

***CRITIQUE OF THE UMDLOTI  
TOWN PLANNING SCHEME***



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TOWN PLANNING SCHEME***

*by*

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*Except for quotations specifically indicated  
in the text, and any other help which is  
acknowledged, this dissertation is entirely  
my own work and has not been submitted  
for a degree in any other University.*

*MRIDULEKHA ALLOPI  
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## **CHAPTER ONE : INTRODUCTION**

*“ Natal was annexed by Britain and became a district of the Cape of Good Hope. After defeat of Dingane, the Natal Bantu settled in reserves and unoccupied land along the North Coast. British immigrants had been introduced into Natal and many of them along the North Coast. John Moreland, a surveyor, then laid out three settlements in the Umdloti Valley on land formerly held by the Natal Cotton Company, this included Mount Moreland (Lower Umdloti River), Verulam (Central Umdloti River) and New Glasgow(Upper Umdloti River). Development Control occurred in the form of a ribbon fronting on to the beach road. The Local Authority control was exercised by then Newsel Umdloti Health Committee. The problems experienced then by the Health Committee, included the control of fishermen and the indiscriminate parking of ‘visitors’ vehicles resulting in serious congestion. At Umdloti, the dune rises steeply to a height of several hundred feet from a narrow ledge behind the beach, which is scarcely wide enough to accommodate the beach road. Expensive high-density development of the difficult terrain of which most of it is made up, it cannot, however, develop to any great size owing to the physical limitations of the site.” ( Pistorius, R.A.1962)*

In effect, the main problems experienced by the now erstwhile Umdloti Health Committee included that of ribbon development fronting onto the beach road, together with the intense nature of development fronting on to the same road, the control of the fishermen, indiscriminate parking by visitors to Umdloti, the height of the dune and its effect on the limitation of the infrastructure such as a road wide enough to carry traffic effectively and efficiently and, lastly the difficult terrain which would limit the type of development in the area. These problems have since been echoed by the former Borough of Umhlanga into which Umdloti was incorporated in 1993, and today by its current custodian which is the North Local Council.

### **1.0 INTRODUCTION**

In terms of Section 40 (2) of the Natal Town Planning Ordinance, 1949 (Number 27 of 1949)(as amended), a Town Planning Scheme “*may be deemed necessary or expedient for relating, restricting or prohibiting the development of the area to which the Scheme relates and generally for carrying out any objects for which the Scheme is made and in particular but without derogating from the generality of the foregoing.*” (Natal Town Planning Ordinance, 1949)

Town Planning Schemes were developed as a component of the Package of Plans in terms of Section 40 the Natal Town Planning Ordinance, 1949

(Town Planning Ordinance No.27 of 1949)(as amended). The administration of Town Planning Schemes has been executed by Local Authorities, Town Boards, Health Boards and Development Services Boards.

Due to the technical nature of Town Planning Schemes, together with the human element of interpretation, the execution of Town Planning Schemes has often resulted in the desired development form being compromised. Coupled with the aforementioned is the issue of the implementation of standardised Town Planning Schemes. The implementation often results in inappropriate solutions being applied. Furthermore, in certain instances, the review of a Town Planning Scheme is overlooked resulting in such a Scheme becoming incongruous with Council's operative policies and frameworks.

The purpose of this dissertation is to explore how the implementation and interpretation of a standardised Town Planning Scheme has impacted on the built environment of Umdloti. The study will examine the effects of the Umdloti Town Planning Scheme on the management of the growth and development of the Town i.e. the zoning, location of land uses and built form regulations that have resulted from the development controls as prescribed in the operative Town Planning Scheme. Furthermore, the implementation of the Town Planning Scheme has resulted in an environment that is considered to be inappropriate by the current custodians of the Town Planning Scheme in the development of Umdloti as a coastal town.

The Town Planning Scheme for Umdloti has been an inappropriate tool for managing growth and development of the area because the Town Planning Scheme does not consider wider, more holistic planning implications but rather focuses on site specific controls, blind of what is occurring around it. Consequently, the plan for Umdloti and the associated resultant development is inappropriate.

It is necessary at this stage to explain that while there is a mutual relationship between the built and natural environments, it is within the scope of this dissertation to have a focussed approach on elements of the built environment only.

Planning at a local authority level has two distinct components, which are Strategic Planning and Development Guidance and Control. The former may be described as achieving a desired overall effect, by linking the spatial and aspatial aspects of development. Whilst the latter prescribes

and specifies land use allocation, the process of changing land use, procedures to initiate land development and, ultimately, to define the physical form of development. It is within the latter component of municipal planning, i.e. Development Guidance and Control that this dissertation is located.

The reason for choosing this topic is that the researcher is currently a Planner in the North Local Council wherein the study area is located. Problems associated with the built environment such as the intensity of development; including the height, floor area ratio, access to the beach, preservation of the dunes and the vegetation thereon; need to be investigated. The floor area ratio, together with the height factors as prescribed in the current Umdloti Town Planning Scheme, are considered to be far too excessive for a coastal town such as Umdloti.

The study area is considered to be inaccessible in that there is only a single access road into the town and there are two long roads in the study area in excess of one kilometre in length that terminate in cul-de-sacs. There are no linkages between North Beach Road and Bellamont Road (Refer to annexure 1.1). The dune has been disturbed in places as a result of irresponsible development and vegetation thereon has not been re-instated resulting in further instability of the dune and severe erosion in places.

Other problems include that of the existing zoning and the resultant land uses. Zonings have been inappropriately located and distributed, furthermore the zoning categories have been restrictive in that they have not allowed for land uses such as restaurants and places of entertainment normally conducive to Coastal Towns to be established. Other zones and uses that are 'missing' include Public Open Space, Recreation and Public Amenities. The current zone categories, together with the land uses, have resulted in an area that lacks further development options to homeowners and developers in terms of a variety of housing, commercial and recreational facilities. This will be further discussed in the analysis of the study area. As a planner involved in the study area for the past six years, it is believed that this dissertation could contribute to the improved management and development of the area.

At this stage it is also necessary to mention that there are basically five plans that have a direct impact on the development and growth of Umdloti, however there has been a reversal in the order of the plans that to a large extent has prevented the appropriate development of Umdloti. The most detailed plan i.e the Town Planning Scheme, became

effective prior to the preparation and adoption of the Structure Plan. The Town Planning Scheme was never amended to execute the Policies and Vision of the Structure Plan. The North Local Council in April 1998, adopted the Integrated Development Plan and while it is acknowledged that this Plan is a broad based policy document, the Umdloti Town Planning Scheme still does not echo the Vision even at a broad level, of the Integrated Development Plan Vision for Umdloti which is the promotion of Umdloti as a niche tourism node. The Coastal Tourism Plan prepared by Markewicz English in November 1998, which is also a policy framework document, contained a set of Development Guidelines for the study area. However the Umdloti Town Planning Scheme has never been amended to effect those Guidelines either.

Since then, the North Local Council has been involved in the preparation of a Coastal Plan for its Coastal Towns. The purpose of this project was to guide the review of the Town Planning Schemes for the coastal areas. That Plan does not provide site-specific solutions but rather makes general recommendations in respect of appropriate growth and management of the built environment.

In essence then, there have been three policy plans approved, however, their emergence did not specifically guide the growth and management of the built environment of Umdloti. This reversal in the order of plans will be further discussed in chapter four, the Case - Study.

## **1.1 LOCALITY OF THE STUDY AREA**

Umdloti is a coastal town situated on the East Coast of South Africa and on the Northern Coastal strip of the Province of KwaZulu-Natal. It is situated between the Ohlanga and Umdloti Rivers, with the Indian Ocean forming the Eastern boundary and the M4 (a metropolitan tourist transport route running north to south along the coast) forming the Western boundary (refer to annexure 1).

Umdloti is located within one of the six Metropolitan Councils of the Durban Metropolitan Area and more specifically, within the North Local Council.

The study area is restricted in the south by the traffic circle and continues to the lagoon in the North, it has as its Eastern boundary, North Beach Road and in the West, Bellamont Road (refer to annexure 1.1 for study area location). The chosen study area comprises approximately eighty

five percent of the total area of Umdloti .The reason for selecting this area is that it is within this area that a variety of zones, land uses and intensity levels exist wherein it will be more appropriate to test the hypothesis.

## **1.2 TOPOGRAPHY**

The topography of the study area comprises a narrow coastal belt approximately 70 meters wide that is backed by an extremely steep dune system that rises to a height of about 65 meters. Bellamont Road forms the crest of the dune. The dune is covered in places with dense vegetative cover. The base of the dune includes a narrow flat belt of land and resulted in the road access being problematic. The primary road, i.e North Beach Road, now runs where there were once dunes. Erosion of this road by the sea, was acknowledged as a severe problem in the Structure Plan and is today still a serious problem, facing the North Local Council.

The topography of Umdloti has resulted in Umdloti being a popular place to live in or, from a tourist perspective – to visit, as virtually all properties enjoy extensive sea views.

## **1.3 BACKGROUND TO THE PROBLEM**

The research problem stems from the following:

1. That there has been no link between the Umdloti Town Planning Scheme and the Structure Plan. The Umdloti Structure Plan was prepared by Harber, Masson and Associates in 1989. The brief was to guide the future growth of Umdloti. The Structure Plan included a prescriptive set of goals and objectives for residential, environmental, public facilities such as schools and shops, services and access. While the goals and objectives are explicitly stated under the Spatial Recommendations, there are no mechanisms suggested to put these recommendations into effect. Furthermore, as a result of the Town Planning Scheme having been adopted prior to the adoption of the Structure Plan, and the Structure Plan having a specific brief, the Town Planning Scheme was overlooked. Thus the link between the Scheme and the Structure Plan is non-existent. Thus, the point made in the introduction in respect of the linking of spatial and aspatial aspects has clearly not been adhered to.



The ability to guide past and current planning issues is also non-existent. Some of the planning issues requiring the guidance of the Structure Plan include areas which should be rezoned and areas that should not, guidance on the location of the commercial facilities and mixed land uses, guidance on environmentally sensitive areas etc.

