"public place" or "public open space" means any land used or reserved in this scheme for use by the public as an open space, park, garden, playground, recreation ground, or square;

"putting course" means any land or buildings used for an outdoor miniature golf course;

"rear boundary" of a site or erf means every boundary thereof (other than a street boundary), which is parallel to, or is within 45° of being parallel to every street boundary of such site or erf, and which does not intersect a street boundary;

*"resident" - in relation to any building, structure or land means and includes any person habitually physically residing in or upon such building, structure or land;

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

"shop" means a building -

- (a) for the purpose of carrying on a retail trade, or
- (b) for the purpose of carrying on a retail trade and repairing or manufacturing goods sold in such trade, provided such repair or manufacture does not constitute a factory within the meaning of the Factories Act No. 22 of 1941,

and includes a laundrette and a dry cleanette but does not include any other industrial building or a public garage;

"site" means the area of the erf less any land required for road purposes;

"street" shall have the meaning assigned thereto by section 2 of Ordinance No. 19 of 1951;

"street boundary" means the boundary of an erf or site which forms the boundary of a street, provided that where a portion of an erf or site is reserved in terms of the town planning scheme or any other law

for use as a new street or a street widening, the street boundary is the boundary of such proposed new street or proposed street widening;

"warehouse" means a building for the storage of goods and the trans= action of wholesale business related to such goods, and

"zone" means a portion of the area shown on the map in a distinctive manner for the purpose of indicating the restrictions imposed by this scheme on the erection and use of buildings and the use of land.

2. Area of Scheme

2.1 The area to which this scheme applies shall be the Municipality/ Divisional Council/Village Management Board of

3. Reservation of Land for Government, Local Authority and Public Purposes

3.1 The land specified by colour on the zoning map in column (1) of Table "A" is reserved for use for the respective purposes indicated in column (2) of Table "A" and except as hereinafter provided, shall not be used for any other purpose whatsoever.

3.2 Table "A"

	(1) Indication on map of land <u>reserved</u>	(2) Uses for which land <u>is reserved</u>
3.2.1	Dark red.	New streets and proposed street widening.
3.2.2	Hatched dark red.	Street closures - use of land to be determined after closure.
3.2.3	Dark green.	Public place or public open space.
3.2.4	Yellow green.	Private open space.
3.2.5	Light yellow green with "CEM" superimposed.	Cemetery purposes.
3.2.6	Red brown with "LA" superimposed.	Local authority purposes.
3.2.7	Red.	Government purposes.
3.2.8	Light blue with "E" superimposed.	Educational purposes.
3.2.9	Blue purple.	Railway purposes.
3.2.10	Light brown with "P" superimposed.	Public parking purposes.
3.2.11	Light brown.	Existing streets.

4. Use of Reserved Land

4.1 Save with the consent of the Council and the Administrator no person shall erect a building, or execute works, or make excavations on land reserved under clause 3 hereof other than buildings, works, or excavations required for or incidental to the purpose for which the land is reserved, provided that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's Regulations in so far as they are not in conflict herewith.

4.2 Save as provided in subclause 4.1 no person shall spoil or waste land reserved under clause 3 hereof so as to destroy or impair its use for the purpose for which it is reserved, provided that the Council may consent to the deposit on such land of waste materials or refuse.

4.3 In giving its consent under this clause the Council may impose such conditions as it thinks fit.

4.4 Subject to the provisions of any other law, nothing in this clause shall be construed as prohibiting the reasonable fencing of the land.

4.5 Any buildings erected on land reserved under Table "A" shall comply in all respects with the provisions of the scheme relating to that type of building.

5. Use of Land in specified use zones

5.1 The land specified by colour on the zoning map in column (1) of Table B.1 is use-zoned for the respective purposes indicated in column (2) of Table B.1 and shall not be used for any other purpose whatsoever.

5.2 Table B.1

	(1) <u>Indication on zoning map of land use-zoned</u>	(2) <u>Use Zones</u>
5.2.1	Light green.	Agricultural.
5.2.2	Yellow.	Single residential.
5.2.3	Orange.	General residential.
5.2.4	Blue.	Business.
5.2.5	Blue with black hatching.	Minor Business.
5.2.6	Purple with black hatching.	Light industrial.
5.2.7	Purple.	Industrial.
5.2.8	Blank (uncoloured).	Undetermined.

5.3 Erection and Use of Buildings in specified use zones

5.3.1 The purpose for which buildings may be erected or used or may be erected and/or used only with the special consent of the Council, in each of the Use Zones specified in Table "B.2" are shown in columns (2) and (3) of that Table, respectively. Any use not reflected in columns (2) and (3) may not be permitted in the relative zone. No land shall be used for a purpose for which a building may not be erected or used on such land, provided that where a building may be erected and used for a particular purpose on land with the special consent of the Council, such land may be used for such purpose with such special consent.

5.4 Table "B.2"

	(1) <u>Use Zone</u>	(2) <u>Purposes for which buildings may be erected and used</u>	(3) <u>Purposes for which buildings may be erected and used only with the special consent of the Council</u>
5.4.1	Agricultural.	Agricultural buildings subject to only one dwelling per erf.	Putting courses.
5.4.2	Single residential.	Dwelling-houses, places of instruction.	Place of public worship.

	(1)	(2)	(3)
	<u>Use Zone</u>	<u>Purposes for which buildings may be erected and used</u>	<u>Purposes for which buildings may be erected and used only with the special consent of the Council</u>
5.4.3	General residential.	Blocks of flats, places of instruction, hotels and residential buildings neither of which conduct off-sales establishments.	Place of public worship, institutional buildings.
5.4.4	Business.	Blocks of flats and residential buildings above ground floor, business premises, licensed hotels, places of assembly.	Public garages, places of instruction, putting courses and drive-in restaurants.
5.4.5	Minor business.	Blocks of flats above the ground floor, shops, dwelling-houses.	Putting courses and drive-in restaurants.
5.4.6	Light industrial.	Warehouses.	Light industrial buildings, public garages, putting courses and drive-in restaurants.
5.4.7	Industrial.	Industrial buildings, warehouses, public garages.	Putting courses and drive-in restaurants.
5.4.8	Undetermined.	Existing uses only.	

5.5 Imposed Conditions

Where permission to erect any building or execute any works or to use any building or land for any particular purpose or to do any other act or thing, is granted under this scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

5.6 Application for special consent

Subject to the provisions of clause 6 hereof where any application is made to the Council for its consent to the erection and use of a building in a zone in which a building of the type proposed may be erected and used only with the Council's special consent; the Council may give or withhold its consent and shall in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building. In considering such applications regard shall be given to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood including in the case of an industrial building, injury due to the emission of smoke or fumes, or dust, noise or smell.

5.7 Compliance with regulations

Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's Regulations.

6. Advertisement of intended application for special consent

6.1 Any person intending to make application to the Council for its consent to the erection and use of a building or to the use of land in clauses 5.4.2, 5.4.3 and 5.4.4 whether wholly or partially for any purpose requiring the Council's special consent, shall before making such application, publish at his own expense once a week for two consecutive weeks, in English and Afrikaans newspapers circulating in each case in the area, a notice of his intention to make such application, and shall post and maintain conspicuously for fourteen (14) days such notice on some part of the building or land, and shall with such application, lodge with the Council proof of such publication and posting. The notice shall state that any person having any objections to the erection and use of the proposed building or to the proposed use of the land may lodge such objection with the Council and also with the applicant in writing within fourteen (14) days after the date of the last advertisement, and shall further state where the plans, if any, may be inspected.

6.2 The Council shall take into consideration any objections received within the said period of fourteen (14) days and shall notify the applicant and the persons, if any, from whom objections were received of its decision.

6.3 Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in Ordinance No. 19 of 1951, as amended.

7. Saving for Special Purposes

Without prejudice to any powers of the Council derived from any other law, nothing in this scheme shall be construed as prohibiting or restricting the following or enabling the Council to prohibit or restrict the following:-

- 7.1 The letting, subject to the Council's Regulations relating to lodging and boarding-houses, by any occupier of a dwelling-house, of any part of the house otherwise than as a tenement.
- 7.2 The occasional use of a place of public worship, place of instruction or institution as a place of amusement or social hall.
- *7.3 The use by any resident of a dwelling-house, flat or residential building or of any portion thereof as medical doctors or a dentist's surgery, consulting and waiting rooms, as well as a veterinary's consulting room for the purpose of treating only domestic animals (household pets), provided the resident himself is the user.
- *7.4 The use of part of a dwelling-house, flat or residential building by a resident therein for the conduct by himself of a profession or occupation, provided that -
- 7.4.1 such dwelling-house, flat or residential building or any portion thereof shall not be used as a shop, business premises, industrial building or noxious industrial building;
- 7.4.2 no goods shall be publicly displayed;
- 7.4.3 no advertising sign or notice shall be displayed other than an unilluminated sign or notice, not projecting over a street and not exceeding 1 858 cm² in area, indicating only the name and profession or occupation of the resident;
- 7.4.4 no activities shall be carried on which are or are likely to be a source of nuisance, disturbance or annoyance to residents of other dwelling-houses, flats or residential buildings or portions thereof.

8. Density Control

The following restrictions shall apply in the relative zones:-

8.1 Agricultural Zone

No building or any portion thereof except boundary walls or fences may be erected in this zone nearer than 33 m from any boundary of the site.

8.2 Single Residential Zone

8.2.1 Dwelling-houses

8.2.1.1 Building Lines

No building or any portion thereof except boundary walls and fences shall be erected on a site nearer than -

8.2.1.1.1 4,50 m to any street boundary;

*8.2.1.1.2 3 m to the lateral boundaries and the rear boundary.

*8.2.1.2 Relaxations of Building Lines

Notwithstanding these building lines but subject to the consent of the affected adjoining owners first being obtained in writing, the Council may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling-house, provided that the Council shall ensure that -

8.2.1.2.1 a means of access at least 1 m wide other than through a building shall be provided from a street to every unbuilt upon portion of the site of a dwelling other than a courtyard within a building;

8.2.1.2.2 no windows are inserted in any wall of a dwelling which is less than 1,5 m away from any lateral and/or rear boundaries;

*8.2.1.3 Outbuildings

Notwithstanding these building lines but subject to the Council's consent, an outbuilding used solely for the housing of motor vehicles may be erected within such side and rear spaces and any other outbuilding may be erected within the rear space and side space for a distance of 11 m measured from the rear boundary of the site or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11 m restriction can be relaxed by the Council after the adjoining or affected owners' consent has been obtained in writing and subject further to the street building line being complied with, and

8.2.1.4 an outbuilding in terms of subparagraph 8.2.1.3 may only be erected nearer to a lateral or rear boundary of a site than the distance laid down for dwelling-houses, if no windows or doors are inserted in any wall facing such boundary.

8.2.2 Places of Instruction, Places of Public Worship

Except for boundary walls and fences no building erected or used for these purposes may be nearer than 10 m from any boundary of the site.

8.2.3 Places of Public Worship

The requirements in respect of minimum on-site parking prescribed for places of assembly in the business zone shall be complied with.

8.2.4 Maximum coverage for all buildings in this zone shall be 50%.

8.3 General Residential Zone

The restrictions applying to flats, licensed hotels, residential and institutional buildings in this zone shall be -

	<u>Blocks of flats</u>	<u>Licensed hotels</u>	<u>Other residential and institutional buildings</u>
8.3.1 <u>Minimum size of site...</u>	1 000 m ²	4 000 m ²	2 000 m ²
8.3.2 <u>Maximum coverage.....</u>	25%	25%	25%
8.3.3 <u>Maximum bulk.....</u>	.75	.75	.75

8.3.4 Spaces about buildings:-

8.3.4.1 No building or structure, except boundary walls and fences, shall be erected nearer than 8 m from any street boundary (vide definition of "street boundary") of the site or the new street boundary provided for in clause 8.3.7.2, whichever is the more restrictive on the site or erf.

8.3.4.2 Lateral Space: } 4,5 m or ½ the height of the building, whichever
 8.3.4.3 Rear Space: } is the greater.

*8.3.4.4 Outbuildings

Outbuildings with the consent of the Council may be erected in the lateral and rear spaces for a distance of 11 m reckoned from the rear boundary, or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11 m restriction can be relaxed by the Council after the adjoining or affected owners' consent has been obtained in writing and subject further to the street building line being complied with.

8.3.4.5 An outbuilding may only be erected nearer to any lateral or rear boundary of a site than the distance laid down for the main building if no windows or doors are inserted in any wall facing such boundary.

8.3.5 Height

No building in this zone shall exceed a height of (suggest 3) storeys.

8.3.6 Parking

The requirements in respect of minimum on-site parking prescribed for flats and residential buildings in the business zone shall be complied with in all respects.

8.3.7 Street widths

No building may be erected in this zone on any site unless -

8.3.7.1 the site abuts a street of at least 12,5 m in width which street shall be connected by a street or streets of not less than 12,5 m in width to a street of greater width, and

8.3.7.2

all street boundary walls or fences of the site are erected at a distance of not less than 8 m from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary is made up as part of such street. The portion(s) of the site falling within 8 m of the centre line of the abutting street(s) shall be excluded for the purpose of determining the coverage and bulk on the remainder of the site, provided, however, that if the owner transfers the said portion(s) of the site to the Council free of compensation, such portion(s) may be included for the purpose of determining the permissible bulk on the remainder of the site. The Council shall pay the cost of survey and transfer.

8.3.8

Other Buildings

The provisions prescribed for places of instruction and public worship in the single residential zone, including the provision of on-site parking, shall apply to such buildings in this zone.

8.4 Business Zone8.4.1 Coverage

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

<u>Purpose</u>	<u>Coverage</u>
Blocks of flats and residential buildings above the ground floor.....	50%
Licensed hotels.....	80%
Business premises.....	80%
Public garages.....	80%
Places of assembly.....	80%
Places of instruction.....	80%

*8.4.2 Maximum Bulk

No building in this zone shall exceed a bulk factor of 1,80 of which not more than 1,00 may be utilized for residential accommodation above the ground floor.

8.4.3 Building Lines8.4.3.1 Street Boundaries

8.4.3.1.1 Subject to the provisions of section 146 of Ordinance No. 15 of 1952, as amended, business premises and flats above the ground floor may be erected on the street boundary (vide definition of "street boundary").

8.4.3.1.2 All other buildings shall be set back 4,5 m from the street boundary.

8.4.3.2 Lateral Boundaries

8.4.3.2.1 Buildings on the ground floor may be erected on the lateral boundary of an erf (but see 8.4.3.4.2).

8.4.3.2.2 Buildings above the ground floor may be erected on the lateral boundary of an erf for a maximum distance of 12,5 m measured from the street boundary or the street building line, whichever applies in terms of subparagraph 8.4.3.1 and thereafter shall be set back 4,5 m or $\frac{1}{2}$ the height of the building, whichever is the greater, from the lateral boundary (but see 8.4.3.4.2).

8.4.3.3 Rear Boundaries

8.4.3.3.1 Buildings on the ground floor may be erected on the rear boundary of an erf (but see 8.4.3.4.2).

8.4.3.3.2 Buildings above the ground floor shall not be erected nearer than 4,5 m or $\frac{1}{2}$ height of the building, whichever is the greater, from the rear boundary of an erf.

8.4.3.4 Further Restrictions

8.4.3.4.1 A building or portion of a building may only be erected on the lateral or rear boundary of a property if no windows, doors or ventilation openings are inserted in any wall on such boundary.