The problem of the Town Planning Scheme is further endorsed by the fact that the Town Planning Scheme in its current form is inflexible to accommodate current planning trends. Furthermore, the Town Planning Scheme has never been amended to reflect current planning policies.

2. As a result of the Umdloti Town Planning Scheme having been adopted before the Structure Plan, the Town Planning Scheme lacked the execution of a coherent Vision and sound planning principles for the development of the coastal village. The effective date for the Administrators' approval of the resolution of the Health Committee to prepare a Scheme was 8 May 1962. The Umdloti Beach Health Committee finally adopted the second revision of the Town Planning Scheme on 26 June 1985.

The Town Planning Scheme was never amended to incorporate or recognise those recommendations of the Structure Plan, thus decision-making has occurred without taking cognisance of the recommendations of the Structure Plan. The development controls written into the Scheme make no special attempt to recognise the fragility of Umdloti as a coastal village.

3. The carrying capacity in terms of development of coastal villages is limited and if over-development, occurs then the fragile environment of the coastal village diminishes to such an extent that people are no longer attracted to such places. Thus the need for a policy to guide coastal development is required. A policy related to land use in coastal areas has since been formulated by the Council for the Environment, which is a two-part document compiled in 1991 and sets out guidelines for coastal land-use. While these guidelines were formulated in 1991, the guidelines will be used to test whether in fact subsequent decisions were in keeping with such a document.

## **1.4 THE RESEARCH PROBLEM**

In order to retain the focus of the dissertation, it has been decided that the research problem be broken down to highlight two themes:

- Coastal Localities including the built form regulations
- Environmental Performance

The research problem in essence is that the Umdloti Town Planning Scheme has been an inappropriate tool in the management of the development of the physical environment, i.e. the zoning, location of land uses, and built form regulations. The resultant built environment is undesirable. The built environment resulting from the development controls prescribed by the Town Planning Scheme has been considered by the current custodians of the Scheme to be inappropriate in addressing the growth and development of the coastal village of Umdloti. This inappropriateness arises out of the problems identified earlier in 1.3 Background to the Problem. Tool in this instance refers to a mechanism, i.e. the Town Planning Scheme, which comprises scheme clauses and a Town Planning Scheme Map. A more concise definition of a Town Planning Scheme is included in the Key Concepts.

### **1.4.1 Unpacking the themes**

The following attempts to provide a broad description of the underlying themes.

#### **1.4.1.1 Coastal Localities**

Coastal zones are unique by their very location. This uniqueness is further based on issues such as daily tides, mangrove forests, sea beaches, barrier-islands, sea-views, traffic-restrictions in terms of parking and access to the beach and the type of development that occurs within these zones. Due to these features, coastal enterprise is also distinctive. Most countries recognise coastal towns as distinct regions with resources that require special attention. It is a region of natural dynamism and a place of high priority interest to people and commerce. But because it contains dense populations, the coast undergoes great physical and environmental deterioration (Clark J.R, 1996). Coastal Towns also provide a range of tourist and recreational opportunities, while coastal waters provide a valuable food resource base.

The theme of Coastal Localities includes the consideration of issues such as zoning and land use. This theme will consider whether the land within the study area is appropriately zoned and that the distribution of these zones is well located, and whether the land uses that have resulted are appropriate and well located. The issue in respect of the provision of parking will also be addressed.

It is also the intention to examine whether the built form regulations are appropriate for use in a coastal village such as Umdloti. For the purposes of this dissertation, built form regulations shall include the floor area ratio, coverage, height, building lines and side and rear spaces as prescribed in the Umdloti Town Planning Scheme document. A more concise definition of the aforementioned is included in the Key Concepts. The built form regulations in the study area were weighed against criteria as described in a document entitled “High Rise Buildings on the South Coast of New South Wales, prepared by the Department of Planning, 1983” and the criteria included in the “Guidelines for Coastal Land-Use” compiled by the Council for the Environment, 1991. Lessons learnt from the development of Sea Ranch, a community on the Californian Coast are also used.

The resultant built form is considered to be far too dense in terms of intensity (including the permissible height and the permissible floor area ratios) by its custodians for a coastal locality. This will be further highlighted in the Conceptual Framework where the Environmental Performance Criteria will be set up.

#### **1.4.1.2 Environmental Performance**

Here it is the intention to present an Urban Design analysis of the study area. The main purpose is to evaluate the study area against particular urban design principles and performance qualities. Forming the basis of such an evaluation is the Environmental Performance Criteria. On the basis of understanding the performance criteria, the following themes are established to form the framework for the Urban Design Analysis:-

- Investigating Accessibility/Permeability
- Investigating Image and Identity
- Investigating the Mix of Uses
- Investigating Urban Form



In summary then, the dissertation will consider whether in fact the plan, as dictated by the Umdloti Town Planning Scheme, and subsequent planning that resulted from the execution of the Umdloti Town Planning Scheme, has been an appropriate tool in shaping and managing the growth and development from the point of view of land use distribution and pattern and intensity levels of the study area.

## **1.5 SUBSIDIARY QUESTIONS**

The following questions bear further relevance to the study:

- In general, what are Town Planning Schemes intended to achieve?
- How did Town Planning Schemes evolve internationally, nationally and locally?
- Is the Town Planning Scheme system flexible enough to incorporate developers/landowners proposals as it relates to densities, heights and other Scheme controls including those impacting on the natural environment.
- Is the Umdloti Town Planning Scheme consistent with other coastal localities Town Planning Schemes within the North Local Council with regard to the development rights and controls? This question is a crucial one as the issue of applying standardised Town Planning Schemes to areas may not be the ideal mechanism to have been applied in the study area.
- Is the Town Planning Scheme just a “poor” or inappropriate plan in its own right?
- Were there any planning principles and built environment principles that were built into either the Structure Plan or the Town Planning Scheme, or were both documents too narrowly focused?
- What implications do the Structure Plan, Integrated Development Plan and Coastal Plans have for the study area?

The Conceptual Framework will address the aforementioned and look at the issue of precedent for coastal towns. The Coastal Zone

Management Handbook by John R. Clark (Clark, J.R, 1996) will be used to set up criteria to test all the problems raised above.

## **1.6 THE HYPOTHESIS**

The Umdloti Town Planning Scheme is considered by its current custodians to be an inappropriate tool in addressing the management and shaping of the built environment of Umdloti. The factors that influence this are as follows: -

- i) Umdloti is a Coastal Town that is considered to be unique, and hence requires a plan and planning ethos that takes cognisance of this. The zonings and land uses as contained in the Town Planning Scheme are inappropriate for the locality.
- ii) The built environment that has emerged lacks an enriching urban form. There is nothing special about Umdloti.
- iii) The built form regulations are far too severe for use in the study area. The bulk factors are too high and have resulted in buildings that are not consistent with coastal planning.

## **1.7 KEY CONCEPTS AND TERMS**

As a result of the following terms being utilised throughout the remaining chapters, it is necessary to explain their meanings so as to avoid ambiguity.

**1.7.1 INTEGRATED DEVELOPMENT PLANS:** a process through which Local Authorities prepare short, medium and long term plans for their areas of jurisdiction. Integrated planning involves the participation of various sectors and brings together the efforts of national, provincial, regional and local government. At the local authority level individual groups and the private sector as well as other stakeholders, work

together to achieve single Vision. It is believed that such a process creates a holistic approach to issues, rather than sectors working in isolation. The reason for addressing the Integrated Development Plan is to ensure that the Vision and objectives of this document are upheld in the recommendations of this dissertation, although it is noted that the Integrated Development Plan is a broad-brush document.

#### 1.7.2 STRUCTURE PLANS:

Section 40 (3)(a) of the Town Planning Ordinance, 27 of 1949, states that a structure plan shall contain a statement of “the policy framework and planning framework to be applied in the preparation of the scheme” and “the general aims and objectives which have been set out for the use of the land to which the plan relates” (Town Planning Ordinance, 27 of 1949).

#### 1.7.3 TOWN PLANNING SCHEMES:

seen as regulatory mechanisms for controlling land use and development in urban areas. This mechanism deals solely with the physical structure of the city constrains the effect it has on development of frameworks other than physical for conceptualising urban areas.

#### 1.7.4 DEVELOPMENT CONTROL:

Tewdwr-Jones (1995) believes that development control is the executive arm of the planning process. It gives effect to the planning objectives of the development plan. The quality of the outcome is critically dependent on the quality of the development plan and the extent to which individual planning decisions are consistent with. Accordingly, an effective development system should ideally be guided by the following:

1. Recognition of the importance of the control of planning and development;
2. A comprehensive local plan coverage of the whole of each authority's area;
3. Opportunity for public participation in the preparation of development plans;
4. A requirement for planning decisions to conform to the development plan and for departures to be adequately explained;
5. A need for local authorities to respond positively and promptly to planning needs and enquiries;
6. A determination for the profession to minimise costs and

delays in the planning system. (Tewdwr-Jones, 1995)

#### 1.7.5 ZONING:

refers to the legislation that governs land use planning and specifies the use/s for which particular sites may be used. The zoning requirements are contained within the Town Planning Scheme, which consists of two components – a zoning map and a set of written regulations. The purpose of the Town Planning Scheme is that it acts as an instrument of policing power to protect the community from nuisances. It does this by way of restricting the rights/uses of property in the interest of public health, safety or general welfare. In practice, zoning attempts to achieve its purpose by the physical separation of potentially conflicting activities, such as industry and residential and by the grouping, within a specific zone, of compatible activities. (Williamson, 1989)

#### 1.7.6 BUILT FORM REGULATIONS :

intensity controls shall include floor area ratio, height, coverage, building lines, and side and rear space requirements.

##### 1.7.6.1 FLOOR AREA RATIO:

is the ratio of the total floor area of the building on a lot

to the lot area, and is expressed as a decimal, e.g. a floor rear ratio of 0.5 means that the floor area of the buildings on a particular lot is half the lot area. (Umdloti Town Planning Scheme, Part 1)

#### 1.7.6.2 HEIGHT:

is the height of a building in storeys or floors and is expressed as a number (Umdloti Town Planning Scheme, Part 1)

#### 1.7.6.3 COVERAGE:

is the proportion of a lot covered by buildings and is expressed as a percentage of the lot area as defined. Thus 25% coverage means that only one quarter of the lot may be covered by buildings (Umdloti Town Planning Scheme, Part 1)

#### 1.7.7 PHYSICAL ENVIRONMENT:

for the purposes of this study physical environment shall refer to the study area in its natural form.

#### 1.7.8 URBAN DESIGN:

is a form of design, or an approach to design that seeks to establish responsive environments. This is achieved through a particular design position or attitude and through the use of certain design criteria and principles. (Cited in Iyer.N 1996)

#### 1.7.9 URBAN FORM:

images that are necessary if an individual is to operate

successfully within his environment and in creating a richer experience within an area and include legibility and imageability (Lynch K, 1960).

#### 1.7.10 LEGIBILITY:

the ease with which parts of a city can be recognised (Lynch K, 1960).

#### 1.7.11 IMAGEABILITY:

“that quality in a physical object which gives it a high probability of evoking a strong image in any observer. It is that colour or arrangement which facilitates the making of vividly identified, powerfully structured, highly useful mental images of the environment” (Lynch K, 1960).

## **CHAPTER TWO**

### **RESEARCH METHODOLOGY**

#### **2.1 INTRODUCTION**

Following on from section 1.5 and 1.6 there are several objectives that form a portion of the framework for this study. These objectives are:

- (a) What are Town Planning Schemes and how did they originate?
- (b) What is their purpose/function?
- (c ) To examine alternative international trends or planning approaches and procedures which could be applied to the study area, i.e coastal/tourist places.
- (d ) To examine whether the Town Planning Scheme regulations in particular the density factors and zoning, are appropriate to cater for the rapidly changing socio-economic climate.

These objectives will be realised through the research methodology. Both primary and secondary resources have been utilised in the study. These tools were selected in order that a concise, complete and factual empirical analysis of the study area is obtained. Qualitative approaches are deemed to be the most appropriate method used when dealing with communities perceptions, attitudes and opinions.

#### **2.2 SECONDARY SOURCES**

The foundation for the research involved secondary sourcing of relevant information. It is anticipated that this will provide a firm understanding of the context and the various components of which a coastal village comprises. The literary material includes: -

- Journal articles
- Published documents and books
- Documents such as the IDP (Adopted by the North Local Council April 1998)
- Umdloti Structure Plan (1989)
- Umdloti Town Planning Scheme (Second Revision Final Adoption 26 June 1985)

Access to these documents was obtained through libraries, Internet, documents from the North Local Council and the Durban Metropolitan



Council. This method provided the researcher with possible answers and is also pragmatic in the sense that it enables the researcher to work within budgetary and time constraints. The second method of research co-relates back to the first method thereby confirming accuracy and validity.

## 2.3 PRIMARY SOURCES

More than one method was necessary in order to gain a balanced picture. The following four methods were utilised: -

- i) The distribution of a questionnaire. The questionnaire also contained questions in respect of the “Responsive Environment approach.”
- ii) Interviews with the Council, the Chairperson of the Residents Association and a Developer in the area.
- iii) A Land Use Survey.
- iv) Urban Design Analysis

It being noted that the questionnaire and the interviews are perceptions of the respondents and in no way can be recognised as being factual.

The details in respect of the four methods are discussed below.

**Table 1 : The use of methodology in addressing the two themes**

	Coastal Localities And Built Form Regulations	Environmental Performance
Questionnaires	*	*
Interviews	*	*
Land Use Survey	*	*
Urban Design Analysis	*	*

The table above indicates that the four methods utilised in the collection of data is relevant to the two themes set-up. Planning problems experienced by respondents will be addressed / considered when analysing the Town Planning Scheme and recommendations formulated into that chapter.

### **2.3.1 Questionnaires to householders and residents. Technique involving systematic sampling**

The questionnaire was designed to ascertain the residents needs, requirements, aspirations; their satisfaction/dissatisfaction with the area and their attitudes to the resultant development –whether the development is considered to be appropriate for their area; the type of development they would like to see happen in their area and where exactly.

Because the dominant use in the study area is residential, and more specifically two distinct types of residential development, i.e. Special Residential and General Residential, the technique of systematic sampling was utilised in both instances.

In the case of Special Residential, i.e. a single dwelling unit on a site, there are exactly seventy-nine special residential sites within the study area. Questionnaires were distributed to every second dwelling unit – thus a total of thirty-nine questionnaires were distributed in an effort to gain a large enough response that would be representative of the people.

There are a total of twenty-one blocks of flats comprising a total of eight hundred and thirty-eight units. A total of thirty questionnaires was distributed within these units in an effort to gain a large enough response that would be representative of the people. In this regard, every twenty-eighth flat was included in the sample. A copy of the questionnaire is attached at annexure 2.

The data collected was then evaluated in an attempt to answer the research question as well as to provide answers to some of the subsidiary questions. The questions to which either Yes or No were answers were tabulated and deductions made, those where explanations were provided, were weighted.

### **2.3.2 Interviews with specific people representing the following bodies:**

- The North Local Council – Ex-Town Clerk Umdloti of the Town Board. It was considered necessary to interview the ex-Town Clerk mainly because he managed the Town Planning issues in Umdloti prior to the take over of the area by the North Local Council. The ex-Town Clerk has an in-depth knowledge and understanding of planning issues in the study area. Questions that were asked

included whether the Umdloti Town Board had any intention of revising the current scheme to incorporate the recommendations of the Structure Plan and whether the Town Board itself had experienced any pressure from residents and / or developers to revise any portion of the Town Planning Scheme in particular, and if so what? Were there any compromises that had to be accommodated and if so why? What were some of the problems he as the Town Clerk of Umdloti saw?

- The Umdloti Ratepayers Association – The Chairperson – Mr Richard Siedle. The Ratepayers Association is a particularly active one and it was the intention of the writer to ascertain via a different source how the Scheme has affected the residents, if at all.
- A developer in the study area was also interviewed. The purpose in interviewing the Developer was to ascertain from an additional source how the Town Planning Scheme has affected the ability of the developer to satisfy the requirements of potential buyers into the area. As a result of the Town Planning Scheme being such a ‘jargonated’ and technical document, whether in fact the controls contained in the Town Planning Scheme were understood by Developers and the Architect in the preparation of building plans. Furthermore, as a result of the Developers working so closely with the public, was there anything specific that they considered necessary to be included in the Town Planning Scheme in order to make it a more facilitative document.

It should be noted that the detailed analysis and evaluation of the Umdloti Town Planning Scheme map and document will be addressed in a separate chapter. Yet another chapter will look at the way in which another Town Planning Scheme pertaining to a coastal town manages its zoning, land uses and densities.

### **2.3.3 Land Use Survey**

A detailed existing land use survey of the study area was undertaken. The reason for the survey was to ascertain the relationship of existing land uses to the Town Planning Scheme. This answered the question as to whether the Scheme has been properly administered. The land use coding is in keeping with the South African Land Use Coding System.

### **2.3.4 Urban Design Analysis**

A detailed Urban Design Analysis was undertaken. This was done in an attempt to evaluate the elements of urban design in Umdloti. The writer undertook the analysis to determine accessibility / permeability, image/ identity and urban form. This in particular responds to the statement in the hypothesis that “the built environment lacks an enriching urban form”. This has been weighed against the criteria set-up for Environmental Performance.

Thus the above mentioned tasks have resulted in the ability to obtain a balanced picture as it relates to the four methods used to obtain relevant information. Furthermore the information relates back to the themes set up in the research problem.

The table below indicates the issues that will be discussed in the forthcoming chapters.

**Table 2: Summary of Issues**

<b>Theme</b>	<b>Issues</b>
Coastal Localities and Built Form Regulations	<ul style="list-style-type: none"> <li>▪ Appropriateness of zoning</li> <li>▪ Appropriateness of location of zoning</li> <li>▪ Appropriateness of land uses</li> <li>▪ Appropriateness of location of land uses</li> <li>▪ Parking provision as dictated by the operative scheme</li> <li>▪ Effects of floor area ratio, height, building lines, side and rear spaces – the effect of the above on overshadowing of the beach, lack of human scale</li> </ul>
Environmental Performance  (Bentley, et al)  Lynch	<ul style="list-style-type: none"> <li>▪ Permeability - options for movement within the study area</li> <li>▪ Legibility – how well is the study area ‘understood’ by the residents/tourists</li> <li>▪ Visual Appropriateness – effects of massing, any provisions in the scheme?</li> <li>▪ Robustness – ability of the study area to respond to change as a result of economic condition</li> <li>▪ Nodes</li> <li>▪ Edges</li> <li>▪ Paths</li> <li>▪ Districts</li> <li>▪ Landmarks</li> </ul>

## 2.4 CHAPTER OUTLINE

This dissertation comprises of eight chapters.

The first chapter provides a general introduction to the dissertation and background to the problem. It sets out in detail the content and defines the focus.

Chapter two is the dissertation strategy that identifies the research question and hypothesis. It also provides an outline of the methodology. Methods of evaluation are also listed.

Chapter three examines the underpinnings of the dissertation. In particular, attention is given to what Town Planning Schemes are and how they emerged internationally and locally; components of the Town Planning Scheme. Focus then turns to the South African context, including the hierarchy of plan making and including the present day requirements, i.e. Integrated Development Plans, Local Development Objectives and Local Development Plan. Precedent for coastal areas will also be discussed.

Chapters four relates to the analysis and evaluation of the Umdloti Town Planning Scheme in course of preparation. The analysis will include a desk-top evaluation of the principles embodied in the Town Planning Scheme and thereafter an analysis of the existing development to assess the success or failure of the Town Planning Scheme. The need for this chapter is to understand and interpret those parts of the scheme that are deemed to be relevant to this study as well as to assess the effectiveness/non-effectiveness of the scheme as it relates to the study area.

Chapter five consists of the analysis of the survey questionnaires and interviews distributed and conducted in the study area. The responses will provide invaluable information in testing the hypothesis. This chapter also looks at the main findings of the dissertation.

Chapter six refers back to the hypothesis to measure its validity.

Chapter seven is the concluding chapter which provides a summary of the findings of the study and goes on to discuss the implications for the future.

Chapter eight includes the recommendations that have been proposed following on from the findings.