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

8.4.4 Basements

Subject to the provisions of section 146 of Ordinance No. 15 of 1952, as amended, the building line provisions need not be complied with in so far as basements are concerned.

8.4.5 Projections

In this zone projections, excluding advertising signs approved by the Council in accordance with the provisions of any other laws, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5 m of the pavement edge, provided no portion of any projection shall be less than 3 m above the pavement and there shall be no access from the building to the canopy.

8.4.6 Provisions for On-Site Parking (For loading and off-loading facilities see clause 9.3).

8.4.6.1 In this zone minimum provision shall be made on the site to the Council's satisfaction for parking and garaging at all times or as it may please the Council of vehicles of the owner and the general public, on the following basis:-

8.4.6.1.1 Business Premises (Including Shops)

30 m² for every 60 m² of the gross floor area of that portion of the building devoted to these uses.

8.4.6.1.2 Blocks of Flats and Residential Buildings

One parking bay for each dwelling unit (flat) or in the case of hotels, boarding houses and residential buildings, each 2 bedrooms, plus an additional twenty bays in the case of a licensed hotel. Of the parking bays so prescribed, one bay for every four dwelling units or every five bedrooms in the case of hotels, boarding houses and residential buildings and the 20 additional parking bays prescribed for a licensed hotel shall be provided uncovered on the site and clearly demarcated and suitably sign-posted to the Council's satisfaction for the use by visitors to the premises.

8.4.6.1.3 Places of Assembly

A minimum area shall be provided on the basis of one parking bay for every twenty seats provided in the building subject to a minimum of 15 parking bays for each funeral parlour.

8.4.6.2 Further parking and site access requirements

- 8.4.6.2.1 No parking area in the case of the general residential zones to which these provisions also apply by virtue of clause 8.3.6 shall be laid out within 4,5 m of a street boundary (vide definition of street boundary).
- 8.4.6.2.2 The vehicular access/exit ways to the site shall be restricted to not more than one each per site per street abutting the site, provided that in the case of public garages the provisions of clause 8.4.9 shall apply.
- 8.4.6.2.3 The vehicular access/exit ways to the site shall be restricted to a maximum width of 6 m where they cross the street boundary, provided that in the case of public garages the provisions of clause 8.4.9 shall apply.
- 8.4.6.2.4 No vehicular crossing over the pavement shall be located nearer than 5 m to any street corner (i.e. the point of intersection of two street boundaries) provided that in the case of public garages, the provisions of clause 8.4.9 shall apply where more restrictive than the provisions of this subclause.
- 8.4.6.2.5 Such parking areas shall be properly constructed to the satisfaction of the Council.
- 8.4.6.2.6 Such parking areas shall be used exclusively for the parking or standing of vehicles lawfully coming thereon and shall not be used for trading purposes or any other purpose.
- 8.4.6.2.7 The manner in which it is intended that vehicles shall park or stand on such parking areas and the means of gaining access and exit shall be shown on a plan to be submitted to the Council which may approve, disapprove or impose such conditions as it may deem fit. The Council may impose more restrictive requirements than those of subclause 8.4.6.2 if considered necessary from any traffic point of view.

8.4.6.3 Parking Alternatives

- 8.4.6.3.1 As an alternative to the provisions of paragraph 8.4.6.1.1, the owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on the site, acquire the prescribed area of land for the parking facilities elsewhere in a position approved by the Council provided he registers a notarial deed against such land to the effect that the Council and the public shall have a free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude to be borne by the Council.
- 8.4.6.3.2 As an alternative to 8.4.6.3.1, the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the ratable valuation per square metre of the land on which the building is erected, multiplied by the area of the land which is required to be provided in terms of paragraph 8.4.6.1.1, in which event the Council shall itself acquire the necessary land for such parking purposes.

8.4.7 Places of Assembly

Where a building or portion of a building is to be used as a place of assembly, there shall be provided for such place of assembly a foyer with a minimum area of 0,25 m² per seat for one quarter of the total seating capacity and a minimum frontage of 1 m for each 100 seats in the building licensed by the Council.

8.4.8 Non-conforming Premises

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

8.4.9 Public Garages

The provisions of the Standard Regulations relating to Public Garages promulgated under P.N.520 dated 28 May 1971, as amended from time to time, shall apply.

8.4.10 Combined Buildings

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

8.4.11 Blocks of Flats and Residential Buildings

Flats and residential buildings, other than licensed hotels in this zone may only be erected above the ground floor.

8.4.12 Dry Cleanettes and Laundrettes

Dry cleanettes and laundrettes may be established in this zone provided that they comply with the following provisions:-

- 8.4.12.1 The floor area of the shop for receiving and returning clothes, the workshop and the space used for the clothes-racks together shall not exceed 275 m².
- 8.4.12.2 The minimum distance between the boundaries of any two dry cleanettes or laundrettes, unless situated on opposite sides of a street shall be 60 m.
- 8.4.12.3 Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water.
- 8.4.12.4 The solution used in the cleaning process shall be non-inflammable.
- 8.4.12.5 The combined capacity of the dry cleaning machines that may be installed shall not exceed 20 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.
- 8.4.12.6 The combined capacity of the washing machines that may be installed shall not exceed 27 kg dry weight of clothing or other articles per washing operation.
- 8.4.12.7 In any establishment comprising either a dry cleanette or a laundrette or a combination of both, the maximum personnel shall be 12.
- 8.4.12.8 Each individual application for the establishment of a laundrette or a dry cleanette in this zone shall be submitted to the Council for its special consent and the Council shall be furnished with full information as to the maximum and minimum capacities of the machines to be operated, the number of employees and floor space to be occupied.
- 8.4.12.9 If the Council is of the opinion that the site of a proposed-dry cleanette or laundrette is unsuitable on the grounds of possible nuisance, danger to public health, etc., it shall submit the application, together with its view and recommendations and the reasons therefor to the Administrator whose decision shall be final.

8.4.13 Funeral Parlours with Chapels

The following additional provisions shall apply:-

- 8.4.13.1 For the purpose of these provisions, "intersection" and "traffic island" shall have the meanings assigned thereto in P.N.520 of 28 May 1971, referred to in clause 8.4.9 relating to public garages.
- 8.4.13.2 No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 12,5 m in width.
- 8.4.13.3 No funeral parlour with a chapel shall be permitted nearer than 100 m from -
- 8.4.13.3.1 the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of section 146 of the Divisional Council's Ordinance, 1952 (Ordinance No. 15 of 1952) apply with any other street of like status;
- 8.4.13.3.2 any road whether existing or provided for in the town planning scheme, and
- 8.4.13.3.3 any intersection where traffic is controlled, or is proposed to be controlled in terms of the town planning scheme, by a traffic island.

8.5 Minor Business Zone

The restrictions applying to shops and flats in the business zone and dwelling-houses in the single residential zone shall apply in this zone, provided -

8.5.1 no erf shall form the site of both a dwelling-house and a flat, and

8.5.2 not more than one floor of business premises and one floor of flats shall be erected on a site in this zone.

8.6 Light Industrial and Industrial Zones

8.6.1 The maximum coverage in this zone shall be 75%.

*8.6.2 Loading and Unloading

For the purpose of loading and unloading vehicles there shall be provided on the site a bay or bays to the Council's satisfaction, in accordance with Table "C" hereunder.

8.6.2.1 Table "C"

<u>Gross floor area of building (to the nearest m²)</u>	<u>Required loading and unloading area</u>
0 - 2 500 m ²	1 bay
2 501 m ² - 5 000 m ²	2 bays
5 001 m ² - 10 000 m ²	3 "
Every additional 10 000 m ² or portion thereof	1 additional bay

8.6.2.2 Such bay or bays shall have vehicular access (which shall be to the satisfaction of the Council and shall not be less than 5 m wide and, if carried through a building, not less than 3 m in height) to a street.

*8.6.3 Parking

For the purpose of on-site parking, the Council, in the case of each light industry or industry established, shall apply one of the following requirements that in the Council's opinion would relate best to the particular light industry or industry being established:-

8.6.3.1 Number of parking bays to be provided on the site, based on the gross floor area of the building.

8.6.3.1.1 1 Bay for every 100 m² of floor area up to 1 500 m².

8.6.3.1.2 1 Bay for every 200 m² of floor area in excess of 1 500 m².

8.6.3.1.3 25% of the bays in 8.6.3.1.2 shall be set aside and sign-posted for use by visitors.

8.6.3.2 Number of parking bays to be provided on the site based on the total number of estimated employees (Bantu excluded), in terms of the Factories Act No. 22 of 1941, as amended.

- | | | |
|-----------|--|---|
| 8.6.3.2.1 | Up to 25 employees | - 1 Bay for every 4 persons or part thereof. |
| 8.6.3.2.2 | Thereafter, for the next 25 persons | - 1 Bay for every 5 persons or part thereof. |
| 8.6.3.2.3 | Thereafter, for the next 50 persons | - 1 Bay for every 10 persons or part thereof. |
| 8.6.3.2.4 | Thereafter, for any further number of persons employed | - 1 Bay for every 25 persons or part thereof. |

8.6.4 Street widths and building lines

- 8.6.4.1 All street boundary walls or fences of the site shall be erected at a distance of not less than 8 m from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary shall be made up as part of such street. The portion(s) of the site falling within 8 m of the centre line of the abutting street(s) shall be excluded for the purpose of determining the coverage on the remainder of the site, provided, however, that if the owner transfers the said portion(s) of the site to the Council free of compensation such portion(s) may be included for the purpose of determining the coverage on the remainder of the site. The Council shall pay the cost of survey and transfer.
- 8.6.4.2 No building or any portion thereof, except boundary walls and fences, shall be erected nearer than 3 m from any street boundary of the site (vide definition of "street boundary") or the new street boundary in the preceding subclause 8.6.4.1, whichever is the more restrictive on the site.
- 8.6.4.3 Where the boundary of a site forms the common boundary between this zone and any residential or business zone, the relevant building lines applicable in such residential or business zone shall apply on both sides of such common boundary.

8.6.5 Height

No building in the light industrial zone shall exceed a height of (suggest 2) storeys.

8.7 Undetermined Zone

In this zone no person shall erect a building or alter, add to or extend an existing building nor shall he use any existing building or land for a purpose for which, or in a manner in which, it was not used on the day of _____, without the consent of the Council and the Administrator.

9. Miscellaneous

9.1 Number of Buildings per Erf

Except in the case of places of instruction no erf shall form the site of more than one building together with such outbuildings as are permitted under the scheme.

9.2 External Appearance of Buildings

Any person intending to erect any building shall furnish the Council for its consideration if it so requires (in addition to any plans and particulars required to be submitted under any of the Council's regulations) with drawings or other sufficient indication of the external appearance of the proposed building, including such description of the materials to be used for that purpose. The drawings shall be upon suitable and durable material to a scale of not less than 1:100 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.

9.3 Loading and Off-Loading Facilities

9.3.1 Except in the light industrial and industrial zones for the purpose of preventing obstruction of traffic on any street or proposed street on which the proposed building would front or abut the Council may require the owner to submit for its approval proposals for securing, to the satisfaction of the Council, suitable and sufficient accommodation within the site for any loading, unloading, or fuelling of vehicles which are likely to be habitually involved in connection with the use of the building.

9.3.2 No owner or occupier of the building in respect of which proposals under this clause have been required shall undertake or knowingly permit the habitual loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

9.4 Use of Outbuildings Prior to Completion of Main Building

No outbuildings may be used for any purpose other than that for which the plans have been approved by the Council and no such outbuilding may be used until the main buildings are completed or occupied.

9.5 Council's duties under this scheme.

9.5.1 The Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, consents, authorities or permissions granted by it, or on appeal from its decision under any provisions of this scheme, and of any conditions imposed or agreed between the Council or approved or imposed by the Administrator or refusals by the Council or the Administrator and the applicant in connection therewith.

9.5.2 The Council shall permit any person to inspect at any reasonable time the scheme and map deposited in the offices of the Council, provided that any information given in regard to the scheme to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Council.

9.6 Service of Documents

The provisions of section 260 of Ordinance No. 19 of 1951, as amended, shall mutatis mutandis apply to this scheme.

9.7 Approved Townships









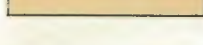
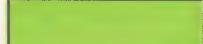


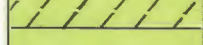
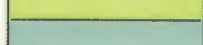
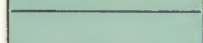
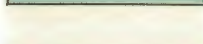
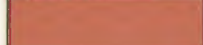

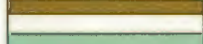

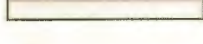



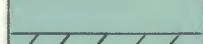

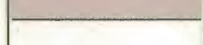
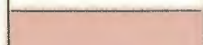
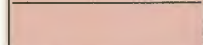


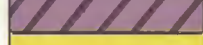
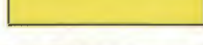
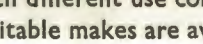
9.7.1 Notwithstanding the foregoing provisions, the conditions relating to use, maximum coverage and height and building lines imposed by the Administrator in the approval of townships, shall apply in so far as such conditions are more restrictive than the provisions of the town planning scheme.

9.7.2 The layout plan of a township approved by the Administrator subsequent to the coming into operation of these provisions, shall form part of the town planning scheme and the map shall be amended accordingly.

- 9.8 Putting Courses and Drive-In Restaurants: Special Provisions
- 9.8.1 No putting course or drive-in restaurant shall be established or operated except in accordance with the provisions of this clause.
- 9.8.2 No putting course or drive-in restaurant and the necessary parking area shall be permitted on a site abutting a road of less than 12,5 m in width. No vehicular entrance/exit for these undertakings shall be nearer than 100 m from an intersection as defined in P.N.520/1971 referred to in clause 8.4.9, where two proclaimed roads meet or where traffic is controlled by robots or traffic islands.
- 9.8.3 Provision shall be made on the site of every putting course for a parking area on the basis of 3 parking bays to every 2 holes in a putting course, provided that where a putting course is adjacent to a drive-in restaurant and the parking areas for the two undertakings are not clearly separated, 50 parking bays must be provided for the drive-in restaurant in addition to the parking facilities prescribed for the putting course. The provisions of clause 8.4.6.2 shall be applicable, mutatis mutandis, to any parking area required in terms of this clause.
- 9.8.4 The boundary of a putting course shall be set back at least 3 m from the statutory boundary of any street abutting the course to provide suitable standing room for spectators off the street and pavement.
- 9.8.5 Sanitary facilities shall be provided on the site of every putting course and drive-in restaurant to an extent prescribed by the Medical Officer of Health and shall be located in positions approved by the Council.
- 9.8.6 Where the Council deems it necessary in the interests of amenity, the site of every putting course and/or drive-in restaurant shall be screened and landscaped in a manner prescribed by the Council.
- 9.8.7 A putting course shall not be operated later than such closing hour as the Council may prescribe.
- 9.8.8 Any buildings or structures erected on the site of a putting course and/or a drive-in restaurant shall fully comply with the provisions stipulated in the town planning scheme for the zone in which the site is located.
- 9.8.9 Any public address or sound system at a putt-putt course and/or a drive-in restaurant shall at all times be operated in such a manner that the Council is satisfied that no nuisance whatsoever is caused to the occupants of nearby properties.
- 9.8.10 In addition to the advertising of the proposed establishment of a putting course and/or a drive-in restaurant for the purpose of the Council's special consent, the notice of surrounding owners shall be drawn in writing to the aforesaid advertisement.

**TOWN PLANNING AND LAND USE SURVEY
STANDARD COLOUR NOTATION**

ANNEXURE H.