## **CHAPTER THREE**

### **CONCEPTUAL FRAMEWORK**

#### **3.0 INTRODUCTION**

This chapter largely attempts to provide answers to the question: “What informs the dissertation?”. The topic is based on conceptual research on Town Planning Schemes; on both conceptual research and precedents on Coastal Localities and Built Form Regulations; and on conceptual and precedent on Environmental Performance.

The first theme of Coastal Localities addresses primarily the evolution of town planning schemes and their functions. It looks at the emergence of two specific approaches, viz. (a) Zoning and (b) Policy based approaches. Focus then turns to the South African context and the role and function of Town Planning Schemes. It looks at the latest planning trends in an attempt to understand where Town Planning Schemes fit in, if at all.

In considering the zoning, land use and parking issues criteria used in the document “A Policy for Coastal Zone Management in the Republic of South Africa – Part 2 Guidelines for Coastal Land-Use” produced by the Council for the Environment in August 1991, was utilised. The criteria utilised by the planning consultant involved in the Innovative Coastal Plan for the North Local Council was also utilised. This theme will also consider the built form regulations and in this regard the following documents were utilised:

- “High Rise Buildings on the South Coast of New South Wales” prepared by the Department of Environment and Planning in the United Kingdom in June 1983. This document provides clear guidelines as to how development should occur within coastal towns. This document has set a precedent for coastal development internationally.
- Further reference has also been made to the development of the community of Sea Ranch, on the Californian Coast.
- Nationally, focus has been placed on a document entitled “A Policy For Coastal Zone Management in the Republic of South Africa – Part 2 Guidelines for Coastal Land-Use ”, produced by the Council for the Environment in August 1991.

The second theme is that of Environmental Performance. The analysis was confined to the four themes as identified in Chapter 1, which include:

- Accessibility/Permeability,
- Image/Identity,
- Mix of Uses,
- and Urban Form as identified in Bentley, et al (1985).

In addressing the issue of Urban Form, reference was made to Lynch. K (1997). Here the five elements including:

- Nodes
- Edges
- Paths
- Districts and
- Landmarks, are discussed.

Criteria used by Iyer, N (1996) in his dissertation were also utilised.

### **3.1 LOCATING THE DISSERTATION**

The evolution of planning theory and practise has been the result of the changing context within which these theories and practises were located. Rowe (1981,159), in outlining his theoretical approach to planning, has recognised this fact and thus placed emphasis on contextualising planning within the social, political and economic context that it finds itself in.

Prior to the 1930s, there was no coherent planning theory and planning itself was seen to be regulatory and blueprint orientated largely because of its function as a state activity to control development. Into the 1940s and 1950s however, planners began to question their role and function in society and a mood of self consciousness manifested itself into decision making theory where planning lost its physical routes and began to take on different theoretical perspectives.

At the core of this planning theory were essentially theories of the substantive aspects of planning and theories of the normative aspects of planning. The former, theory *in* planning addressed the objects of planning action while the latter, theory *of* planning, focused on the procedures, operations and methods of planning. Coleman (1986:41) agrees with Scott and Rowe (1977), that a normative theory of planning cannot be developed in isolation from a substantive one, and even though



procedural planning theory, and ‘any theory *of* planning must be firmly grounded in the real world and be derived from the theory *in* planning and *for* planning.’ McCarthy and Smit (1984,102) Normative theory involves value judgements and it is within this theory that this dissertation is located. Urban planning cannot successfully proceed without both procedural and substantive theory as its foundations.

The need to have included the above is based on the fact that documents such as the Town Planning Scheme need to be flexible and facilitative enough to accommodate the changing face of planning within the context it finds itself.

The emphasis on British and American urban planning literature in this dissertation is of importance mainly for the following reasons:

- Firstly, much of the thinking behind planning in South Africa has its roots in British urban planning theory;
- Secondly, the history of South African cities, in some aspects, parallels that of the American city;
- Thirdly, the development of planning theory in America may be in advance of similar thinking in other countries of the Western World;
- Due to the characteristics of Umdloti, i.e. being a coastal village, it has become necessary that other coastal localities be considered in order to provide a complete understanding of the issues. Internationally, New South Wales and Sea Ranch were considered, and locally, Umhlanga.

## **3.2 EMERGENCE OF APPROACHES**

In considering what a Town Planning Scheme is and where these Schemes emerged from, two broad approaches also emerge i.e. the zoning approach and the policy-based approach. (Mabin, 1997) These two approaches are discussed in both the international and national context in this chapter.

### **3.2.1 THE ZONING APPROACH**

Under this approach, areas are divided into different land use categories termed zones. This is formalised by means of a Town Planning Scheme.

While the preparation of the plan and its subsequent updating may be considered to be complex, the component attributed to the control is conceptually straightforward in that it requires simple enforcing of the zones and preventing those uses which depart from those permitted. While it has already been said that the United States is the home of zoning, cities within the United States themselves administer schemes that range from rigid to flexible. New York is an example of such - their system is based on very detailed zoning but allows a considerable degree of choice within the parameters laid down in the zoning plan. In addition the New York system considered pre-application negotiations, which was a measure of making a zoning system more flexible. (Bolaffi cited in Mabin, 1997) This system of zoning is a rigid system and is prescriptive. The efficiency of the system is dependent on both the Town Planning Scheme Clauses and the Town Planning Scheme Map being a hundred percent accurate, i.e every amendment made to either the Town Planning Scheme Clauses or the Map (amendment in the form of a rezoning) must be reflected in such tools. Failure to update these tools renders the system deficient and ineffective.

### **3.2.2 THE POLICY-BASED APPROACH**

With the policy-based approach, the explicit policy of the Local Authority is executed. Thus there are no Town Planning Scheme maps or documents. The only form of control is that the use practiced on the ground must comply with the policies in place. In Canada, the Municipality of Ontario uses policy-based approaches. Such a mechanism has allowed the Municipality the opportunity for greater flexibility in its decision-making. However, the policy-based approach requires absolute skill in policy-making and requires that policies be constantly updated so as to meet constantly changing policy trends and socio-economic circumstances. Furthermore, such a system is seen to be advantageous in the working environment on condition that the planning personnel assisting the public echo the policy precisely in the way it was written.

### **3.3 WHAT IS A TOWN PLANNING SCHEME AND FROM WHERE DID THEY EMERGE?**

A Town Planning Scheme is a regulatory mechanism for controlling land use and development in urban areas. A scheme deals solely with the physical structure of a city, constrains the effect it has on development of

2 frameworks other than physical for conceptualising urban areas. The emergence of Town Planning Schemes internationally is outlined below:

## **A) INTERNATIONAL CONTEXT**

### **3.3.1 THE EMERGENCE OF TOWN PLANNING SCHEMES IN BRITAIN**

In Britain, prior to the introduction of Town Planning Schemes, physical control was largely exercised by the public health authorities. Landowners exercised control over the physical development on private land by means of covenants thus restricting the use of the land and buildings, the manner of development, the appearance of buildings and the physical appearance relating to each other and to open space. Covenants were designed to protect the associated characteristics of low densities and middle-class ambience. Thus, either through bylaws or covenants the enabling power was that of the law. The Housing and Town Planning Act of 1909 focussed mainly on the need for healthier living conditions and better amenities in general. The emerging Town Planning Scheme comprised of a written set of clauses and accompanying maps. It conferred on the Local Authority enforceable powers and specified "Use Zones" by indicating the class of proposal that needed permission from the authority. (McLoughlin J.B, 1973)

Up until the outbreak of the Second World War, control was exercised which had very largely a negative effect, i.e. the Schemes and their implications were concerned with what should not occur, rather than what should come about. Furthermore, they were indicative rather than prescriptive and tended to be unrealistic. Further, land was zoned for development that was never likely to have materialised (McLoughlin, 1973). Town Planning Schemes under the 1932 Act were cumbersome and slow.

Up until 1930, "blueprint planning" ideas and concepts based on "Garden City" and "City Beautiful" were dominant approaches. The style of planning included comprehensive and normative planning since the whole city was expressed in a rigid plan based on idealistic concepts. Planners of that era also believed that by manipulating the physical elements of the city they could create certain social benefits. During the period 1940 - 1950, in both America and Britain, planning became less comprehensive and blueprint in style. Goal formulation was no longer the responsibility of the planners but now rested with the politicians. By the 1950's planning was paying increasing attention to devising various

means of control such as zoning. The period 1960 saw planning becoming increasingly flexible, so much so that comprehensive planning was being phased out and incrementalism was being introduced (McLoughlin, 1973). This resulted from planners' acceptance that they could not have complete knowledge of the variety that exists in urban society. The third current trend is the shift towards more normative approaches that focussed on the procedures, approaches and methods of planning. This trend saw planners actively and consciously adopting generative strategies based on value judgements.

The 'Schuster' Committee of 1950 recognised a two-fold planning function; the first had to do with the determination of policies, social, economic and strategic; the second, the making use of land and development plans in conformity with those policies. Keeble (1989) was of the opinion that "land use planning, town and country planning, physical planning or what ever other name may be preferred .....is of profound importance to human welfare". The Planning Advisory group dominated the statutory planning scene during the 1960's. It reaffirmed that planning was not only concerned with land-use allocation but also with the quality of the physical environment. The Local Government in the House of Commons resolved that " the planning scheme would be an exercise in civic design i.e. it would transcend the design of single buildings as by an Architect, the subdivision of land by a lawyer or surveyor, the layout of roads and utilities by civil and municipal engineers. It would co-ordinate and integrate these elements into a whole, which would be more than the sum of parts. It would serve social and community ends of health, safety and beauty. It would be backed by the power of the law. The planning scheme would co-ordinate and integrate public and private actions - something that 'market forces' could not do. It also implied the need for a new kind of civic design or town planning skill encompassing but perhaps transcending aspects of those of the Architect, engineer and lawyer".