Use	T.P. Scheme and Land Use Symbols	Pencil No. (Faber)		Town Planning Ink
Divisional Council Boundary	(broken line)	BLACK		BLACK
Local Boundary	(dash dot line)	BLACK		BLACK
Scheme Boundary (outside of line)	(wide line)	451		BLUE 2
Township Boundary	(thin line)	451		BLUE 2
National and Special Roads	NR and SR	421		RED 1
Prov. Main, Trunk & Divisional Roads	MR TR and DR	480		BROWN 1.2
Other Roads		487		BROWN 1.3
New Roads and Road Widening		426		RED 2
Roads to be Closed	(hatched)	426		RED 2
Parking Areas	(Private) PR (Public) PP	487		BROWN 1.3
Private Open Space	Golf Course, Sports Fields, Show Grounds etc.	463		YELLOW GREEN 1
Public Open Space	P O S	464		GREEN 2
Agriculture	(Border only) A	467		GREEN BROWN 2.2
Cemetery	(Black hatch)	470		YELLOW GREEN 1.2
Sewage Disposal Works	S W	470		YELLOW GREEN 1.2
Waterworks	W W	447		BLUE 2.2
Rivers, Watercourses, Dams, etc.		447		BLUE 2.2
Local Authority purposes	(Divisional Council) D C	491		RED BROWN 1.1
Government (Central & Prov.)	(Hospital) H (Police) P (Post Office) PO (Gaol) G	421		RED 1.1
Commonage	(Border only)	476		YELLOW BROWN 3
Education	(Secondary) SS (Primary) PS (Hostel) Host. (Nursery) NS	457		BLUE 1.1
Railway	(Border only)	437		BLUE PURPLE 1.2
Single Residential	(Institutional) INS	407		YELLOW 1.1
Semi-detached Dwelling		409		YELLOW 2.1
General Residential	(Graded Hotel) GH (Flats) F (Hotel) H (Boarding) BH (Motel) M (Cinema) C	415		ORANGE 1
Special Business		443		BLUE 2.2
Business	(Black hatch) (Cinema) C	443		BLUE 2.2
Commercial		436		BLUE PURPLE 1.2
Filling Station	F S	Base colour for zone		Base colour for zone
Garages	G	434		RED PURPLE 1.2
Warehouses and Stores	S	434		RED PURPLE 1.2
Light Industry		434		RED PURPLE 1.2
General Industry		434 (Dark)		RED PURPLE 1
Special Industry	(Black hatch)	434		RED PURPLE 1
Public Assembly	(Worship) W (Hall) H	407		YELLOW 1.1

Note: 1. On land use surveys, where an erf is used for more than one purpose, hatch with different use colours.
2. Pencil numbers given are Goldfaber numbers for easy reference though other suitable makes are available.
3. In the case of township application plans, erven intended for single residential use should be outlined only.

TOWNSHIPS IN LARGE URBAN AND PERI-URBAN AREAS: ENDOWMENTS AND SERVICES

ENDOWMENTS

POTENTIAL NUMBER OF ERVEN	LOCAL AUTHORITY	PERI-URBAN AND AREAS INCORPORATED IN URBAN AREAS LESS THAN 6 YEARS	EDUCATION	OPEN SPACE
11 - 14	Nil.	In all cases in a peri-urban area, an additional 5% cash endowment on the sale price of each erf is payable to the local authority.	A 5% cash endowment on the sale price of each erf or if the Education Department so desires, a land endowment. (In large townships a 3,4 hectare primary school site is required per + 600 residential units and a 8,5 hectare high school site per + 1 500 residential units.) This endowment is not, of course, applicable to industrial townships.	All cases 10% land endowment, except in very small townships where a 7½% cash endowment on the sale price of each erf may be preferred by the Townships Board. <u>Notes:</u> (1) Unusable or inferior land is not acceptable. (2) In industrial townships only 5% is required as a land endowment.
15 - 20	4% cash endowment on sale price of each erf.	In cases of a township recently incorporated in an urban area this 5% endowment is also payable if township approval is granted during the first year of incorporation, but it is reduced by 1% for each completed year of incorporation to NIL if approval is granted in the sixth year of incorporation. The above reduction will only be granted if the land has been valued and rated since incorporation as urban and <u>not farm</u> land.		
21 - 25	5% -do-			
26 - 30	6% -do-			
31 - 50	7% -do-			
Over 50	2% of the saleable erven as a land endowment for amenity sites, plus 5% cash endowment on sale price of each erf.			

SERVICES

The above tariff of endowment is coupled to the provision of services on the following basis:-

Streets and Stormwater:

No erf except reserved erven shall be sold, transferred or built upon until -

- (a) the streets which provide access to such erf have been constructed to the satisfaction of the local authority to final permanent surfaced standards with a full stormwater drainage system to plans and specifications approved by the local authority, and
- (b) such streets in the township as the local authority may direct have been sign-posted at intersections to the satisfaction of the local authority.

Sewerage, Water and Electricity:

No erf except reserved erven shall be sold, transferred or built upon until the township owner has entered into an agreement with the local authority regarding the provision of sewerage, water and electricity to the erven in the township, and the local authority has certified that these services are available to such erf, provided that if the aforesaid agreement stipulates that these services will be installed at the cost of the local authority, it shall also provide that the township owner shall guarantee the local authority against losses incurred by it on the provision of such services.

- Notes:
- (1) In any instance where a promotor undertakes additional financial commitments on the installation of sewerage, water or electricity over and above what is required in terms of the above condition, a reduction of cash endowment to the local authority will be considered on merit. The 2% land endowment for townships larger than 50 erven will not, however, be waived. Where a reduction is desired, financial details must be submitted to the Administration via the local authority.
 - (2) This entire schedule of endowments and services applies solely to the large areas of urban and peri-urban development, and does not apply to any other areas. The tariff for such other areas is set out on the reverse side of this schedule.
 - (3) It should be clearly noted that this schedule is merely a guide, and that in any township where special circumstances exist, the Administration reserves the right to depart from these standard tariffs, etc.

TOWNSHIPS IN "PLATTELAND" AREAS: ENDOWMENTS

DECEMBER, 1972
(in force as from
this date)

POTENTIAL NUMBER OF ERVEN	LOCAL AUTHORITY ENDOWMENT	PERI-URBAN AND AREAS INCORPORATED IN URBAN AREAS LESS THAN 6 YEARS	EDUCATION	OPEN SPACE
11 - 14	NIL	In all cases in a peri-urban area, an additional 5% cash endowment on the sale price of each erf is payable to the local authority.	A 5% cash endowment on the sale price of each erf or if the Education Department so desires, a land endowment. (In large townships a 3,4 hectare primary school site is required per ± 500 residential units and a 8,5 hectare high school site per ± 1 500 residential units.)	All cases 10% land endowment, except in very small townships where a 7½% cash endowment on the sale price of each erf may be preferred by the Townships Board.
15 - 20	5% cash endowment on the sale price of each erf			
21 - 25	6½% -do-	In cases of a township recently incorporated in an urban area this 5% endowment is also payable if township approval is granted during the first year of incorporation, but it is reduced by 1% for each completed year of incorporation to NIL if approval is granted in the sixth year of incorporation.		
26 - 30	8% -do-			
31 - 50	12½% -do-			
Over 50	(7½% -do- (+ 5% of the saleable plots as land endowment. (The 7½% is increased to 10% in townships, which cannot be incorporated in the area of an urban authority in the foreseeable future, and also in the case of a township established in a local area or to be incorporated in a local area.)	The above reduction will only be granted if the land has been valued and rated since incorporation as urban and <u>not farm</u> land.	This endowment is not, of course, applicable to industrial townships.	Notes: (1) Unusable or inferior land is not acceptable. (2) In industrial townships only 5% is required as a land endowment.
	(Note: The above tariff and the tariff mentioned in the third column does not apply to outlying rural townships where a 17½% cash endowment and 5% of the saleable erven as a land endowment are taken throughout.)			

- General Notes:
- (1) The above tariffs are to be regarded as a guide and do not bind the Administrator in respect of special cases where he may consider more stringent endowments to be justified.
 - (2) Where a promoter is prepared to install services of a standard appreciably higher than the minima laid down in the standard township conditions, so that the financial burden to the local authority is considerably reduced, the Administration is prepared to consider a reduction of the local authority endowment. The Administration is, however, not in favour of a higher standard of services in outlying rural areas.
 - (3) When proposals, in terms of (2) above are considered, the Administration will always insist on a minimum land endowment of 2% being retained and in the case of outlying areas the cash endowment will also not be waived completely.

TABLE 1 Population in Western Cape (1970 Census)

Economic Region	Area/Magisterial Districts	Population			
		White	Coloured and Asian	African	Total
01	Peninsula	377 870	608 960	107 877	1 094 707
	Cape	121 165	110 749	6 234	238 148
	Simonstown	20 663	10 646	686	31 995
	Wynberg	129 543	328 334	97 732	555 609
	Bellville	107 134	160 486	3 225	270 845
04	South-Western Cape	27 456	73 206	6 420	107 082
	Hopefield	2 165	4 599	242	7 006
	Malmesbury	11 956	37 271	2 910	52 137
	Piketberg	8 262	19 802	1 045	29 109
	Vredenburg	5 073	11 534	2 223	18 830
05	Boland	111 423	253 619	47 799	412 841
	Ceres	4 180	23 339	1 905	29 424
	Montagu	3 586	10 069	2 030	15 685
	Paarl	19 919	53 055	9 757	82 737
	Robertson	5 753	17 149	2 270	25 172
	Somerset West	9 543	15 433	3 485	28 467
	Stellenbosch	24 954	42 750	7 988	75 692
	Strand	12 683	12 820	1 834	27 337
	Tulbagh	3 197	13 740	2 834	19 775
	Wellington	7 554	15 455	1 608	24 617
	Worcester	20 054	49 809	15 088	83 951
01, 04, 05	Sub-Total	516 749	935 785	162 096	1 614 630
	Rest of the area west of Eiselen Line	198 960	563 058	140 240	902 258
	Total Cape Province (excluding homelands)	1 102 367	1 773 163	1 360 172	4 235 702
	Republic	3 751 328	2 018 453	15 057 952	21 448 169
			620 436 As.		

Source: Population Census, May 6, 1970, Report 02-05-01.

TABLE 2 Population in the Western Cape 1951-1970

Group	Year	Economic Regions			Total
		01	04	05	
White	1951	266 715	25 030	82 100	373 845
	1960	305 155	26 429	93 463	425 047
	1970	377 870	27 456	111 423	516 749
Coloured	1951	305 361	42 190	144 400	491 951
	1960	426 856	55 692	184 261	665 853
	1970	608 960	73 206	253 619	935 785
African	1951	59 937	5 090	30 950	95 977
	1960	75 200	8 142	39 731	122 979
	1970	107 877	6 420	47 799	162 096
Total	1951	632 013	72 310	257 450	961 773
	1960	807 211	90 263	317 455	1 212 916
	1970	1 094 707	107 082	412 841	1 614 630

Source: Census Reports

TABLE 3 Population Growth Rate in Western Cape
(Average percentage per annum)

Group	Economic Regions						Total	
	01		04		05		1950/60	1960/70
	1950/60	1960/70	1950/60	1960/70	1950/60	1960/70		
%	%	%	%	%	%	%	%	
White	1,6	2,4	0,6	0,4	1,5	1,9	1,5	2,1
Coloured	4,4	4,3	3,6	3,1	3,0	3,8	3,9	4,1
African	2,8	4,3	6,7	-2,7	3,2	2,0	3,1	3,2
Total	3,1	3,6	2,8	1,9	2,6	3,0	2,9	3,3

Source: Based on data in Table 2.

TABLE 4 Racial Composition of the Population

Economic Region	Year	White	Coloured and Asian	African
		%	%	%
01	1951	42,2	48,3	9,5
	1960	37,8	52,9	9,3
	1970	34,5	55,6	9,8
	1980	32,7	57,0	10,3
	1990	30,9	58,5	10,5
04	1951	34,6	58,3	7,0
	1960	29,3	61,7	9,0
	1970	25,6	68,4	6,0
	1980	20,4	72,6	7,0
	1990	15,8	74,0	10,1
05	1951	31,9	56,1	12,0
	1960	29,4	58,0	12,5
	1970	26,9	61,4	11,6
	1980	24,7	63,7	11,6
	1990	23,9	64,4	11,4
Total	1951	38,9	51,2	10,0
	1960	35,0	54,9	10,1
	1970	32,0	57,9	10,0
	1980	29,5	60,3	10,2
	1990	27,0	62,3	10,7

Source: 1951 to 1970 ratios based on data in Table 2.
1980 and 1990 ratios based on extrapolations in Table 5.

TABLE 5 Population Extrapolation 1970-1990¹

Groups	Year	Economic Region			Total
		01	04	05	
White	1970	380 000	27 000	110 000	517 000
	1980	456 000 (2,0%)	47 000 (7,4%)	128 000 (1,7%)	631 000 (2,2%)
	1990	538 000 (1,8%)	72 000 (5,3%)	150 000 (1,7%)	760 000 (2,0%)
Coloured and Asian	1970	609 000	73 000	254 000	936 000
	1980	795 000 (3,1%)	167 000 (12,8%)	330 000 (3,0%)	1 292 000 (3,8%)
	1990	1 018 000 (2,8%)	336 000 (10,1%)	403 000 (2,5%)	1 757 000 (3,6%)
African	1970	108 000	6 000	48 000	162 000
	1980	143 000 (3,2%)	16 000 (16,7%)	60 000 (2,5%)	219 000 (3,5%)
	1990	183 000 (2,8%)	46 000 (18,8%)	73 000 (2,2%)	302 000 (3,8%)
Total	1970	1 090 000	106 000	412 000	1 615 000
	1980	1 394 000 (2,7%)	230 000 (11,7%)	518 000 (2,6%)	2 142 000 (3,2%)
	1990	1 739 000 (2,5%)	454 000 (9,7%)	626 000 (2,1%)	2 819 000 (3,2%)

¹Based on adjusted past growth trends and assumptions about development in the SVL area.
Average annual growth rates for the decades in brackets.

TABLE 6 Actual and Projected Total Labour Force in Western Cape and Sectoral Share in Employment (1960-1990)

		1960	1970	1980	1990
Agriculture, mining and fishing		64 933	69 340	68 100	69 516
	%	12,9	10,6	7,9	6,1
Manufacturing		110 110	172 870	241 825	325 360
	%	22,0	26,3	28,0	28,7
Construction and electricity		33 142	57 280	95 455	106 436
	%	6,6	8,7	11,0	9,4
Financial services		78 474	125 090	175 180	264 160
	%	15,6	19,0	20,3	23,3
Transportation		31 557	44 920	56 130	73 900
	%	6,3	6,8	6,5	6,5
Services		125 933	150 870	186 790	249 404
	%	25,2	23,0	21,6	22,0
Unemployed and unspecified		56 290	36 514	37 950	45 005
	%	11,3	5,6	4,4	4,0
Economically active population		500 439	656 884	862 880	1 133 781
	%	100,0	100,0	100,0	100,0

Source: 1960 and 1970 data from Census Reports.
1980 and 1990 projections calculated on the basis of Table 5 and assumed changes.