The 1960's saw open-ended Structure Plans being prepared by local authorities. Local "Structure Plans" prepared were broad policy statements of the local authorities policies and proposals for development in the area. Structure Plans in turn formed the framework for detailed, "local/development plans". "These plans outline the local authorities' proposals for the development or other use of land in their area...including such measures as the authority think fit for the improvement of the physical environment and the management of traffic"(Town and Country Planning Structure and Local Plans) Regulations 1982 (S.I 1982,No 555). In this system there is nothing

resembling a zoning bylaw. In this instance discretionary planning control is practised. Planning applications are assessed by the local authority within the framework of its local/development plans which is in effect the policy based approach of planning. In this approach, the policies included in the local /development plans is executed. This system is different from systems used elsewhere in the world, and this is because British planning is “conceived in terms of the public interest”(Cullingworth J.B 1993 page 209). Cullingworth (page209), highlights a major feature of this system, which is that all development requires the prior approval of the local authority. This approval can be one of unconditional permission, permission subject to conditions as is thought fit, or refusal.

In essence, the British Town Planning system underwent numerous changes in an attempt to find the most suitable solution. The solution adopted was one where the consent of the Local Authority was required and hence discretion was given to planners administering the system to either approve the application unconditionally, subject to conditions, or to refuse the application. While the power of discretion was considered in certain instances to be advantageous, i.e speeded up the assessment of applications, this discretion opens itself up to the question of capacity and experience of the planners. Furthermore, policies can be interpreted differently by different people, thus there is an element of ambiguity. Yet again policies must be clearly written and updated to reflect changing policy trends. These changes must be clearly understood by the planners that administer this type of approach to planning control.

The mechanism of consent enabled the Local Authority to continue to control the developing built form, while simultaneously still being able to maintain healthy living conditions and maintain the amenity of the area.

### **3.3.2 THE EMERGENCE OF TOWN PLANNING SCHEMES IN AMERICA**

American planning, like British, has claimed to be ‘the preparation of long-range comprehensive plans for communities and has tended to focus on ‘efficacy of means to the exclusion of ends’ but has failed to make use of utopian tradition (Meyerson, 1960). Thus this multiplicity of purpose, i.e. sanitary, efficient and beautiful, - characterised by the objectives which lay behind the earliest town planning schemes were caught up in the overarching view which believed in health, efficiency and beauty, together were contributory factors. The first comprehensive zoning ordinance in the United States was that in New York in 1913, wherein an



important movement in land use controls was started (Fabos, page 172). Zoning as a land use device proliferated rapidly, with techniques to control land use (Einsweiler and others, 1975, page 239). However, there was a great difference between the new zoning controls and the well-established police power regulation of buildings and factories – the latter indicative of prescriptive / discretionary planning, was used to solve existing problems and to promote health and safety, while zoning applied to new developments only. (Cullingworth J.B 1993, page 27) During this period, Herbert Hoover documented a study that included the standardisation of industrial parts and of the plans, materials and structural elements of houses; zoning according to Hoover belonged in this category. Zoning protected homeowners from “uncongenial” neighbouring uses, which would affect both amenity and market value (Cullingworth, page 28). While land use issues arose primarily from social concerns, during the 1960’s and 1970’s issues began to focus on environmental concerns and significantly intervention measures began to change from “control” to “growth management ” and “growth guidance”.

The system utilised in the United States of America had a fairly rigid zoning system with little variance, i.e the equivalent of consent uses. While this system offered very little flexibility, it offered a greater variety of zones and hence a richer palette of land uses. As a result of consent of the Local Authority required as a prerequisite to any form of development, the Local Authority was once again able to control the development of the built environment. In the United States of America, the two approaches i.e the zoning approach and the policy-based approach, are both practised. As a result of the various States enforcing Town Planning Schemes ranging from flexible to rigid, the zoning approach and the policy-based approach are utilised where applicable. The efficiency of zoning approach was dependent on the Town Planning Scheme Clauses and the Scheme Map being constantly updated, while the policy-based approach was dependent on the capacity and experience of the planners that administered the system. Policies also needed to be updated frequently and planners advised of the changes. However, the human element of ambiguity still remains.

### **3.3.3 THE EMERGENCE OF TOWN PLANNING SCHEMES IN CANADA**

In Canada, the planning system varies in its nature and extent among the ten provinces. Most provinces require the approval of municipal plans and zoning bylaws, while it is acknowledged that there are differences in

some of its provinces such as New Brunswick, Quebec and British Columbia. Due to the slow population growth and urban development, there was less pressure for development controls than in the United States. Von Nus (1979: 237) writes that “The principal basis of political support for zoning was the desire to prohibit the intrusion of uses which could reduce neighbourhood property values. When they set out to sell zoning to the public, planners appealed above all to the determination to maintain property values. They pitched this appeal in particular to the real estate agents”. In Canada too, zoning proved to be an inadequate tool for dealing with changing conditions or for controlling development. Zoning ordinances were not standardised across Canada resulting in inconsistency and secondly, ways were always found of giving flexibility to this inherent inflexible instrument as Spence –Sales 1949:83 so aptly puts it: “In the case of technicalities underlying zoning, one of the most critical factors in nullifying the elastic legal basis upon which Canadian planning law is established has, to a very large extent, been frustrated by the particularity of zoning techniques which have been borrowed from American precedents...The adoption of American zoning techniques in the provinces of Canada raises the important question of their suitability in a country which has certain similarities in its urban developments, but in which the legal basis for planning is of a different order”. The point made here is that zoning techniques applicable to one location are not always suitable for adoption elsewhere, as places are unique and a standardised piece for legislation such as a Town Planning Scheme should not be adopted without due consideration of the prevailing circumstances which is what has happened in the study area. In Canada, in particular the Municipality of Ontario, the policy-based approach to planning is utilised. This approach is utilised as there are no Town Planning Schemes instead all development is guided by the policies adopted by that Council. Although the system has enabled the Municipality greater flexibility in decision-making, the policy-based approach requires absolute skill and experience in its execution.

### **3.3.4 WHAT ARE THE LESSONS TO BE LEARNT FROM THE INTERNATIONAL SCENARIO ?**

The evolution of tools such as Town Planning Schemes reflects a continuous tug of war between zoning and/or prescriptive and discretionary control philosophies of development control; with the former seen to be more superior. Discretionary planning control in essence is a system whereby an owner is conferred rights to develop, yet

is controlled by the planning authority's discretion, which is in effect a continuum.

At the one extreme, is the legal zoning provision which allows the owner uncontested rights to develop the site subject to compliance with zoning bylaws; then there is a totally discretionary scheme which offers no guidance as to what may be allowed instead it confers on the local authority the authority to decide for itself ; in between there are "guidelines" and "standards" (Cullingworth J.B 1993, page 215). The emergence of Schemes demonstrates the need for flexibility in order to accommodate development.

As has been alluded to earlier, much of the thinking behind planning in South Africa has its roots in British urban planning theory and in today's dynamic and vibrant socio-economic climate, the suitability of such planning is also questioned. The issue of appropriateness and usefulness of zoning, particularly in the study area will be confirmed in the following chapters. The need for the above study will be useful in recommendations for the study area.

## **B) THE NATIONAL CONTEXT**

### **3.4 THE SOUTH AFRICAN PERSPECTIVE**

#### **3.4.1 INTRODUCTION**

As has been alluded too much of the thinking behind the planning system in South Africa has its roots in British urban planning theory and while Town Planning Schemes which originated in America were implemented in the urban areas, the rural areas had a separate set of legislation. In South Africa, the urban environment is shaped largely by the Development Control system that utilises both zoning and dimensional regulations.

Land use controls over the years have developed more creative approaches, which provide incentives in the place of controls. Such tools allow for better management of land in the public interest and can be used for preservation of land and protecting value, minimizing negative impacts and providing local authorities with an affirmative programme for managing local growth of the community, they are flexible and suggest alternatives for development. Through land use control, ecological, societal and economic growth can occur with minimal adverse



consequences. (Williamson, G. Nuts and Bolts of Town Planning in Natal and KwaZulu for non-planners .1989)

Emerging land use control devices focus more strongly on social and environmental concerns than ever before. Most importantly their focus is also turning from “control” to that of “facilitation and growth guidance” (Fabos, 1985) as is evident from the Durban Metropolitan Councils’ joint effort in the compilation of the New Land Use Management for the city and the KwaZulu-Natal Provincial Government’s initiative for the Province.

Before proceeding further, it is necessary to explain that the forthcoming perspective is structured according to emergence of plans rather than hierarchy. In this regard the following sequence is followed:

- Development Plans/ Structure Plans/ Town Planning Schemes
- Integrated Development Plans
- Land Development Objectives
- New Land Use Management System

The reason for incorporating Integrated Development Plans and Land Development Objectives is to ensure that future decisions and recommendations that emerge are in keeping with these documents of the North Local Council. Before proceeding, it is necessary to understand the array of planning tools and legislation with which Planners of today are faced with.

### **3.4.2 DEVELOPMENT PLAN/ STRUCTURE PLAN/ TOWN PLANNING SCHEME**

While the KwaZulu-Natal Planning and Development Act is yet to come into effect, the Town Planning Ordinance 27 of 1949 is still very much in use. Particular reference is made to Section 40 of the said Ordinance, as this is where the hierarchy of plan making arises.

Section 40 of the Natal Town Planning Ordinance, 1949 (Town Planning Ordinance No.27 of 1949)(as amended) empowers any Local Authority within the Province to prepare a Package of Plans. This Package consists of a:

- Development Plan
- Structure Plan
- Town Planning Scheme

The primary purpose of such a package of plans was the “co-ordinated and harmonious development of the local authority area, or any area or areas situate therein, to which it relates 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 development and the improvement of communications”. (Town Planning Ordinance, 1949, Section 40, Page 26A)

Section 40 (3)(a) states that the Structure Plan shall contain a statement of (1) “ The policy framework and the planning framework to be applied in the preparation of the scheme” and (2) “The general aims and objectives which have been set out for the use of the land to which the plan relates”. (Town Planning Ordinance, 1949)

Section 40(3)(b) states that: “The Development Plan shall contain: (1) a financial budget for the implementation of the scheme in accordance with the aims and objectives of the Structure Plan ” and (2) “An indication of the time and stages during which it is intended to achieve such implementation”. (Town Planning Ordinance, 1949)

The proposed Town Planning Scheme according to the Section 40(2) “shall contain such provisions, not compatible with the relevant structure plan and development plan, as may be deemed necessary or expedient for regulating, restricting or prohibiting the development of the area of the scheme relates and generally for carrying out any of the objects for which the scheme is made and in particular, but without derogating from the generality of the afore going”. (Town Planning Ordinance, 1949)

The importance of the above is to demonstrate the sequence of the preparation of the plans. As is evident from the above, the Structure Plan forms the policy framework to be applied to the preparation of the scheme. However, in the case of Umdloti, as a result of the Town Planning Scheme being implemented prior to the adoption of the Structure Plan, there was no policy framework in place to guide the growth and management of the study area.

### **3.4.3 COMPONENTS OF A TOWN PLANNING SCHEME**

A Town Planning Scheme comprises of a written statement of planning intent and the statutory provisions, which, upon adoption, will give effect to the planning proposal. The written statement is of particular importance and should contain a comprehensive assessment of existing

conditions; how they have come about over time and in relation to physical factors.

### **3.4.4 INTEGRATED DEVELOPMENT PLANS**

With the repeal of the Physical Planning Act, 1991, numerous other pieces of legislation have since been promulgated, one of which has had a major implication on the planning fraternity. The Local Government Transition Act (Act 97 of 1996) required local authorities to prepare an Integrated Development Plan for their areas of jurisdiction. Integrated Development Plans:

- Are essential for effective and well-managed local government and can assist local authorities to allocate scarce resources in the most effective way;
- Ensure that development is sustainable in the long term;
- Assist Councillors and officials to be effective leaders and managers of development;
- Assist local authorities in securing development resources;
- Encourages outside investment;
- Involves public participation (Integrated Development Planning: A user Friendly Guide).

Through Integrated Development Plans, local authorities may set up performance targets. Having explained what legislation the Integrated Development Plan falls under and what some of its functions are, the question to be answered is what purpose do Integrated Development Plans serve?

Integrated Development Plans are required by legislation, and local authorities are responsible for preparing Integrated Development Plans to provide a more effective way of managing resources in an attempt to eradicate poverty, boost local economic development and create jobs. Integrated Development Plans will empower local authorities to become strategic thinkers and effective planners of development. While it is acknowledged that Integrated Development Plans are a broad development programme, Local Development Plans arising out of the Development Facilitation Act, 67 of 1995, will provide guidance for specific land uses which will enable local authorities to make day-to-day decisions and establish controls for land uses. It is for this reason that the author has recognised the need for considering these Plans.

Furthermore, the reason for addressing Integrated Development Plans is to gain an understanding of the broad issues so as to ensure that any recommendation suggested will take cognisance of this policy type framework document.

### **3.4.5 LAND DEVELOPMENT OBJECTIVES**

In essence, Land Development Objectives address five main objectives relating to urban and rural growth and form. Land Development Objectives arise out of the Development Facilitation Act 67 of 1995. Local Development Plans form the core of the Integrated Development Plans and are not separate or extra. Every project involving the development of land must be consistent with the local development plan. Local Development Plans require public support prior to approval by the province. The five objectives are as follows:

- The way in which low-income communities will be integrated into the municipality's area as a whole;
- The way in which the municipality will impact on the environment and will use natural resources;
- The planning of transportation and the provision of bulk infrastructure;
- The way in which the municipality co-ordinates land development;
- The municipality's approach to the control of land-use. ( Integrated Development Planning for Local Authorities: A User Friendly Guide: Department of Constitutional Development:1997)

The need to incorporate Land Development Objectives is imperative to the study mainly because some of the objectives listed above have a direct influence on the growth and development of the study area. In particular a co-ordinated approach to land development will ensure that spatially provision is made for commercial, residential, social and recreational facilities. This in turn will impact upon the approach to control of land use in the area. While it is acknowledged that Land Development Objectives are not site specific, these objectives will be translated into site-specific details in the preparation of Local Development Plans. Therefore, as a result of having detailed Local Development Plans in place, the approach to planning will still remain prescriptive. However, the new Land Use Management System discussed herein will allow more flexibility within the system.



### **3.4.6 CURRENT INTERVENTIONS/POLICIES: LAND USE MANAGEMENT SYSTEM (LUMS)**

During the period 1998/1999, the KwaZulu-Natal Town and Regional Planning Commission completed a research project entitled “The KwaZulu-Natal Appropriate Land Use Control Study”. The main task was to research the different international and South African options for land use controls and management. The intentions of the research were to make recommendations for the creation of a new land use management system that could be utilised within the new legislative framework that had been emerging in KwaZulu-Natal. The new system needed to consider the basic principles of the Town Planning Ordinance, 27 of 1949, and whether in fact this was relevant in the changing scenario. It was decided that much of the Ordinance would be retained and revised to address the new development challenges. In essence, the most important changes are outlined below:

A single continuum for the Land Use Management System has been introduced which provides for Planning Schemes across the urban and rural continuum. This provides for a range of Planning Schemes ranging from the Elementary Scheme and terminating with the Comprehensive Scheme.

The main advantages of the new approach are as follows:

- That it is more simplified;
- That it is applicable to both the rural and urban context;
- That it incorporates the idea of Special Zones;
- That it maintains the same level of flexibility and choice;
- That it strengthens the policy and land use management link; and
- That it also spells out explicit intentions in the Statements of Intent.

The new Land Use Management System could be particularly effective in the study area mainly because it introduces new and additional zonal types such as Mixed Use and zones with buffering qualities, together with different levels of zones such as high, medium and low impact zones. The system argues for a finer grain to zoning which is a change from the conventional homogenous approach; it is more flexible and liberal in that there are many more uses permitted in each zone. It includes a “Statement of Intent” which is only present in a limited number of Town Planning Schemes.

### **3.5 SETTLEMENT PLANNING AND DEVELOPMENT PRINCIPLES: CRITERIA FOR DEVELOPMENT IN COASTAL TOWNS**

The White Paper for Coastal Development Planning in South Africa identifies “Coastal Planning and Development ” as one of the themes of its goals and objectives. In particular, goal C3 is “to maintain an appropriate balance between the built, rural and wilderness coastal areas”. In summary, this objective is aimed at directing development to certain areas only, thus preventing urban sprawl and ribbon development from occurring. It is believed that “planning efforts having a bearing on coastal localities will need to devote special attention to the development opportunities and constraints; creative mechanisms will need to be introduced to prevent ribbon development and coastal nodes must be created; mechanisms must be put in place to reward property owners who retain visually prominent structures not allowed in undeveloped coastal areas. Scenic and landscape values will need to be maintained as an asset”. (White Paper for Sustainable Coastal Development in South Africa, 1999)

Goals C4.1 and 4.2 of the White Paper address the issues of design and management within coastal towns. Goal C4.1 clearly states:

- “aesthetic and visual consideration will need to be integrated in to the planning and design of physical structures, in response to the unique environment.
- Viewsheds will have to be maintained.
- Preference will be given to decreasing heights towards the seashore.
- Distinct local architectural styles and the use of local materials will be encouraged.
- Preference will need to be given to setting major roads back from the seashore and to orientate minor roads perpendicular to the seashore at suitable locations”. (White Paper on Sustainable Coastal Development in South Africa, 1999)

Management issues include those of pedestrian and vehicle access that will need to be managed particularly in the peak periods.

In proceeding, the criteria for Settlement Planning and Development Principles along coastal towns needs to be established. The following table is an extract of criteria set up by the consultant currently involved in the Durban Metropolitan Coastal Tourism Research Project. Constant reference will also be made to the “Guidelines of Coastal Land - Use”.

Settlement and development, in particular, subdivisions, are covering increasingly large areas of coastline. Sympathetic site planning and construction techniques can assist to minimise these effects. The aim is therefore to maximise opportunities of the coastal setting for appropriate development. The reason for including this set of criteria here is that some of the criteria address and guide the zoning and location of land uses. Those criteria which guide the Built Form Regulations such as the height of buildings will be utilised in that section further on.

**TABLE 3: SETTING UP OF CRITERIA FOR SETTLEMENT PLANNING: COASTAL TOURISM PROJECT**

PRINCIPLE	DESCRIPTION
Avoid Sensitive Areas	Restrict all development in sensitive areas.
Use Low Rise Buildings	Use low- rise buildings located closely together and linked where possible to provide optimum mutual wind protection. Double –storey and roof angles can be used to deflect the wind. Roofs can also be designed to complement or at least not to desecrate the view. Materials and forms should conform to the vernacular expressions of the region’s architecture. The practical origin of vernacular architecture suggests the economical use of labour, materials and response to climatic influences.
Maintain Setback	Require the development to be set back from the shoreline edge in order to provide a natural vegetated buffer strip.
Avoid Haphazard Sprawl	Contain urban uses as far as possible in cluster development to minimise visual impact within the coastal zone. A compact village-like layout economises on roads and services and provides better climatic protection. Clustering of activities minimises the amounts of land needed, especially if duplication of facilities such as parking can be avoided. In the coastal zone clustering can greatly aid in wind control and the creation of microclimates. Clustered developments allows for more edges between the development and the natural areas and greatly minimises views onto neighbours. Clustering developments allows for better access to the coastal zone and

	imparts a compact, village-like atmosphere to the development.
Avoid Large Scale Buildings in excess of four storeys in height	Avoid large- scale buildings in the coastal zone particularly where these intrude in scenic or viewing areas and contrast harshly with adjacent residential or recreational development.
Locate Shops and Services Centrally	Shops and services should be sited in a central location. A linear arrangement of the centre with two or three anchors each encourages pedestrian flow. The centre should be readily accessible by collector and arterial roads and peripheral car parks should be provided for shoppers.

MARKEWICZ ENGLISH: JULY 2000

The abovementioned criteria will be used in the analysis of the plan and planning of Umdloti and will be discussed in the forthcoming chapters. As mentioned earlier, the Guidelines for Coastal Land-Use formulated by the Council for the Environment (1991) will also be utilised. These guidelines are as follows:

- The importance of “considerate housing construction” where housing should range from smallest houses closest to the sea, and high-rise hotels and flats towards the rear;
- Roads that give access to the dune and beach areas should be aligned perpendicularly, and not parallel to the coast to minimise disturbance to the dunes;
- Housing, and not a road, should generally form the first line of development facing the sea;
- Promote and approve appropriate land-use only. In this regard, no development should be permitted on unstable slopes; a minimum set-back should be enforced to make provision for a buffer strip of natural vegetation;
- Desirability studies and Environmental Impact Assessments are prerequisites to any development;
- Promote cluster developments as this reduces the length of roads and services;
- Promote development which is aesthetically pleasing – use low-profile buildings located close together and linked where possible to provide optimum mutual wind protection; treat roads as visual corridors and align routes to flow with the topography.