TABLE 8 Regional Product of the Western Cape

	Economic Sectors					Total
	Agriculture	Manufacturing Construction	Transportation Communication	Finance Commerce	Services	
Regional product (R '000) (Value added) 1960						
Sub-region 01	7 140	144 693	62 579	118 605	133 161	466 178
05	37 168	41 946	9 098	14 824	30 729	133 765
04	18 037	7 124	1 927	3 510	6 272	36 870
Total (1960)	62 345	193 763	73 604	136 939	170 162	636 813
Regional Product (1970)	89 000	516 000	133 000	304 000	395 000	1 437 000
Regional Product as % of GDP of South Africa						
1960	10,3	14,9	14,5	11,9	24,0	12,9
1970	8,6	14,7	12,4	10,6	22,0	12,5
Regional employment as % of national employment						
1960	3,8	14,9	15,6	15,1	10,1	8,7
1970	3,1	15,1	13,3	13,8	9,6	8,2

Source: 1960 data from census information as summarised in Bureau of Market Research, Regional Indices for Marketing Purposes, Research Report 20, 1969.
1970 figure for regional product estimated. Employment ratio calculated from census data.

TABLE 9 Urbanisation in the Western Cape 1960-1970
(% of population in urban areas)

Sub-Region		White	Coloured	African
01	1960	100	100	100
	1970	100	100	100
05	1960	75,3	52,0	53,0
	1970	76,8	54,5	—
04	1960	56,6	41,9	30,0
	1970	66,2	51,0	—

Source: Census Reports

P.T.O. For Tables 7.1 to 7.4

Abbreviations used in these Tables

01	Cape Town Region
05	Boland Region
04	South Western Cape Region
A	Agriculture, Mining and Fishing
M	Manufacturing
C	Construction and Electricity
F	Financial Services
T	Transportation
S	Services
U	Unemployment and Unspecified
EA	Economically Active

TABLE 7.1 Sectoral Distribution of the Labour Force 1960-1990 (Whites)

Economic Sector	Economic Regions											
	01				05				04			
	1960	1970	1980	1990	1960	1970	1980	1990	1960	1970	1980	1990
A	1 930	2 230	2 500	2 616	5 323	4 780	4 400	4 200	3 181	2 720	3 000	3 200
%	1,5	1,4	1,3	1,2	17,6	12,8	10,3	8,4	36,8	29,2	15,0	10,8
M	25 372	29 670	36 595	39 240	6 340	6 920	7 500	7 980	826	1 230	4 800	6 980
%	20,3	18,6	19,6	18,0	21,0	18,6	17,5	15,9	9,6	13,2	24,0	23,6
C	5 664	6 980	9 325	10 246	1 473	1 530	1 630	1 820	441	290	2 200	2 000
%	4,5	4,4	5,0	4,7	4,9	4,1	3,8	3,6	5,1	3,1	11,0	6,8
F	37 233	55 990	63 410	80 660	6 354	10 130	13 300	17 100	1 555	2 040	4 500	7 700
%	29,8	35,1	34,0	37,0	21,0	27,2	31,0	34,0	18,0	21,9	22,5	26,1
T	14 575	20 330	22 380	24 000	2 537	3 590	3 950	4 800	595	910	1 400	2 100
%	11,7	12,7	12,0	11,0	8,3	9,6	9,2	9,6	6,9	9,8	7,0	7,1
S	34 025	41 320	38 390	56 878	7 377	9 760	11 450	13 600	1 809	1 940	4 000	7 230
%	27,3	25,9	26,0	26,1	24,4	26,2	26,7	27,1	20,9	20,8	20,0	24,5
U	6 045	3 000	3 800	4 360	815	500	650	750	231	200	200	295
%	4,8	1,9	2,0	2,0	2,7	1,3	1,5	1,5	2,7	2,1	1,0	1,0
EA	124 844	159 520	186 500	218 000	30 219	37 210	42 880	50 250	8 638	9 330	20 000	29 500
% of Population	40,9	42,2	40,9	40,5	32,3	33,4	33,5	33,5	32,7	34,0	42,6	41,0

Source: See footnote to Table 6.

TABLE 7.2 Sectoral Distribution of the Labour Force 1960-1990 (Coloureds)

Economic Sector	Economic Region											
	01				05				04			
	1960	1970	1980	1990	1960	1970	1980	1990	1960	1970	1980	1990
A	5 905	5 370	4 500	4 500	26 064	30 130	23 500	18 000	9 197	8 860	9 500	10 000
%	3,6	2,3	1,5	1,2	36,4	31,7	18,7	11,8	45,8	35,1	15,8	8,0
B	44 830	84 010	106 680	133 140	10 379	17 270	29 950	45 070	1 175	3 020	17 000	41 250
%	27,1	36,3	35,3	34,0	14,5	18,2	23,9	29,5	5,9	12,0	28,3	33,0
C	11 955	25 770	40 000	43 120	3 932	8 900	15 500	16 000	1 159	1 810	10 000	13 750
%	7,2	11,1	13,2	11,0	5,5	9,4	12,4	10,5	5,8	7,2	16,7	11,0
F	18 943	37 950	60 420	98 000	4 492	7 820	17 000	27 000	1 192	2 060	5 500	20 000
%	11,4	16,4	20,0	25,0	6,3	8,2	13,6	17,6	5,9	8,2	9,2	16,0
G	8 023	10 870	14 000	17 000	1 466	2 630	4 600	6 300	344	740	3 000	7 500
%	4,8	4,7	4,6	4,3	2,0	2,8	3,7	4,1	1,7	2,9	5,0	6,0
S	43 757	54 870	66 500	86 240	17 603	19 580	26 350	32 130	5 258	5 950	11 000	26 000
%	26,4	23,7	22,0	22,0	24,6	20,6	21,0	21,0	26,2	23,6	18,3	20,8
U	32 209	12 544	10 000	10 000	7 654	8 670	8 500	8 500	1 741	2 800	4 000	6 500
%	19,4	5,4	3,3	2,6	10,7	9,1	6,8	5,6	8,7	11,1	6,7	5,2
Total	165 622	231 404	302 100	392 000	71 590	95 000	125 400	153 000	20 066	25 240	60 020	125 000
% of Population	38,8	38,0	38,0	38,5	38,9	37,5	38,0	38,0	36,0	34,4	36,0	37,2

Source: See footnote to Table 6.

TABLE 7.3 Present and Projected Total Labour Force in the Western Cape 1960-1990 (All Races)

Economic Sector	Economic Regions											
	01				05				04			
	1960	1970	1980	1990	1960	1970	1980	1990	1960	1970	1980	1990
A	11 799	12 350	13 700	14 116	37 905	42 910	38 900	37 200	15 229	14 080	15 500	18 200
M	80 447	130 930	165 575	197 580	25 915	35 690	50 450	68 050	3 748	6 250	25 800	59 730
C	22 726	41 250	59 825	65 366	7 883	13 430	20 930	21 820	2 533	2 600	14 700	19 250
F	62 013	100 940	131 830	186 660	12 002	19 950	32 850	47 300	4 459	4 200	10 500	30 200
T	25 972	36 200	41 380	50 000	4 567	7 020	9 550	12 300	1 018	1 700	5 200	11 600
S	90 138	109 940	129 090	161 144	28 085	32 540	41 700	51 530	7 710	8 390	16 000	36 730
U	42 916	21 794	21 400	23 160	11 219	11 670	12 150	13 050	2 155	3 050	4 400	8 795
EA Population	336 011	453 424	564 600	698 000	127 576	163 210	206 280	250 250	35 400	41 270	92 000	184 500

Source: See footnote to Table 6.

TABLE 7.4 Projected Labour Force Increase in the Western Cape 1960-1990

Economic Sector	1960-70	% p.a.	1970-80	% p.a.	1980-90	% p.a.
A	4 407	0,7	-1 240	-0,2	1 416	0,2
M	62 760	5,7	68 955	4,0	83 535	3,5
C	24 138	7,3	38 175	6,7	10 981	1,2
F	46 616	5,9	50 090	4,0	88 980	5,1
T	13 363	4,2	11 210	2,5	17 770	3,2
S	24 937	2,0	35 920	2,4	62 614	3,4
U	-19 776	-3,5	1 436	0,4	7 055	1,9
EA Population	156 445	3,1	205 996	3,1	270 901	3,1

SCHEDULES INDICATING SUBJECTS AND SUPPORTING INFORMATION RELEVANT
FOR SYSTEMS PLANNING

POPULATION

∅ set out in written statement	Policies, general proposals and related information	Supporting information ^{∅∅}
∅∅ set out in report of survey and summarised in written statement	<ul style="list-style-type: none"> 1 Total at <ul style="list-style-type: none"> a significant stages b agreed common dates Special categories e.g. institutional population 2 <u>Composition</u> of 1 by <ul style="list-style-type: none"> a race b age c sex d household size 3 <u>Distribution</u> of 1 by sub-areas 4 <u>Migration</u> element in 1 <ul style="list-style-type: none"> a planned b other 	<p><u>Existing situation</u></p> <ul style="list-style-type: none"> A <u>Total</u> at base date by <ul style="list-style-type: none"> i whole area ii sub-area Special categories e.g. institutional population. B <u>Composition</u> of A by <ul style="list-style-type: none"> i race ii age iii sex iv household size C <u>Recent trends</u> (natural change and migration) for <ul style="list-style-type: none"> i whole area ii sub-areas D <u>Commitments</u> e.g. group areas <p><u>Estimates</u></p> <ul style="list-style-type: none"> E <u>Future changes</u> for subdivisions in e.g. <ul style="list-style-type: none"> i 1975 ii 1980 iii 1990 F <u>Future changes</u> by migration not including those in E due to e.g. <ul style="list-style-type: none"> i group areas ii changes in employment opportunities iii land availability iv slum clearance

EMPLOYMENT AND INCOME

§ Set out in written statement

§§ set out in report of survey and summarised in written statement

Policies, general proposals and related information^o

Supporting information^o

- | | |
|--|--|
| <p>1 <u>Total economically active population at significant stages</u></p> <p>2 <u>Composition of 1 by</u></p> <p style="padding-left: 20px;">a race</p> <p style="padding-left: 20px;">b age</p> <p style="padding-left: 20px;">c sex</p> <p>3 <u>Occupational structure of 1 at significant stages by</u></p> <p style="padding-left: 20px;">a residence</p> <p style="padding-left: 20px;">b workplace</p> <p style="padding-left: 20px;">c distribution by sub-areas</p> | <p><u>Existing situation</u></p> <p>A <u>Economically active population at base date by</u></p> <p style="padding-left: 20px;">i race</p> <p style="padding-left: 20px;">ii age</p> <p style="padding-left: 20px;">iii sex</p> <p style="padding-left: 20px;">iv type of employment</p> <p>B <u>Occupational structure of A by</u></p> <p style="padding-left: 20px;">i residence</p> <p style="padding-left: 20px;">ii workplace</p> <p>C <u>Recent trends in</u></p> <p style="padding-left: 20px;">i employment</p> <p style="padding-left: 20px;">ii unemployment</p> <p><u>Estimates</u></p> <p>D <u>Future changes in employment due to intentions of employers</u></p> <p>E <u>Future changes in economically active population (in relation to assumptions about changes in population and activity rates) at</u></p> <p style="padding-left: 20px;">i significant stages</p> <p style="padding-left: 20px;">ii approximate dates</p> <p>F <u>Future changes in employment needed for both sexes for</u></p> <p style="padding-left: 20px;">i whole area</p> <p style="padding-left: 20px;">ii sub-areas</p> <p>G <u>Assumptions (about F) e.g.</u></p> <p style="padding-left: 20px;">i level of unemployment</p> <p style="padding-left: 20px;">ii activity rates</p> <p style="padding-left: 20px;">iii job accessibility</p> <p style="padding-left: 20px;">iv rates of redeployment</p> <p>H <u>Income level</u></p> <p style="padding-left: 20px;">i compared with national levels</p> <p style="padding-left: 20px;">ii compared with regional levels</p> <p style="padding-left: 20px;">iii spatial distribution within area</p> |
|--|--|

RESOURCES

∅ set out in written statement

∅∅ set out in report of survey and summarised in written statement

Policies, general proposals and related information ∅

Supporting information ∅∅

1	<u>Authorities' income</u> broad estimate at significant stages	<u>Existing situation</u>
		A <u>Authorities' income in recent years from</u>
		i rates
		ii subsidies
2	<u>Authorities' capital investment programme</u> estimates at significant stages for	B <u>Authorities' capital investment programme in recent years under specific heads e.g.</u>
a	overall growth	i houses
b	specific programmes	ii schools
c	road building	
3	<u>Private investment</u> assumptions in general terms	C <u>Private investment in recent years under specific heads e.g.</u>
		i houses
		ii factories
4	<u>Policies for other resources e.g.</u>	
a	to secure land	iii shops
b	to secure raw material	iv offices
c	to increase building productivity by use of e.g.	D <u>Other resources</u>
		i land
i	mobile units	ii raw materials e.g.
ii	industrialised building	a water
		b gravel
		iii labour force e.g.
		a local force
		b mobile units
		c industrialised building
		E <u>Programme (10 year)</u>

HOUSING

∅ Set out in written statement

∅∅ set out in report of survey and summarised in written statement

Policies, general proposals and related information

Supporting information

1 General policy for new development in relation to e.g.

a growth of town

b settlement pattern and for balance between redevelopment and improvement in relation to adaptability of buildings and environment

2 Quantity stock at significant stages and by types for e.g.

a size

b age
special categories e.g.

a holidays

b armed services

3 Distribution of 2 by sub-areas

4 Criteria and policies

a location of new development in relation to e.g.

i roads

ii public transport

b choice of new development, redevelopment or improvement in relation to e.g.

i condition of buildings

ii conversion

c local planning and development control in relation to environmental factors e.g.

i privacy

ii daylighting

d existing development in relation to e.g.

i conservation

ii conversion

Survey

A Existing situation analysed by e.g.

i size

ii condition

iii overcrowding

B Recent trends e.g.

i affecting environment (any standards assumed)

ii building rates

iii private housing

C Commitments e.g.

i new housing

ii redevelopment

iii improvement

Estimates

D Future changes e.g.

i higher productivity in house building

ii increased traffic

iii higher personal incomes

E Future demand for e.g.

i private housing

ii old people's dwellings

F Constraints e.g.

i scarcity of stable land

ii lack of capacity of services

G Assumptions (about D, E & F)

H Alternative policies evaluation of social and financial factors in relation to e.g.

i peripheral growth and dispersal to detached settlements

ii improvement and redevelopment

Policies, general proposals and related information ⁰	Supporting information ⁰⁰
5 <u>Other policies</u> in relation to	<u>I Conclusions</u> in relation to H and leading to policies and general proposals in the plan
a holiday occupation	
b occupation by armed services	<u>J Programme</u> (10 year)
c general social policies	
6 <u>Priorities and phasing</u>	
a priority areas; nature of treatment	
b linked development e.g. reaccommodation of families displaced by re- development	
7 <u>Implementation provision</u> of sites by authority e.g.	
a assembly of land	
b restoration of derelict land	
c site development works	
d provision of other services e.g.	
i building of schools	
ii utility services	

INDUSTRY AND COMMERCE

Ø Set out in written statement

Policies, general proposals and related information^Ø

Supporting information^{ØØ}

ØØ set out in report of survey and summarised in written statement

1 General policy in relation to e.g.

- a employment needs
- b job accessibility
- c utility services
- d diversification

2 Quantity total development at significant stages, distinguishing those of particular importance to the area e.g.

- a coal mining
- b ship building
- c insurance

3 Distribution of 2 by sub-areas

4 Criteria and policies for

- a location of new development in relation to e.g.
 - i expanded towns
 - ii reservation for waterside uses
 - iii heavy transport facilities
- b location of special development e.g.
 - i large storage areas
 - ii flatted factories
- c local planning and development control in relation to e.g.
 - i noise and fumes
 - ii car parking
 - iii access
 - iv density

5 Other policies

Survey

A Existing situation analysis of distinguishing characteristics and degree to which industries are footloose e.g.

i fixed investments (adaptability of buildings)

ii transport of materials

iii access to ancillary services

B Recent trends in e.g.

i investment in buildings

ii investment in plant

C Commitments e.g.

i land

ii planning approvals

Estimates

D Future changes e.g.

technological developments

E future needs for

i changed industrial structure

ii changed relationship between manufacturing and service industry

F Constraints e.g.

availability of land

G Assumptions (about D, E & F)

H Alternative policies e.g.

i increase in office employment

ii increase in commuting

I Conclusions in relation to

H and leading to policies and general proposals in the plan

J Programme (10 year)

continued

Policies, general proposals
and related information⁰

Supporting information⁰

6 Priorities and phasing

a priority areas: nature of
treatment

b linked developments e.g.

i extension of road

ii system of main drainage to
service industrial estate

7 Implementation e.g.

a provision of development by
authority

b assembly of land

c site development works

TRANSPORTATION

- ∅ Set out in written statement
- ∅∅ set out in report of survey and summarised in written statement
- Policies, general proposals and related information[∅]
- 1 General policies and criteria used in the formulation of the plan e.g.
 - a relative proportions of public/private transport
 - b relative emphasis on accessibility and environment
 - 2 Proposals for the transportation system with related policies
 - a trunk and principal road network
 - i network described
 - ii location of junctions
 - iii access to secondary system
 - iv special policies e.g.
 - control of frontage development
 - landscaping
 - b public transport
 - i network described
 - ii policies relating to road, rail, air and ferries e.g.
 - concentration of growth along rapid transit corridor
 - district shopping centre at suburban railway station
 - iii special policies e.g.
 - subsidies
 - priorities for buses
 - emphasis on journey-to-work on essential routes
 - iv facilities for modal interchange, location and description e.g. car/bus/rail/air, etc.