The above criteria and guidelines will be utilised and tested when analysing the study area.



### 3.6 ENVIRONMENTAL PERFORMANCE CRITERIA

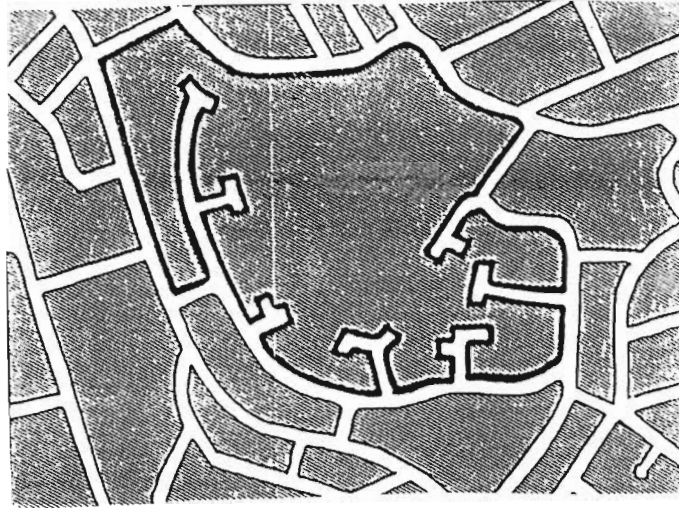
Burns (1984) in his article “Sea Ranch: Resisting Suburbia”, clearly states that the main lesson to be learnt in the development of Sea Ranch is “to be responsive to the natural conditions”. Sea Ranch consists of a coastal strip, meadowlands and steep mountain terrain. The locality has resulted in Sea Ranch being windswept, often misty, and forested hills. Thus, prior to any planning occurring, the existing conditions had to be thoroughly understood by the development team. The example of Sea Ranch included issues such as permeability, variety and visual appropriateness. Permeability was considered to be important mainly because of the topography of the area, i.e a coastal strip, meadowlands and steep mountain terrain. As a result of the topography, access to link areas was virtually impossible. Variety was important and while people argued for variety in the types of housing, as a result of the high velocity of winds, homes had to be designed in order to take cognisance of this. However, the internal layout of homes differed. Visual Appropriateness was yet another issue raised by the residents of Sea Ranch. A Design Review Committee was established so as to ensure that the type of materials together with the design of the house reflected that of the Development Plan which was adopted for the area.

Before setting up the criteria for Environmental Performance, it is necessary to explain the terminology that was used in the example of Sea Ranch. Bentley, et al, (1985) define five key issues which they consider in making places responsive, these include:

- Permeability
- Variety
- Legibility
- Robustness
- Visual appropriateness

**3.6.1 Permeability** is the extent to which an environment allows a choice of access through it, from place to place, and is therefore a key measure of responsiveness. (Bentley et al, 1985) Bentley et al are of the belief that public and private spaces cannot work independently of each other, rather they complement each other. It is this relationship that gives people a source of richness and choice. Permeability is dependent on the number of choices one has to offer. They are also of the belief that “hierarchical layouts reduce permeability” (page 13), in this regard it is said that

“ hierarchical layouts generate a world of cul-de-sacs, dead-ends and little choice of routes” (page 13). In relating this to the study area, the urban design analysis will indicate just how permeable the study area is.



The diagram above clearly indicates how a series of cul-de-sacs can reduce permeability. This will be tested within the study area.

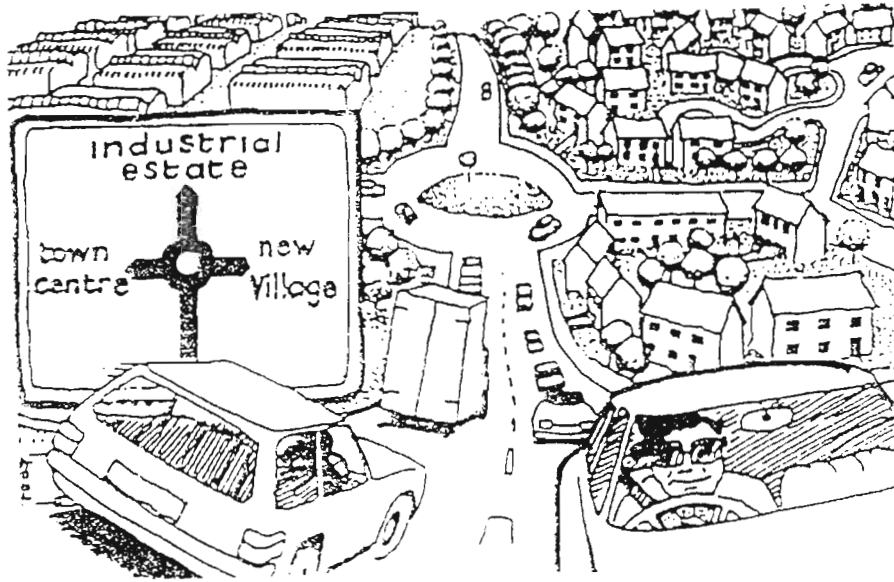
### **3.6.2 Variety** is the ability to increase choice. (Bentley et al, 1985)

Bentley believes that both developers and planners strive to create different forms of “efficient environments” (page 27). Planners are more interested in ensuring that places work whilst Developers are interested in economic performance. Variety is dependent on three main factors:

- “The range of activities which want to locate within an area ;
- The possibility of supplying affordable space in the scheme to house these activities;
- The extent to which the design encourages positive interactions between them”. (Bentley et al, 1985)

Some land uses are incompatible because of factors such as noise, emission of fumes, traffic generation etc. However, these problems can be overcome by careful planning and the mix of appropriate land-uses must echo the planning policy of the Planning Department. Variety must also reflect local demand for such land-uses. Again, these principles will be tested in the study area.

The picture below indicates to the people how to reach their destinations, whether it is the “industrial estate,” or “town centre” of the “new village”. However there are no alternative routes, and hence no choices, therefore the area lacks variety.

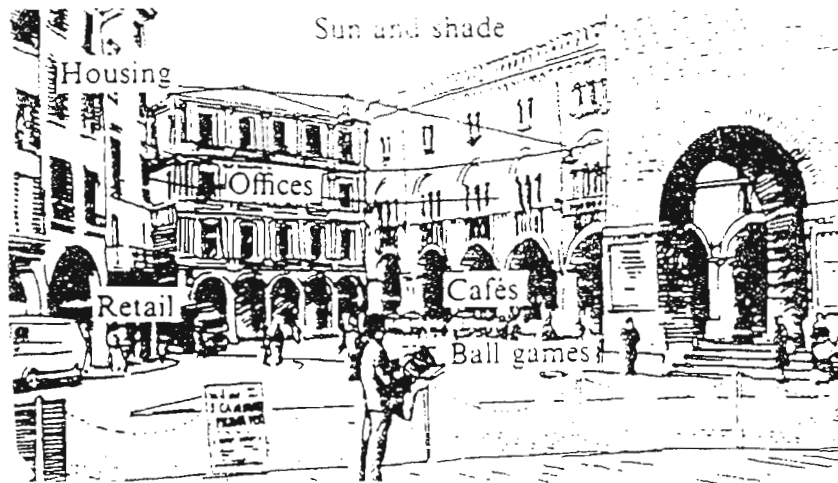


**3.6.3 Legibility**, is the degree of choice offered by a place i.e. how easily people understand the layout. (Bentley et al, 1985) They believe that as a result of the differences between a traditional and a modern city, legibility becomes a problem. Traditional cities had very strong focal points and places of relevance were easily identifiable. The modern city on the other hand is dominated by tower blocks of offices over-powering buildings of significance. Here, Bentley et al make use of Lynch's five key elements that make a place more legible. These are:

- Nodes : are focal places
- Edges : area linear elements but not used as paths
- Paths : are channels of movement such as streets , railways etc.
- Districts : Paths, nodes edges and landmarks make up a district
- Landmarks : are points of reference.

**3.6.4 Robustness**, is about “places which can be used for different purposes offer their users more choice than places whose design limits them to a single use. Environments which offer this choice have a quality we call robustness” (Bentley et al, 1985). Robustness occurs both inside buildings and in public outdoor spaces. However the problems that occur within a building include the reservation of spaces for specialised activities thus preventing other activities from occurring within. Much the same problem occurs in public spaces when compartmentalisation of activities occurs. In considering outdoor robustness, factors such as building depth, access and building height can be considered. This issue will be applied to the study area to ascertain how robust the study area really is.

The following picture indicates the number of uses that can occur within a building without there being a change to the external facade.



**3.6.5 Visual Appropriateness**, is how people interpret places and will decide whether the quality is appropriate or not. (Bentley et al, 1985) Visual appropriateness is applicable both indoors and outdoors. Legibility, variety and robustness are principles which all reinforce visual appropriateness. While the issue of Visual Appropriateness may be considered to be subjective, it is anticipated that responses gathered from the questionnaires will provide some clarity and consensus on the issue.

While the “Responsive Environment” approach of Bentley et al, sets out clear criteria for Urban Analysis, the following table cited in Iyer (1996) provides a more comprehensive set of criteria. These criteria, together with those in the “Guidelines for Coastal Land-Use ” together with the lessons learnt from the Sea Ranch development, will be used in the study area.