Supporting information^{∅∅}Survey

A Existing situation description and analysis of network and pattern of travel; critical factors e.g.

- i journey to work
- ii problems of central area
- iii parking problems
- iv servicing industry
- v impact on environment
- vi accidents

B Traffic flows

- i aggregated desire lines: people and freight
- ii assignment to existing network

C Public/private transport relationship

- i current use of public transport
- ii current use of private transport
- iii modal split
- iv trends

EstimatesD Assumptions e.g.

- i growth of car ownership
- ii growth of personal incomes
- iii future distribution of houses, work, etc.
- iv policies of neighbouring authorities
- v acceptability of public transport

continued

Policies, general proposals and related information⁰

- c car parking
 - i policies relating to land use, traffic generation and highway capacity
 - ii policies for parking restraint by price, time or other means
 - iii policies for new development
 - iv total provision (including goods vehicles) distributed in relation to particular areas of different land use
 - v location of off-street parking
 - vi location of parking control areas
- d traffic regulations, general policies for management including implementation of traffic and transport plans e.g.
 - i protecting environment
 - ii improving highway capacity
 - iii route control of special class vehicles
 - iv implementing bus priority policies
 - v effecting pedestrian/vehicle separation
- e Docks, harbours, airports and other modal interchanges for passengers and freight e.g.
 - i policies for development or curtailment
 - ii policies for efficient operation
 - iii land requirement
 - iv special policies to make land available
- f Pedestrian movement e.g.
 - i pedestrian priority areas
 - ii central shopping area
 - iii footpath system serving the whole area
 - iv linking open spaces

3 Priorities and phasing

- a transportation elements in priority areas related to land use proposal
- b other priorities e.g.
 - i need to improve existing route to new motorway
 - ii need to improve existing bus/rail interchange
- c interim measures e.g. traffic and transport plan

Supporting information⁰⁰E Alternative policies

- i emphasis on motor car
- ii emphasis on public road transport
- iii emphasis on rail
- iv emphasis on more advanced systems
- v extent to which demand can be met by each, relative costs

F Conclusions in relation to E and leading to policies and general proposals in the plan

- i chosen systems
- ii how costs were estimated
- iii how system is to be achieved, identifying critical points of time
- iv interaction between policies, and their effect on e.g.
 - a adequacy of provision of road space
 - b adequacy of public transport
 - c economic viability of public transport
 - d need for subsidy
 - e modal split
 - f flexibility to meet unforeseen circumstances

G Programme (10 year)

Policies, general proposals and
related information⁰

Supporting information⁰⁰

4 Implementation

a budget constraints and methods
of financing

b links with other development

c flexibility and range of options

d agencies involved

SHOPPING

∅ Set out in written statement	Policies, general proposals and related information [∅]	Supporting information ^{∅∅}
∅∅ set out in report of survey and summarised in written statement		
	1 <u>General policy</u> to e.g.	<u>Survey</u>
	a establish hierarchy of centres	A <u>Existing situation analysis</u> of e.g.
	b foster growth in town centres	i floorspace by centres ii turnover by trade and centres
	c create new centres	iii accessibility of centres
	d develop district centres	iv prosperity of centres
	e rely on mobility in rural areas	B <u>Recent trends</u> affecting shopping provision e.g.
	f relieve congestion in town centre	i retailing methods
		ii mobile shops
		iii customers' habits
	2 <u>Quantity</u> floor space at significant stages	iv changes in transportation
	3 <u>Distribution</u> of 2 in	C <u>Commitments</u> e.g.
	a main centres	i new shopping centres
	b whole area	ii new pedestrian precincts
	4 <u>Criteria and policies</u> for	<u>Estimates</u>
	a location of new development in relation to e.g.	D <u>Future changes</u> e.g.
	i distribution of population	i increase in personal income
	ii other centres	ii increased expenditure per head
	iii public transport	iii changes in retailing methods
	b local planning and development control in relation to e.g.	E <u>Future needs</u> for e.g.
	i servicing and storage	i more out-of-town centres
	ii other uses	ii less shops in main centres
	iii distribution depots and warehousing	iii more district centres
	iv car parking	F <u>Constraints</u> e.g.
	v principal routes	i lack of adequate access to centre
	vi underused backland	ii lack of plots of adequate size for development
	vii pedestrian safety	G <u>Assumptions</u> (about D, E & F) e.g.
	c existing development in relation to e.g.	i future income level
	i conservation	ii attraction of out-of-town centres
	ii conversion	
	5 <u>Priorities and phasing</u> e.g.	H <u>Alternative policies</u> e.g.
	a action areas including nature of treatment	i strengthening of suburban facilities to enable town centre to function more effectively
	b linkages; removal of shops from astride traffic route	ii provision of additional floor space in central area
	6 <u>Implementation</u> e.g.	
	a promotion and assistance by local authorities	I <u>Conclusions</u> in relation to H and leading to policies and general proposals in plan
	b assembly of sites by local authorities	J <u>Programme</u> (10 year)
	c scope of private development	

EDUCATION

∅ Set out
in written
statement

Policies, general proposals
and related information[∅]

Supporting information^{∅∅}

∅∅ set out
in report of
survey and
summarised
in written
statement

- 1 General policy for new building and improvement in relation to existing and new residential areas
- 2 Quantity provision of sites and facilities at significant stages for e.g.
 - a primary schools
 - b secondary schools
 - c further and higher education
- 3 Distribution of 2 by sub-areas
- 4 Criteria and policies for
 - a location of new development in relation to e.g.
 - i roads
 - ii public transport
 - iii distribution of population
 - b location of new development needing large sites or generating much traffic e.g.
 - i secondary school campus
 - ii university
 - iii technical college
 - c local planning and development control in relation to e.g.
 - i accessibility
 - ii absence of noise
 - d existing development in relation to e.g.
 - i improvement
 - ii conversion
- 5 Priorities and phasing e.g. priorities for schools in twilight areas
- 6 Implementation
 - a provision by local education authority
 - b provision by other educational body

SurveyA Existing situation
analysis of e.g.

- i number of places in each type of establishment
- ii total area and distribution of sites
- iii cramped sites
- iv quality of environment

B Recent trends in e.g.

- i school population
- ii rebuilding and improvement
- iii new building

C Commitments e.g.

- i reorganisation in educational system
- ii building programme
- iii rebuilding and improvement

EstimatesD Future changes for e.g.

- i more space per child
- ii more playing fields sited away from school buildings

F Future needs e.g.

- i larger sites for secondary schools
- ii more comprehensive schools

F Constraints e.g.

- i scarcity of flat land
- ii scarcity of sites in existing built-up areas

G Assumptions (about D, E & F)
e.g.

- i raising of school leaving age
- ii increase in comprehensive schools

H Alternative policies e.g.

- i emphasis on new building
- ii emphasis on improvement

I Conclusions in relation to H and leading to policies and general proposals in planJ Programme (10 year)

OTHER SOCIAL AND COMMUNITY SERVICES

e.g. hospitals, clinics, libraries, community centres, police stations, fire stations, law courts and prisons

∅ Set out
in written
statement

Policies, general proposals
and related information[∅]

Supporting information^{∅∅}

∅∅ set out
in report of
survey and
summarised
in written
statement

1 General policies for com-
munity services

2 Quantity sites and facili-
ties to be provided at
significant stages

3 Distribution of 2 by sub-
areas

4 Criteria and policies for
a location for new development
in relation to e.g.

i settlement pattern
ii roads

iii public transport

b location of new development
needing large sites or
generating much traffic e.g.

i large prison
ii general hospital

c local planning and develop-
ment control in relation to
e.g.

i proximity to shopping
centre

ii proximity to population
to be served

5 Priorities and phasing

a priority areas (civic cen-
tres)

b provision in relation to
housing

6 Implementation e.g.

a provision by local authority

b provision by hospital board

Survey

A Existing situation analysis
of e.g.

i number and distribution of
each type of facility

ii condition of buildings

iii quality of environment

B Recent trends in e.g.

i replacement of obsolete
hospital buildings

ii provision of local health
centres

iii establishment of mobile
library service

C Commitments e.g.

i hospital building programme

ii replacement of obsolete
prison buildings

Estimates

D Future changes e.g.

i provision of more libraries

ii regionalisation of
police services

E Future needs e.g.

i more local police stations

ii another law court

F Constraints e.g.

lack of sites for special
schools

G Assumptions (about D, E &
F) e.g.

on growth of demand for
facilities

H Alternative policies

I Conclusions in relation to
H and leading to policies &
general proposals in the plan

J Programme (10 year)

RECREATION AND LEISURE

∅ Set out
in written
statement

∅∅ set out
in report of
survey and
summarised
in written
statement

Policies, general proposals
and related information[∅]

Supporting information[∅]

- 1 General policy for provision of facilities in relation to
 - a demand, existing and projected
 - b other calls on public resources
 - c scope for provision by private sector
- 2 Quantity land or facilities to be provided at significant stages; generally and where special policies apply in Countryside e.g.
 - a open country with public access
 - b country parks
 - c cross-country footpaths
 - d scenic routes
 - e waterways
 - Urban areas e.g.
 - a open space (playing fields, parks, etc.)
 - b facilities drawing large crowds and serving a wide area
- 3 Distribution of 2 by sub-areas
- 4 Criteria and policies for
 - a location of new development in Countryside in relation to e.g.
 - i proximity of centre of population
 - ii quality of farmland
 - iii quality of landscape
 - Urban areas in relation to e.g.
 - i community to be served
 - ii accessibility by public transport

Survey

A Existing situation description and analysis of existing and potential facilities in Countryside e.g.

- i common land
 - ii lakes
 - iii coast
- Urban areas e.g.
- i open space (playing fields, parks, etc.)
 - ii facilities drawing large crowds and serving wide area

B Recent trends

- i in quantity and distribution of facilities in Countryside e.g.
 - a reduction in access to the countryside
 - b access agreements
 - c after-use of gravel pits for recreation
- Urban areas e.g.
 - a provision of open space with redevelopment
 - b reduction in allotments
- iii in demand (as shown by intensity of use) e.g.
 - a over-use leading to environmental deterioration
 - b conflicts with rural interests

C Commitments e.g.

open space system to be developed along river valley

Estimates

- D Future changes e.g.
- i increase in road congestion
 - ii increase in conflict with rural interests

Policies, general proposals
and related information

Supporting information^Ø

- b local planning and development control
- i for environment in relation to e.g.
 - management of recreational traffic
 - car parks and moorings
 - picnic, camping and caravan sites
 - multiple use
 - quiet and noisy pursuits
 - ii for provision and location of facilities in relation to e.g.
 - open space
 - community centres
 - joint planning and dual use: education/recreation
 - car parking
- 5 Other policies e.g.
increasing capacity of existing provision through management policies
- 6 Priorities and phasing e.g.
- a action areas: nature of treatment
 - b other priorities
- 7 Implementation e.g.
- a provision of sites by authority
 - b provision by authority of wardens and publicity services
 - c encouragement to private enterprise (access roads, assembly of land, etc.)
 - d negotiation and liaison with official bodies (e.g. Forestry Commission, water boards, etc.) and land owners, recreation and naturalist interests, etc.
- E Future need for e.g.
- i more sports clubs
 - ii more swimming baths
- F Constraints e.g.
- i reluctance of land owners to make access agreements
 - ii lack of open space within towns
- G Assumptions e.g.
- i increase in leisure time
 - ii increase in expenditure per head on sport
- H Alternative policies
- I Conclusions in relation to H and leading to policies and general proposals in the plan
- J Programme (10 year)

CONSERVATION, TOWNSCAPE AND LANDSCAPE

∅ Set out in written statement	Policies, general proposals and related information [∅]	Supporting information ^{∅∅}
∅∅ set out in report of survey and summarised in written statement		
	<p>1 <u>General policy</u> towards features to be conserved, improved or extended as appropriate e.g.</p> <p>a the coast</p> <p>b motorway corridors</p> <p>c derelict land</p> <p>2 <u>Criteria and policies for local planning and development control</u></p> <p>a in the countryside generally for e.g.</p> <p>i siting and design of new development including roads, buildings, high masts, power lines, etc.</p> <p>ii conservation of features of landscape and scientific interest</p> <p>b in areas of special landscape and scientific interest stricter and additional policies for e.g.</p> <p>i use of specified building materials</p> <p>ii grant aid for tree planting</p> <p>c in the built environment generally for e.g.</p> <p>i building height, privacy, daylighting, etc.</p> <p>ii street scene, furniture</p> <p>iii traffic exclusion and environmental improvement</p> <p>d in conservation areas or other areas of special architectural or historic interest, additional policies for</p> <p>i grants for repairs and improvement</p> <p>ii special design standards</p> <p>e in existing development to be retained, for</p> <p>i conservation</p> <p>ii conversion</p> <p>iii improvement</p>	<p><u>Survey</u></p> <p><u>A Existing settlements</u> analysis of character of towns, villages, urban areas and countryside, identifying e.g.</p> <p>i geological and topographical features which have influenced e.g.</p> <p>a landscape</p> <p>b pattern of settlement</p> <p>c form of town</p> <p>ii countryside of considerable beauty or requiring improvement e.g.</p> <p>a coast</p> <p>b downland</p> <p>c derelict land</p> <p>iii historical developments which have influenced form of settlements e.g. housing type</p> <p>iv settlements, and parts of settlements, of particular beauty e.g. cathedral precinct</p> <p><u>B Recent trends</u></p> <p>i adversely affecting the environment e.g.</p> <p>a removal of trees and hedgerows</p> <p>b spread of power lines</p> <p>c impact of traffic</p> <p>ii improving the environment e.g.</p> <p>a restoration of derelict land</p> <p>b smokeless zones</p> <p><u>C Commitments</u> e.g.</p> <p>i. estate development on periphery of town</p> <p>ii motorway</p>

continued

Policies, general proposals
and related information

Supporting information

3 Other policies

4 Priorities e.g.

- a priority areas: nature of treatment
- b tree preservation and planting
- c conservation areas
- d priorities for grant

5 Implementation e.g.

- a action by authorities through purchase or on own property
- b action by voluntary organisations
- c by agreement with landowners
- d through development control

Estimates

D Future changes

- i likely to affect the environment adversely e.g. impact of increased traffic
- ii likely to improve the environment e.g.
 - a renovation of old buildings
 - b clearance of old factories

E Future need for e.g.

- i conservation
- ii land reclamation

F Constraints e.g.

hedgerow removal resulting from changes in farm technology

G Assumptions (about D,E,& F)

e.g.
growth in demand for conservation of old buildings

H Alternative policies e.g.

to permit or restrict growth of historic town

I Conclusions in relation to H and leading to policies and general proposals in the plan

J Programme (10 year)

UTILITY SERVICES

e.g. gas, electricity, water, sewage and refuse

∅ Set out
in written
statement

Policies, general proposals
and related information

Supporting information^{∅∅}

∅∅ set out
in report of
survey and
summarised
in written
statement

1 General policy for utility
services

Survey

2 Quantity services to be
provided at significant
stages

A Existing situation iden-
tifying major installation
e.g.

- i gas works
- ii power stations
- iii reservoirs
- iv sewage works

3 Distribution of 2 by sub-
areas

B Recent trends in e.g.

- i extension of main drainage
- ii expansion of town sewage
disposal capacity

4 Criteria and policies for
a location of new development
in relation to e.g.

C Commitments e.g.

- i new reservoir
- ii new gas works

i power lines in attractive
countryside

ii areas costly to serve

b local planning and develop-
ment control for e.g.

i sewage works near resi-
dential area

ii overhead cables in resi-
dential area

Estimates

D Future changes e.g.

- i increase in use of natural
gas
- ii increase in electric central
heating

5 Other policies criteria to
be applied to other de-
velopment in order to e.g.

E Future need for e.g.

- i greater water supply
- ii site for sewage works

a relate to capacity of
utility services

b protect resources for
utility services

c reduce adverse impact of
utility services

F Constraints e.g.

- i rivers already carrying
maximum permissible run-off
- ii countryside of a high land-
scape value

6 Priorities and phasing
linkages with other aspects
of plan e.g. expansion of
town in relation to re-
placement of main sewer

G Assumptions (about D, E & F)
e.g.

- i finance will be available
for new reservoir
- ii suitable cross-country line
will be found for overhead
cables

7 Implementation e.g.

a provision of service by
water authority

b provision of service by
electricity authority

H Alternative policies e.g.

provision of additional water
supply or restriction of town's
growth

I Conclusions in relation to H
and leading to policies and
general proposals in the plan

J Programme (10 year)

MINERALS

∅ Set out in written statement	Policies, general proposals and related information [∅]	Supporting information ^{∅∅}
∅∅ set out in report of survey and summarised in written statement	<ol style="list-style-type: none"> 1 <u>General policy</u> for minerals in relation to demand. Effect of workings on landscape and implications of transport 2 <u>Quantity</u> <ol style="list-style-type: none"> a extent of areas to be safeguarded for minerals worked on extensive scale e.g. <ol style="list-style-type: none"> i sand and gravel ii limestone b extent of areas to be safeguarded for other important minerals of more limited occurrence e.g. <ol style="list-style-type: none"> i silica sand ii kaolin 3 <u>Distribution</u> of 2 by sub-areas indicating e.g. <ol style="list-style-type: none"> a areas for working b areas for ancillary purposes c reserves (with estimate of approximate life) d other reserves likely to be economically workable 4 <u>Criteria and policies for local planning and development control</u> in relation to e.g. <ol style="list-style-type: none"> a access b noise c dust d land drainage e tipping of spoil f criteria to be applied to other development in order to <ol style="list-style-type: none"> i safeguard minerals ii minimise effect of workings (e.g. blasting, subsidence) g policies to be applied to working of individual mineral areas <ol style="list-style-type: none"> i nature of industrial data required in support of applications <ol style="list-style-type: none"> ii programme for working iii programme of after-treatment 5 <u>Priorities and phasing</u> priority areas: nature of treatment 6 <u>Implementation</u> 	<p><u>Survey</u></p> <ol style="list-style-type: none"> A <u>Existing situation</u> location and extent of existing workings distinguishing <ol style="list-style-type: none"> i main minerals ii method of working and processing iii effect on nearby land of spoil heaps, abandoned workings, etc. iv rates of production B <u>Recent trends</u> in e.g. <ol style="list-style-type: none"> i method of working ii markets iii transport C <u>Commitments</u> e.g. <ol style="list-style-type: none"> i life of plant ii location of reserves iii acreage likely to be economically workable (including spoil heaps to be reworked) <p><u>Estimates</u></p> <ol style="list-style-type: none"> D <u>Future demand</u> (where possible to estimate) distinguishing <ol style="list-style-type: none"> i minerals ii main markets E <u>Constraints</u> e.g. <ol style="list-style-type: none"> i minerals in areas of beautiful country ii inadequate roads for bulk transport F <u>Assumptions</u> (about D & E) e.g. <ol style="list-style-type: none"> i change in demand for minerals ii technological changes likely to increase economically workable reserves iii marketing areas G <u>Alternative policies</u> e.g. extraction of chalk to detriment of nearby landscape or sterilisation of chalk reserves H <u>Conclusions</u> in relation to G and leading to policies & general proposals in the plan <p><u>I Programme</u> (10 year)</p>

Planning provisions of other Provincial Local Government Ordinances

The Municipal Ordinance No. 19 of 1951Ø

This Ordinance was promulgated so as to consolidate and amend the provisional laws relating to municipalities. It is at present under revision and the intention is to formulate an Ordinance to cover municipalities, village management boards and local areas. I deem it necessary to make mention of a few sections only in this Ordinance which give municipalities, i.e. the local authorities mostly concerned with town planning, various very wide powers and contain certain provisions that are closely related to planning. Here again only the gist is given and the full provisions in the Ordinance itself will have to be consulted for all requisite formalities etc. that have to be complied with when the powers are made use of.

Section 129 states, inter alia, that a council may within or outside the municipal area for all municipal purposes and with the Administrator's approval expropriate land or rights in respect thereof. Municipal purposes includes the purposes of town planning, or of a town planning scheme, whether such scheme is in the course of preparation, awaiting approval or in operation, or any purpose in connection therewith.

Sections 152 and 153 empower a council with the Administrator's consent to declare any street a public street and to close or divert any public street and to close any public place as defined in the Townships Ordinance.

Section 165 empowers a council within or outside the municipality to undertake, carry out, construct, provide, alter, enlarge, extend and maintain system of sewerage and drainage including sewage works, public sewers, public drains and all things ancillary or incidental thereto.

Section 188 empowers a council to provide and maintain a supply of water for use within the municipality and with the approval of the Administrator, contract for the purchase or

sale of water within or outside the municipality and for such purposes may within or outside the municipality establish, acquire, enlarge, extend and maintain waterworks and water mains and all things ancillary or incidental thereto.

Section 222 enables a council by agreement to co-operate with a local authority or other person for the better or more economical carrying out, either jointly or by any of the contracting parties of any function whatsoever which the council is from time to time by law empowered to perform.

Section 227 grants the council very wide and miscellaneous powers and sub-section (k) states that in addition to the powers conferred on it by its regulations or any other law, the council may prohibit the erection of any building which in its opinion will be objectionable or unsuitable by reason of its nature, the uses to which it is to be put or its environment provided that any person aggrieved by such prohibition may appeal to the Administrator whose decision shall be final.

Section 232 says that no person shall open or re-open a quarry within a municipal area without the prior approval of the Administrator.

Section 236 empowers and requires a council to take all lawful necessary and reasonably practical measures, including proceedings at law, for maintaining the municipality in a clean and sanitary condition and for preventing the occurrence of or for the abating or causing to be abated, any public nuisance.

Section 241 enables the council to make regulations of just about any description including for the purpose of regulating the use of land and buildings and generally for the convenience, comfort and safety of the inhabitants which for all intents and purposes could include town planning.

The Divisional Councils Ordinance No. 15 of 1952^Ø

Section 120 gives powers to the Administrator to declare, divert or close roads in a divisional council area by proclamation.

Section 133 lays down statutory widths of public roads in a division.

Section 146 regulates the erection of buildings in or near proclaimed roads and declared roads.

Section 179 empowers a council for any purpose authorised by this Ordinance, by purchase, exchange, donation, gift or otherwise acquire immovable property or rights in respect thereof including the right to water or the right to take or to use water.

Section 194 tabulates all the miscellaneous powers that may be exercised by a council and sub-section (m) is on the same lines of section 227(k) of the Municipal Ordinance already mentioned.

Section 196 is rather important and stipulates that, with certain exception, no land within the rural area of a division shall be subdivided by means of survey and transfer or survey and registered lease into portions any one of which is less than twenty five morgen in extent except with the approval of the Administrator.

Section 199 is virtually the same as section 232 of the Municipal Ordinance.

Section 209 is the same as section 236 of the Municipal Ordinance.

Section 215 enables the council, (or the rural parts of the division) to make regulations on the same basis, with subtle differences here and there, as in section 241 of the Municipal Ordinance.

The Village Management Boards Ordinance, No. 10 of 1921^Ø

This Ordinance provides for the management of villages and other communities not being municipalities. Village Management Board status is usually the stepping stone to municipal status. As far as this Ordinance may have a bearing on planning it is worth mentioning that village management boards are not given all the powers that, for instance, municipalities are given in terms of the Municipal Ordinance. Yet they have the power in terms of section 61 to make regulations for, inter alia,

- (i) regulating and controlling the erection of new and the alteration of existing buildings, for securing the regularity of and for controlling and fixing the lines and levels of buildings, for preventing the erection of insanitary, unhealthy and unsuitably situated buildings and for securing stability, the observance of sanitary precautions, the provision of a sufficiency of air space about buildings, the proper lighting and ventilation of buildings and for the prevention of fire;
- (ii) prohibiting the erection of buildings deemed by the Board to be objectionable by reason either of the nature of the building itself, or the uses to which it is to be put or its environment, and
- (iii) restricting and regulating the subdivision of erven. The Administrator may make regulations where the board fails to do so.

The Local Areas Ordinance No. 11 of 1921^{ØØ}

A local area is the first statutory form of urban local government in the Province. Whenever it is shown to the satisfaction of the Administrator in respect of any area not included within the limits of any municipality or area of a village management board that by reason of the density or special character of the population, sanitary condition

Ø Ibid - Volume I, page 228.

ØØ Ibid - Volume I, page 298.

or other circumstance or requirement of such area, special provision should be made for the management and control of the said area, the Administrator may by proclamation declare the area a local board which then has the power in terms of section 53 to make regulations on the same lines as a village management board.

The Road Traffic Ordinance No. 21 of 1966^Ø

This ordinance consolidates and amends the laws relating to motor vehicles and other vehicles and the regulation of traffic on public roads and to provide for matters incidental thereto. Of interest is section 106 empowering a local authority to install parking metres, section 116 concerning the parking of vehicles, section 133 regarding trading on public roads and 133A giving special provisions relating to freeways. Of importance are sections 165 and 166 that empower the Administrator and in some cases the local authority, to make regulations relating to, inter alia,

- .the restriction of the use of any public road or portion thereof by traffic;
- .the emission of noise, exhaust gas, smoke, fuel, oil visible vapour, sparks ashes or grit from any vehicle operated on a public road;
- .the use of any public road by any vehicle either generally or at specified times;
- .the loading and off-loading of any vehicle on a public road;
- .generally to the use of any public road by traffic.

The Nature Conservation Ordinance No. 26 of 1965^{ØØ}

As planning concerns our environment, attention is drawn to the fact that the abovementioned Ordinance provides for the protection of certain wild animals, indigenous plants and regulates the catching of fish in any inland waters. Of

Ø Ibid - Volume III, page 2258.

ØØ Ibid - Volume III, page 2184.

particular importance is Chapter V in terms of which the Administrator can proclaim the establishment of Nature Reserves at the request or with the consent of the local authority or registered owner thereof after advertisement for objections. Provision is also made for the acquisition of land and raising of loans for this purpose by a local authority or local authority acting jointly for the establishment, management, control and development of a nature reserve.

The Delegations of Power Ordinance No. 13 of 1965^Ø

This Ordinance allows the Administrator to generally or specifically delegate any power conferred on him by any ordinance or by any regulations made under such ordinance, to, inter alia,

- a municipality,
- a divisional council,
- a village management board,
- a local board.

Important State legislation affecting Provincial planning

Modern town planning in South Africa dates from the early 1930's and as a consequence of the semi-federal system of government in the Republic, inroad has been made into the planning field by the Central Government through, inter alia, the following legislation^Ø passed by Parliament:

1. The Land Survey Act No. 9 of 1927 gives the Surveyor General extensive powers to refer subdivision proposals to the Provincial Townships Boards and they have been described as watchdogs of physical planning.
2. In consequence of the Housing Acts of 1920, 1944, 1945, 1957 and 1966 a Housing Commission exists which carries out housing schemes and planning layouts in connection therewith.
3. The Railways Expropriation Act No. 37 of 1955 entitles the Railways to expropriate for housing or other railway purposes and because the Railway Administration is a Central Government body, it can completely disregard planning drawn up by local authorities.
4. The Group Areas Act replaced by Act 36 of 1966 and the related Community Development Act No. 3 of 1966 gave important planning implications. The Group Areas Act establishes a Board which is principally concerned with racial zoning and influences the siting of residential areas. Whilst its powers overlap with those of the Department of Bantu Administration and Development under the Native (Urban Areas) Consolidation Act No. 25 of 1945, they are broader because the Board is concerned with all residential areas in contrast with the Factories Machinery and Building Work Act No. 22 of 1941 which only concerns itself with residential areas for Bantu.

Ø Statutes of the Republic of South Africa (Classified and Annotated from 1910), Butterworth & Co. (S.A.) Ltd., Durban.

5. The Advertising on Roads and Ribbon Development Act No. 21 of 1940 regulates the display of advertisements outside certain urban areas at places from public roads and the depositing of disused machinery or refuse and the erection, construction or laying of structures and other things near certain public roads, and the access to certain land from such roads.
6. The Physical Planning and Utilization of Resources Act No. 88 of 1967 has the primary object of facilitating government control over the location of industry and places very wide discretionary powers in the Minister of Planning enabling him to control the pattern of urbanization to an important extent.
7. The Subdivision of Agricultural Land Act No. 70 of 1970 controls the subdivision and, in connection therewith, the use of agricultural land.
8. The Removal of Restrictions Act No. 84 of 1967 empowers the Administrator of a Province to alter, suspend or remove certain restrictions and obligations in respect of land in the Province.

Other examples of legislation having a direct affect on planning are the Slums Act No. 53 of 1934, the Public Health Act No. 36 of 1919, the Deeds Registries Act No. 47 of 1937 and the Water Act No. 54 of 1956.

FACTORS INFLUENCING THE DEFINITION OF REGIONAL BOUNDARIES

The following factors are pertinent to any study of the definition of a region. In general, the overriding concern is that of containing a homogeneous area in terms of political control, economics, land use and potential for development.

1. Problem solving

The region should encompass an area large enough to enable solution of local problems to be suggested.

If too small, the problem is too easily passed to another region for solution.

2. Growth characteristics

The ability to guide balanced growth, demands an area with strong economic and transport linkages.

This fosters a higher level of interaction on both political and planning levels.

3. Topographical features

Ideally, the region should contain whole river catchments, or comprise homogeneous type of farming activity.

This allows optimum flexibility and control of the physical planning of the area, particularly for services.

4. Data sources

The region should coincide with defined boundaries within which data is collected and processed.

For demographic data, this requires complete magisterial districts, while economic data is analysed in economic areas.

5. Political

The region should have well-defined political boundaries at the local authority level.

This aids both the decision taking mechanism and implementation. This would mean that divisional council boundaries should define the area.

PROVINCIAL ADMINISTRATION OF THE CAPE OF GOOD HOPE

LOCAL GOVERNMENT DEPARTMENT

April 1974

CODES OF GUIDE LINES FOR GROUP AND CLUSTER HOUSING

1. Housing in South Africa has in the past traditionally taken one of the following forms:-
 - 1.1 Single, detached houses on plots of 500 m² upwards;
 - 1.2 Semi-detached and terrace houses;
 - 1.3 flats, and
 - 1.4 maisonettes, i.e. double-storeyed flats.
2. Two other forms of housing used extensively overseas, namely group and cluster housing, are now being introduced into South Africa, and the Administration considers it is desirable to issue codes of guide lines to assist local authorities, as well as developers who may be interested in undertaking these types of development in the Cape Province, to achieve a form of development which is most likely to prove acceptable to a very large number of people.
3. While both types ultimately involve the erection of what is basically single residences, there are certain fundamental differences between the two concepts, both as to the goals they seek to achieve as well as the procedure which must be followed. They are, therefore, being dealt with separately in the two attached codes.
4. Developers will appreciate that although a group or cluster scheme is prepared which is materially in accordance with the codes does not mean that approval will be automatic. Each application will be treated on merit in the light of the views of the relevant local authority and the Townships Board. The final decision in each instance will rest with the Administrator.
5. It is possible that these codes may have to be revised from time to time in the future as practical experience is gained after initial schemes are completed.

NOTE: These codes have been approved by the Executive Committee and replace all earlier draft codes for Group and Cluster Housing.

PROVINCIAL ADMINISTRATION OF THE CAPE OF GOOD HOPE

LOCAL GOVERNMENT DEPARTMENT

GROUP HOUSING CODE

April 1974

1. Meaning of the concept

Group housing means simply a group of harmoniously designed single dwellings on smaller than conventional erven, with or without land which will vest in the local authority in the form of public open space, streets, lanes, etc.

2. Goals of group housing

- 2.1 To combat urban sprawl by providing a reasonably high density form of development as an alternative to conventional flat or maisonette development.
- 2.2 To encourage variety in residential accommodation and to cater for life-cycle forms of development suitable for all categories of a community, at the same reducing rigidity of layout in residential areas.
- 2.3 To promote more efficient use of public facilities and services.

3. Important matters for prospective developers to consider

- 3.1 It is considered that there is a genuine need in ordinary residential areas for more diversity in housing forms, and the Administration is favourably disposed towards reasonable provision of judiciously located group housing sites in new townships mainly for the younger and older age groups of the population. It is likely to cater for only a sector of these population groups and does not, therefore, replace conventional single dwellings.
- 3.2 This housing form may also be usefully introduced in older developed areas especially on land zoned for general residential purposes, or where urban redevelopment takes place.
- 3.3 It is vital to bear in mind that the development of group housing will require substantial financial resources as each group must be almost completely constructed before the transfer of any individual residence in the group will be permitted.

4. Definitions of Terms used in this Code

- 4.1 Group Zone: Means land which has been approved by the local authority and the Administrator as suitable for the development of group housing, and in an area for which a town planning scheme has been prepared or is in course of preparation shall in addition mean that the land has been formally zoned for such use.
- 4.2 Group Site: Means a portion of land in a group zone which is capable of subdivision into several group erven with or without public street and with or without public open space.
- 4.3 Group Erf: Means a piece of land in a group site approved for the erection of a single dwelling.

5. Areas in which Group Housing may be established

5.1 Where a Town Planning Scheme exists.

- 5.1.1 In area zoned for general residential purposes, group houses may be erected provided the restrictions in the town planning scheme can be complied with. Where this is not possible a motivated application for relaxation of the restrictions must be presented to the local authority and then the Administrator for consideration. The subdivision of the site into group erven will be dealt with as a minor subdivision in the normal manner in terms of section 9 of Ordinance No. 33 of 1934 - see paragraph 6 below for details.
- 5.1.2 In areas zoned for single residential purposes, rezoning for group housing must be approved by the local authority and the Administrator after normal advertising has been completed. Rezoning applications will be tested against the following:-
- 5.1.2.1 Any objections lodged.
- 5.1.2.2 Availability of open space and schools as regards size and accessibility.
- 5.1.2.3 Traffic circulation and access to public transport.
- 5.1.2.4 The stated goals of group housing as set out in paragraph 2 of this code.
- 5.1.2.5 Architectural and design merit including availability of services.

Note: Subdivision of the rezoned land will be dealt with as a minor subdivision - see paragraph 6 below for details.

5.2 Where there is no Town Planning Scheme

In such areas applications will be treated on merit by the local authority and the Administrator in the light of the factors mentioned in paragraphs 5.1.2.2. to 5.1.2.4 above.

5.3 General Remarks

In all areas (i.e. where there is a town planning scheme or not) it is expected that most applications for group housing will be submitted as -

5.3.1 minor subdivisions for the subdivision of a piece of land into a number of group sites, and subsequently further minor subdivisions of the approved sites into group erven. Cases of small pieces of land may, of course, occur where the first subdivision can be direct into the final group erven, provided the developer is financially able to develop the entire group as one project, and

5.3.2 a township application. In such a case it is advisable for developers to merely show on the initial plans the proposed group sites (not group erven) and merely indicate the number of proposed group erven on each site, leaving the subdivision of each site into group erven to a later stage, i.e. after the group sites have been accepted in principle by the Administrator. The subsequent subdivision will be minor subdivisions - see paragraph 6 below for details.

6. Procedure to be followed once the Group Site has been approved and subdivision into Group Erven is desired.

6.1 Once the group site(s) has been approved as detailed in paragraph 5, a minor subdivision application form should be completed for the subdivision of the site into the approved number of group erven. This should be submitted to the local authority accompanied by a set of architects plans, elevations and sections of the proposed structures. Contemplated extensions and their siting and relationship to one another on the group site must also be shown, and the plans must also include details of general exterior finishes, and the treatment of footways, and accessways. Details of metering water and electricity services should also be indicated. The application should be accompanied by a plan of subdivision prepared by a land surveyor in collaboration with the architect showing the proposed erf boundaries and the outlines of proposed buildings thereon.

6.2 Local authorities should carefully scrutinise the architects plans and satisfy themselves that the dwellings have been properly designed as a harmonious group before approving the

plans/...

plans and advising the applicant. Applicants whose plans are rejected on architectural grounds may present a motivated appeal to the Administration. (The architects plans need not be submitted to the Administration for scrutiny but the local authority must forward the surveyor's preliminary plan of subdivision with a note that the architects plans do not conflict therewith. Smaller local authorities who do not have professional personnel are at liberty and will be encouraged to submit the architects plan with the preliminary plan of subdivision to the Administration for scrutiny.)

6.3 The Administrator will if satisfied convey approval of the subdivision plan (and where necessary approval of the architects plans) to the applicant and local authority with any conditions he requires.

6.4 When the Administrators approval is received construction of all the dwellings on the group site may be proceeded with subject to normal building plans clearance by the local authority.

6.5 On receipt of the Administrator's approval, the surveyor may submit records and diagrams to the Surveyor-General.

6.6 Approved diagrams will only be cleared for transfer purposes by the Administration after the local authority has certified that the construction of all the buildings on the group site has progressed to a stage where it is satisfied that they will be completed to its satisfaction in accordance with the approved architects plans (where necessary the local authority may require a guarantee from the developer that they will be completed), and all other requirements, e.g. provision of services, payment of endowments, etc. have been complied with.

7. Planning

7.1 Density: While one of the goals of group housing is increased density, this matter must be carefully considered and in the initial stages it is recommended that local authorities approach the matter in a conservative manner. The nett density should probably bear some relation to the density of single residential development in the particular area, not normally in excess of a 2:1 ratio and at the very most 30 group units per nett hectare.

7.2 Public Open Space: The availability of public open space is a vital consideration, and a cash endowment may be required by the Administrator in cases where the overall provision falls short of desirable standards.

8. Services and Endowments

The normal requirements applicable to residential subdivisions will apply.

9. Building Control

- 9.1 Normally no side space restrictions other than those required for fire fighting purposes, or when a group erf abuts an erf with a different zoning should be demanded. In the latter case a side and rear space of 3 metres is considered the minimum.
- 9.2 Group erven should be designed to provide an enclosed service yard of adequate area and in addition a private garden or outdoor living area of in total at least 40% of the floor area with a minimum of 50 m².
- 9.3 In certain cases no street building line restriction other than that required for safe traffic movement may be imposed but this will depend on the nature of existing development in the vicinity of the group dwellings.
- 9.4 The maximum permissible height of buildings should normally be 8 metres measured from the mean ground level of the building to the top of the parapet or cornice in the case of a flat roof, or to a point midway between the eaves and the ridge in the case of a pitched roof.
- 9.5 On-site parking accommodation should be provided in the design for 2 motor vehicles per group erf, at least one of which should be covered. When deemed necessary, the Administrator may require additional parking.
- 9.6 No aerial which can be seen from any point outside such erf should be erected on any group erf or attached to the buildings except for such communal masts as may be permitted by the local authority.
- 9.7 A storeroom with a minimum internal area of two square metres should be provided on each group erf if no lock-up garage is provided on the erf or on a separate erf ancillary thereto.
- 9.8 Where landscaping, paving and any other treatment is considered necessary to render the site suitable for group housing, this may be required by the authorities.

10. Special conditions of Title for Group Erven

The following conditions of title will, where necessary, be imposed in all group housing approvals in respect of the group erven:-

10.1 "Support" Clause

The owner of this erf must -

- 10.1.1 maintain so much of the support for any wall, roof, pipe, gutter, wiring or other structure or thing as is common to such erf and any other erf;
 - 10.1.2 maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverses his erf; and
 - 10.1.3 permit access to his erf for the purpose of maintaining, cleaning, renovating, repairing and renewing any such wall, roof, pipe, gutter, wiring or other structure or thing, and shall not do anything which will prevent or hinder any such access or work from being done.
- 10.2 The owner of this erf shall not make any alterations, additions or demolitions to any part of the buildings erected on the property including boundary walls and fences, and he shall also not change the external colour scheme or materials of such buildings without the written consent of the local authority, nor shall he permit the external appearance of the buildings to deteriorate into an untidy or dirty condition.

(Note: In cases where the group housing is undertaken by a utility company, the words "local authority" should be replaced by the words "utility company".)

11./...

11. General Note

It will be noted that no provision has been made for areas under common ownership in the group code. This does not mean that the Administration will under no circumstances permit a group scheme with common areas, but that the Administration will not normally favour their inclusion unless there are exceptional circumstances. In addition it will have to be satisfied that the provision thereof will be in the public interest viewed on a long-term basis and bearing in mind the possible responsibilities which will devolve on the local authority where a home owners association fails to function satisfactorily. Developers who desire to provide areas of common ownership in a group scheme would be well advised to approach the local authority and the Administration on the principle of the matter before proceeding. In the event of an application succeeding the procedure set out in the cluster code in respect of common areas will of course be applied.

HRS/G1eR

1. Meaning of the concept

Cluster housing means harmoniously designed groups of single residential dwelling units, with a contiguous area and or other areas of land held under the common ownership of the owners of the dwelling units for their private use and enjoyment, together with land which will vest in the local authority in the form of streets, lanes and an extensive area of public open space, etc. This concept should not be confused with sectional titles schemes in terms of the Sectional Titles Act No. 66 of 1971, which relates to the sale of subdivided parts of buildings.

2. Goals of cluster housing

To preserve areas of unique natural beauty or historical interest from the inroads of conventional urban sprawl, by permitting concentrations of clusters of residences harmoniously designed in suitable locations on smaller erven that otherwise permitted in the area, so as to make possible the reservation of large tracts of land in the form of a combination of public open space and common areas under ownership of all the owners of the residences (generally speaking it will be predominantly public open space).

3. Important matters for prospective developers to consider

- 3.1 Cluster housing is regarded by the Administration as a specialised form of development, and owing to its goals land is unlikely to be made available for building development cheaply. This type of development is, therefore, largely for the upper income sections of the population and it is not felt that its application is likely to be very widespread. It should be clearly borne in mind that the goal is not to increase density.
- 3.2 Attention is also invited to the fact that the creation of an association of the home owners to control and administer the area under common ownership will primarily fall on the developer, who will be required to contribute a sum of money in respect of each cluster erf to the Home Owners Association in order to enable it to commence functioning properly. The sum will depend on the nature and extent of the common areas and the use to which they are intended to be put, e.g. construction of a swimming pool, tennis court, etc..
- 3.3 Developers should also bear in mind that each cluster of houses will have to be almost completely constructed before individual erven may be transferred and that this will involve extensive financial outlay.

3.4 The Administration regards it as unlikely that a cluster scheme will be established with no common area, for the simple reason that in areas where cluster schemes are found to be desirable, prospective owners of cluster units are sure to insist on having control over the land surrounding the units so as to prevent the general public from being able to picnic, braai and cause a nuisance in close proximity to their dwellings.

4. Definition of Terms used in this Code

4.1 Cluster Zone: Means land which has been approved by the local authority and the Administrator as desirable for the development of cluster housing, and in an area for which a townplanning scheme has been prepared or is in course of preparation also means that the land has been formally zoned for such use.

4.2 Cluster Scheme: Means a property (or properties) in respect of which the local authority and the Administrator have approved a plan showing its subdivision into cluster sites, roads and public open space. (A common area or areas may in some cases be shown at this stage.)

4.3 Cluster Site: Means a portion of land in a cluster scheme which is capable of subdivision into several cluster erven with or without public or private roads and with a common area or areas.

4.4 Cluster Erf: Means a piece of land in a cluster site approved for the erection of a single dwelling..

4.5 Common Area: Means land intended for the common ownership and use of the owners of cluster erven in a cluster site or cluster scheme, and may include private roads giving access to all or some of the cluster units.

4.6 Home Owners Association: Means an Association registered in terms of the Companies Act with legal personality capable of suing and being sued in its own name, membership of which shall be compulsory by all cluster ervenowners in the cluster site (or sites) for which it is established.

5. Delimitation of Areas in which Cluster Housing may be developed.

5.1 Areas must be approved by the local authority and the Administrator, and in cases where a town planning scheme is in operation or in process of preparation the land must be appropriately zoned for cluster housing.

6. Procedure

6.1 Once an area has been approved for cluster housing as set out in paragraph 5 above, applications for detailed layout of individual properties may be done in the form of successive applications for minor subdivisions as follows:-

6.1.2 Initially a plan showing subdivision into the basic components, i.e. roads, public open space, single residential erven, common area(s) (if any at this stage) and cluster sites. The cluster units need not be shown in detail on this plan, merely the number proposed on each cluster site.

6.1.3 Once this basic plan has been approved as a minor subdivision and the Administrator has determined the number of units to be permitted on the approved cluster sites (these 2 decisions will normally be conveyed simultaneously), the applicant may submit further minor subdivisional applications of each cluster site as follows:-

6.1.3.1 A set of drawings prepared by an architect which must show the proposed subdivisions as well as plans, elevations and sections of the proposed structures. Contemplated extensions and their siting and relationship to one another on the cluster site must also be shown and the drawings must include details of general exterior finishes. The treatment of footways, accessways and common areas abutting the cluster units are to be shown. The application shall be accompanied by a plan of subdivision prepared by a land surveyor in collaboration with the architect and showing the cluster units and common area(s). The outlines of the proposed buildings must be indicated thereon. Approval of the architects plan will be accompanied by approval of the subdivision plan.

6.1.3.2 Construction of the dwellings on the cluster sites may then be proceeded with subject to normal approval of building plans by the local authority.

- 6.1.4 On receipt of the Administrator's approval, the surveyor may submit records and diagrams to the Surveyor-General.
- 6.1.5 In order to avoid the problems associated with the preparation of a diagram for the common area(s), (normally of a very involved nature) it is suggested that diagrams be framed of each of the cluster erven, leaving the common area(s) as a remainder. The Administrator will permit the diagrams for the cluster erven to be deducted by way of certificates of registered title subject to a condition that such erven may not be further dealt with or transferred except with his written consent.
- 6.1.6 The consent will only be issued on receipt of the following:
- 6.1.6.1 A local authority certificate to the effect that (a) all the buildings on the cluster site have been built up to a stage where it is satisfied that they will all be completed in accordance with the architects plans approved by the Administrator (where necessary the local authority may require the developer to furnish a guarantee that he will complete them), (b) all the services including any falling on the common area(s) have been provided and (c) the Home Owners Association has been properly constituted and any endowment due by the promotor in trust for such Association in accordance with the Administrator's conditions has been paid.
- 6.1.6.2 A certificate from the land surveyor that the dwelling unit is in conformity with the approved diagram.
- 6.1.7 The consent will stipulate that the transfer of each cluster site shall be subject to a title condition whereby the purchaser binds himself to become and remain a member of the Home Owners Association (See paragraph 11.2 of this Code).

7. Planning

- 7.1 Density: As will be seen from the goals set out in paragraph 2 of this code the areas where cluster schemes will be established will normally be ones where low density will apply, e.g. areas of natural beauty, or historical interest or other areas catering for affluent persons. To compensate for the provision of substantial open space some increase in density will be allowed.
- 7.2 Public Open Space and Common Areas: This will normally constitute a substantial percentage of the property in view of the goals of cluster housing.

8. Services and Endowments

Services and endowments will be in accordance with the Administration's normal requirements for residential townships, and will be treated on the merits of each application.

9. Home Owners Association

9.1 The developer will be responsible for establishing and registering a home owners association which will initially consist of a few trustees nominated by him for the purpose, and the association will be responsible for the control of the common area(s), erection of facilities thereon and their maintenance, as well as the control of the external appearance and maintenance of the buildings on the cluster erven.

9.2 The constitution of the association will be subject to the approval of the local authority which may require the power to appoint a trustee to carry out the functions of the association should the association fail to operate satisfactorily. To strengthen the hands of the association it may also be required to enter into an agreement with the local authority in terms of section 222 of Ordinance No. 19 of 1951 so as to enable it to satisfactorily govern and control the cluster site. Such requirements are not likely to be imposed by the Administration.

10. Building Control

10.1 Normally no side space restrictions other than those required for fire fighting purposes, or when a cluster erf abuts an erf with a different zoning, should be demanded. In the latter case a side and rear space of 3 metres is considered the minimum.

10.2 Cluster houses should be designed to provide an adequate enclosed service yard and in addition a private garden or outdoor living area of in total at least 40% of the floor area with a minimum of 50 m².

10.3 In certain cases no street building line restriction other than that required for safe traffic movement may be imposed but this will depend on the nature of existing development in the vicinity of the cluster dwellings.

10.4 The maximum permissible height of buildings should normally be 8 metres measured from the mean ground level of the building to the top of the parapet or cornice in the case of a flat roof, or to a point midway between the eaves and the ridge in the case of a pitched roof.

- 10.5 On-site parking accommodation should be provided in the design for 2 motor vehicles per dwelling, at least one of which should be covered. When deemed necessary, the Administrator may require additional parking. Parking may be provided within the common areas.
- 10.6 No aerial which can be seen from any point outside such cluster erf should be erected on any erf or attached to the buildings except for such communal masts as may be permitted by the local authority.
- 10.7 A storeroom with a minimum internal area of two square metres should be provided on each cluster erf if no lock-up garage is provided on the erf or on a separate erf ancillary thereto.
- 10.8 Where landscaping, paving and any other treatment is considered necessary to render the site suitable for cluster housing, this may be required by the authorities.

11. Conditions of Title for Cluster Erven

The following conditions of title will, where necessary, be imposed in all cluster housing approvals in respect of the cluster erven:-

11.1 "Support" Clause

"The owner of this erf must -

- 11.1.1 maintain so much of the support for any wall, roof, pipe, gutter, wiring or other structure or thing as is common to such erf and any other erf;
- 11.1.2 maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverses his erf, and
- 11.1.3 permit access to his erf for the purpose of maintaining cleaning, renovating, repairing and renewing any such wall, roof, pipe, gutter, wiring or other structure or thing."

11.2/.....

11.2 Condition re home owners association

At the stage when authority is granted for Certificates of Registered Title to be taken out in respect of the cluster erven, the developer will be advised that a condition on the following lines must be registered by him when transferring the common area(s) to the Home Owners Association:-

"SUBJECT FURTHER to the following condition newly imposed by the Transferor for the benefit and reciprocal obligation of itself and its successors in title to (insert the title description of the cluster erven here):-

'That the within Transferor and its successors in title to (insert here the title description of all the cluster erven), shall have and enjoy the right of use and occupation of the (insert here the title description of the common area) hereby transferred together with such amenities and facilities as may from time to time be erected or constructed thereon exercisable by the Transferor and his successors in title upon and subject to such terms and conditions as the within Transferees in their aforesaid capacities may from time to time prescribe or determine, in consideration of the grant of which right the Transferor undertakes for itself and its successors in title as aforesaid to become and remain a member, bound by the Constitution, of the said transferee Association.'"

HRS/GleR

RECREATIONAL CLASSIFICATION OF THE CAPE COASTLINE.1. Objectives.

- (a) To formulate planning proposals in a regional context and thereby facilitate optimum recreational usage of the entire coastline..
- (b) To control township expansion in order :
 - i) To preserve recreational land for public use
 - ii) To encourage careful consideration of recreational township development.
- (c) To provide constraints for preserving the natural environment where necessary.
- (d) To prevent extensive township subdivision when standards and recreational values may change considerably in the future.
- (e) To provide sufficient areas for general recreation for freedom of choice and enterprise.
- (f) To channel recreational development into areas best suited for particular uses and thereby satisfy the values and needs of the majority of recreationists.
- (g) To formulate a phased model from which future standards, ideas and activities can be studied, conceptualised, and implemented.
- (h) To control and preserve unique natural areas for enjoyment by the public.
- (i) To provide primitive areas for recreation and conservation management for all recreationists.
- (j) To control development on aesthetic grounds.
- (k) To restrict recreational use where it conflicts with conservation and aesthetic values.

- (l) To consider recreation from a visitor and resident point of view.
- (m) The object of this classification is not merely to determine the future specific amount of recreational space required in terms of demand or public enterprise, but to provide sufficient recreation space to permit flexibility within zones for the immediate future development and utilization of recreational resources.

2. Broad Considerations:

- (a) There is a necessity for a gradation of recreational development types within a region to cater for all tastes and demands.
- (b) The main emphasis in the classification is in providing for mass public recreation and appreciation of the natural environment and amenities rather than to provide recreation for a few persons, which has been the trend in the past.
- (c) Peaks and troughs of intensity of recreational use is apparent along the Cape coastline relative to size and location of major cities in the vicinity.
- (d) A particular variety or single amenity may attract a larger population than is located in the immediate vicinity and therefore they could be catered for within these areas for long term recreational periods.
- (e) The degree of amenity and accessibility to that amenity reflects the degree of intensity of use of the land in the immediate area for recreational purposes.
- (f) The aesthetic value of an area should determine the degree and type of development warranted in the area. Recreational use should therefore be determined by both aesthetics and amenity.

3. Detailed Considerations.

- (a) Zones are defined by the degree of recreational development permitted. Any restrictions with regard to natural outdoor activities, man made recreation activities or developments will be specified for that particular area. As such, zoning definitions are not sufficiently discreet to make provision for every form of recreational mix of activities but rather present a broad outline.
- (b) These zones are not bound rigidly. Certain forms of development falling within marginal areas may warrant inclusion within a particular development category, depending on the nature and extent of development envisaged and the degree to which it has an impact on the natural environment the exception to this rule is within Class 4 and Class 5 areas.
- (c) This plan will be subject to review at any stage in respect to innovative planning measures regarding recreational standards and demands.
- (d) The initial aim within this classification has been to protect areas of particular splendour and of ecological and natural importance from development, which is entirely undesirable in terms of the general public needs and interests. The remaining areas have been zoned with an eye to consolidating dense forms of recreational development into particular areas and to prevent sprawl of all types and intensities of recreational development and thus increasing space allocation for use by the general public.
- (e) The following zoning definitions are particularly flexible with respect to Classes 1 and 2 but are far more rigid in application from Class 3 to 6 in particular Classes 4 to 6.

4. Defining Recreational Land Use Areas.

Class 1. High Density Recreational Areas.

The most distinguishing characteristic of this class is its development for intensive mass use. These areas are located within or close to major metropolitan centres and are orientated toward day and weekend use. These facilities are particularly geared to catering for both these permanent populations and seasonal influxes of population. Certain Class 2 areas situated some distance from a major metropolitan area show tendencies toward Class 1 intensity of development.

Class 2. General Recreation Areas.

These areas provide for a wider variety of opportunities and more extensive less crowded use than Class 1 areas. Although township development is the major form of development type, less permanent forms of development supplement this type of mass provision in the form of marinas, chalets, hotels, caravan parks, tent camps, picnic sites etc. Outdoor recreational facilities cater for mass use in the form of golf courses, bowling greens, tennis courts, boating facilities etc. Within these areas full scale provision of services is required and the emphasis within these areas is to provide a wide variety of accommodation type and land oriented amenity. These areas furthermore cater to a certain degree for a permanent population.

Class 3. Natural Environment Area.

These areas are specifically used for the enjoyment of the natural environment rather than the combination and utilisation of natural and man made amenities and large scale commercial activities. The emphasis is placed on preservation of the natural environment and occupancy of recreational development is on a temporary basis only.

Recreational development includes : well landscaped hotels, guest farms, chalets, caravan parks, tent camps, and picnic sites. These forms of development and outdoor recreational facilities are subject to scrutiny on the basis of suitability of design structure and layout with respect to aesthetic and other environmental considerations.

Class 4. Unique Natural Area.

This Class comprises :

- (a) Areas of outstanding scenic splendour, natural wonder and scientific importance.
- (b) Parts of the natural landscape which are particularly scenic and are highly sensitive to the impact of any form of development or recreational activity, although extensive natural landscapes are not generally included therein.

The primary objective is the preservation of these areas in their natural condition. For this reason recreation activities that may be permitted here should be measured in terms of the preservation of the particular site rather than in terms of public demands. In this light minimal facilities should be provided for the enjoyment of these areas by Local Authorities or Provincial Departments only and in the case of (a) discreetly located away from the major attractions, and in the case of (b) located in such a position as not to detract the value of the landscape. The size of area (a) depends on the physical features of the main attraction, and should be sufficient to ensure an appropriate atmosphere and protect unique characteristics. Access roads and parking areas should be limited to the periphery of such areas, thereby promoting walking and optimum preservation of the environment.

Class 5(a) Primitive Areas.

These are areas where the natural environment has not been disturbed by commercial utilisation and they are without mechanical transportation. Their natural wild and undeveloped characteristics are their distinguishing features. The avoidance of the development of public roads, permanent habitations or recreation facilities are the key stones of management. Any economic use of the area existing at the time of establishment shall be discontinued and no further utilisation should be allowed. Size varies with physical and biological conditions and the characteristics of adjacent land.

Management of these areas provides for daytime utilisation only.

Class 5(b) Transitional Areas.

Farming areas and large subdivisions have been included in this class and may be deemed transitional areas i.e. areas in which no increase in the intensity of recreational development may arise and the land will remain in its existing use.

The expansion of recreational development into these areas is anticipated at a later stage, the degree of which will be determined by a defined demand.

Class 6. Historical and Cultural Sites.

These are sites associated with history tradition and cultural heritage which are of sufficient significance to warrant their preservation. They are associated with recreational trends and therefore merit classification in this system.

NOTE 1. The bounds of Class 1 and Class 2 areas from the limit of the extent of townships development, catering specifically for private ownership and mass recreational use, while the emphasis of Classes 3 to 6 is more on preservation of the natural environment and public accommodation.

NOTE 2. Classes 1 to 6 may include less intensive recreational forms of development than specified within their respective Classifications, with the exception of Class 2 areas which have a tendency to develop towards Class 1 intensity areas.

NOTE 3. Although the classification refers particularly to determination of recreational development types, other aspects not desirable within particular classes are specifically noted. All general outdoor recreational facilities within Classes 3 to 5 will be particularly subject to close scrutiny in relation to their impact on the natural environment.

NOTE 4.

Preference for a Class 2 zoning increases with distance from urban centres as reduction of population pressures makes more land available. The conflict between private and public use of land increases in relation to this availability of land and particularly choice recreational areas. Recreation areas are a scarce resource and should be treated as such i.e. these areas should be made available to the public for recreation although the nature of the area and amenity will determine to what extent this is feasible. Generally Class 2 areas should occupy sites particularly suited to a specific use or uses and should not encroach on the natural environment.

NOTE 5.

In the light of the above proposals zoning has been considered as a series of short term planning controls in view of changing trends in recreational demands and concepts.

CATEGORIZATION OF RECREATIONAL LAND USES WITHIN CLASSIFIED ZONES

LAND USE	CLASSIFIED ZONES				
	2 General Re- creation Area	3 Natural En- vironment Area	4 Unique Na- tural Area (Local Autho- rity)	5a Primitive Area (Wilderness)	5b Prime Area (Transitio- nal)
	RED	YELLOW	PURPLE	GREEN	GREEN
Holiday Townships	X				
Residential Marinas	X				
Holiday Cottages (Substantial Associated facilities)	X	X			
" " (Minimal Associated facilities)	X	X	X		
Hotels, Motels, Restaurants	X	X			
Caravan Parks/Tent Camps	X	X	X		
Picnic Sites	X	X	X	X	X
Nature Trails	X	X	X	X	X
Botanical/Private & Public Nature Re- serves	X	X	X	X	X
Agriculture	X	X	X		X
Private Indigenous Forestry		X	X	X	
Private Exotic Forestry		X	X	X	X
State Forest Indigenous And Exotic			X	X	
One dwelling unit and outbuildings only per smallholding or minor subdivision.	X	X	Applications treated on merits.		X