**TABLE 4: SETTING UP ENVIRONMENTAL PERFORMANCE**

Source	Quality	Definition	Summary Term
Behrens & Watson "Making Urban Places"	1) Place making	Relates to promoting a sense of uniqueness based on local context, to finding a between natural and human need and a sense of symbolism tied to culture and historical significance.	Place Making
	2) Scale	To design urban areas which have a human scale.	Scale
	3) Choice	To maximise individual choice in terms of movement, activities and opportunities.	Choice
Dewar & Utenbogaard "Creating Vibrant Urban Place to Live"	1) Intensity	To encourage concentrated development to allow for maximum convenience.	Intensity, Complexity
	2) Integration	To allow for complimentary activities to draw from each other through overlap and integration of uses.	Intensity, Complexity
	3) Clarity	To allow for ease of understanding an area.	Legibility
Paul Murrain "Making Better Places –Urban Design Now"	1) Permeability	To allow for maximum access through an area.	Access
	2) Variety	To allow for a full range of activities Concentration: allowing for such facilities to be accommodated for. Proximity: to allow for such facilities to be located at a pedestrian scale.	Intensity, Complexity
	3) Legibility	To allow for ease of understanding of an area for people which is achieved through accommodating the above.	Legibility
IyerRothaug "Mt. Moriah Urban Design Framework Plan"	1) Complexity	To create environments which offer greater levels of choice through encouraging diversity, overlap and integration of land uses.	Intensity, Complexity
	2) Density and Compactness	A precondition to creating complexity, variety and in turn choice	Intensity, Complexity
	3) Mixture	Accommodating and integrating a range of land uses.	Intensity, Complexity
	4) Clarity and Legibility	To encourage ease in understanding the built environment to encourage choice	Legibility

CRITERIA CITED IN IYER, N (1996)

In drawing up the above table, Iyer highlights the quality that the authors believe should be explored. He then defines goals that will assist in achieving that quality. The above table will be used in the assessment of the study area.

### 3.7 INTERNATIONAL AND LOCAL PRECEDENTS AS IT RELATES TO BUILT FORM REGULATIONS

Precedents in terms of Built Form Regulations are demonstrated in the construction of “High Rise Buildings on the South Coast of New South Wales” a document produced by the Department of Environmental and Planning – June 1983. Reference will also be made to the criteria set - up by the Consultant: Marketwitz English, who is responsible for the Coastal Tourism Project within the North Local Council’s area of jurisdiction. The Coastal Tourism Project sets up the following as criteria for the Built Form:

**TABLE 5: SETTING UP OF BUILT FORM REGULATION CRITERIA:**

Use Low Rise Buildings	Use low- rise buildings located closely together and linked where possible to provide optimum mutual wind protection. Double –storey and roof angles can be used to deflect the wind. Roofs can also be designed to complement or at least not to desecrate the view. Materials and forms should conform to the vernacular expressions of the region’s architecture. The practical origin of vernacular architecture suggests the economical use of labour, materials and response to climatic influences.
Maintain Setback	Require the development to be set back from the shoreline edge in order to provide a natural vegetated buffer strip.
Avoid Large Scale Buildings	Avoid large- scale buildings in the coastal zone particularly where these intrude in scenic or viewing areas and contrast harshly with adjacent residential or recreational development.
Protect View Lines	Avoid the location of residential and other forms of development on skylines within critical view paths and adjacent to sensitive and fragile ecosystems and/or habitats.

COASTAL TOURISM PROJECT: MARKETICZ ENGLISH :1998

There are no buildings over five storeys and very few over three storeys situated along the coast between Batemans Bay to Victoria Bay, New South Wales. However, this situation is likely to change in light of development proposals soon to be lodged for the consideration of the Council. In light of this area being characterised by special characteristics, the Council required guidance as to how the landscaping should be preserved in order to preserve these special features.

### 3.7.1 The following are lessons learnt from the New South Wales case:

1. Taller buildings as a result of their height and bulk, have a significant visual impact;
2. Variable skylines produced by taller buildings of varying shapes and sizes may have a positive effect, however within coastal localities the opposite is also true;
3. Developing building to the waters edge causes a 'wall-effect' where residents behind would lose their views;
4. Insensitive siting and design of high buildings can lead to blocking of sunlight and shadowing of recreational areas along the coast, particularly in the afternoons when recreational activity on the beaches is likely to be high. Alternative building forms that may avoid this problem are available. It is possible to achieve the maximum density of development permitted by current planning controls in the study area with various forms of stepped, clustered and low-rise buildings.
5. In coastal locations, high wind speeds often result in taller buildings experiencing minor design problems relating to windows in the buildings themselves. This causes the wind to channel around the buildings and into ground level eddies.

Some of the policy options include:

- Complete prohibition of high-rise buildings could result in a more densely packed form;
- Guidelines could be framed so that each application could be assessed on its merits;
- Selective zoning – low profile buildings closer to the waters edge with taller buildings in specifically designated locations.

### 3.7.2 The following are lessons learnt from the Sea Ranch development:

- The development must “be responsive to conditions”(Burns.J). In this regard the Development Team must do a complete site analysis in order to understand issues such as the micro- climates, the topography, geology, existing vegetation, presence of water bodies and buildings. By having an overall understanding of the prevailing conditions, the Development Team is in a better position to plan for the area;
- The type of materials used must withstand these conditions;
- Clustering of development was a better development option as it allowed for sustainable development to occur;



- Estate agents, Developers and prospective property owners had to understand the Vision for the area and that meant that development had to occur in respect of the “Amended Precise Development Plan”;
- Development had to be in accordance with the requirements of the Design Committee;
- Any planning had to take into account the culture and historical significance of the area.

**3.7.3** In summarising the three sets of criteria established, the following conclusions were made:

- There is a strong argument in favour of the use of low-rise buildings and the clustering of developments in coastal zones;
- Taller buildings because of their height and bulk should be avoided in coastal zones, particularly where there is an intrusion into views;
- The type of material used in the construction of buildings must be able to with-stand the natural elements;
- The design of buildings should be strategic and must take into account the casting of shadows onto recreational areas particularly during peak bathing times;
- The need to maintain setbacks mainly to reduce the impact of buildings;
- The need to consider design options so as to reduce the impact of the use of the “wall-effect”;
- The need to consider the existing environmental, natural, cultural, historical and man-made environments, and to incorporate them into design.

The above was also utilised in assessing the built form regulations in the study area.

### **3.8 THE UMHLANGA TOWN PLANNING SCHEME**

The Umhlanga Town Planning Scheme Number 1 in the course of preparation is yet another contributor to this dissertation. Umhlanga, too, is a Coastal Town situated within the North Local Council’s jurisdiction. The reason for choosing Umhlanga is that the Town Planning Scheme comprises similar zones to those in Umdloti. However there is a finer grain of land uses that are permitted and these will be described in detail below.



While the built form regulations such as the floor area ratio, coverage and height restrictions, are higher than those in the Umdloti Town Planning Scheme, the Umhlanga Town Planning Scheme contains innovative design standards that reduce the excessive height and impact of these substantial buildings. These standards will also be discussed. The Umhlanga Town Planning Scheme Map is attached as Annexure 4. As is evident from the Town Planning Scheme Map, the area comprises of sites zoned General Residential 1, General Residential 2, General Residential 3 and Limited Commercial, and the reservations include that of the Beach Amenity Reservation. The planning implications of the reservation and the zones will also be discussed below.

### **3.8.1 COASTAL LOCALITIES**

#### **3.8.1.1 Beach Amenity Reservation**

The now erstwhile Borough of Umhlanga in its wisdom in adopting the said Scheme entered into agreements with each and every landowner who shared a common boundary with the seashore. In essence the agreement required that property owners donate that portion of their land below the sewer pipeline servitude to the Council for beach amenity purposes. In exchange, the Council allowed owners to utilize that area donated to Council, for the purpose of inclusion into the calculation of the properties Floor Area Ratio. Thus the Council was able to implement a Beach Amenity Reserve along the coastline. Incorporated into the Town Planning Scheme is Table B3: Beach Amenity Reserve Uses, which categorically states uses that can or cannot occur within such reservation. A copy of such table is attached as Annexure 6.

This mechanism has to a large extent ‘softened’ the high-rise buildings which occur behind it. The mechanism also creates a tourism atmosphere in peak season when condition (e), as indicated in Annexure 6, is relaxed. Furthermore, the Beach Amenity Reserve has allowed the Council to create a pedestrian promenade along the beach and the effect of this is that the promenade has opened up that area for use by the general public. However, “vegetation within this area shall not be removed, trimmed or interfered with nor shall the owner interfere with or remove the soil/sand on the servitude area nor perform any act that will destroy the natural environment within the area”. Furthermore “that no buildings or structures shall be erected within this area” (Umhlanga Town Planning Scheme Number 1 in the course of preparation, Table 3: Beach Amenity Reserve Uses: Page59).

With such legislation in place as well as constant monitoring by the Council's Conservation Team, the Beach Amenity Reserve has proved to be a substantial asset to the area from a visual perspective, and also more importantly, from an environmental perspective.

### 3.8.1.2 Zone 1: General Residential 1

Umhlanga, like Umdloti has the General Residential 1 zone located as the first zone adjacent to the seashore. However, in the case of Umhlanga, the Beach Amenity Reserve has played an important role in camouflaging the intensity of these buildings. The following table is an extract of Table C: Use Zones of the Umhlanga Town Planning Scheme Number 1 in the course of preparation, which indicates the land uses in a General Residential 1 zone.

**Table 6: Table C: Umhlanga Town Planning Scheme No.1**

ZONE	MAP REFERENCE	PURPOSE FOR WHICH LAND & BUILDINGS MAY BE ERECTED	PURPOSE FOR WHICH LAND MAY BE USED & BUILDINGS MAY BE ERECTED & USED ONLY WITH THE SPECIAL CONSENT OF THE TOWN COUNCIL	PURPOSES FOR WHICH LAND MAY NOT BE USED AND FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED
General Residential 1 (High rise high density)	Brown	Dwelling House Residential Building Place of Public Amusement (Restricted with the premises of a hotel registered as such in terms of the Hotel Act No 70 of 1965) and holding a hotel Liquor Licence 22.11.76 Medium Density Housing 08.12.86 Laundrette 08.12.86	Buildings and other uses not included in columns 3 and 5	Restricted Building Shop Office Building General Industry Special Industry Light Industry Service Industry Commercial Workshop Warehouse Garage Undertaker Wholesale Shop 27.08.79 Retirement Centre 08.12.86 Professional Office 31.07.89 Totalizator 28.08.89

The land uses are similar to that included in the Umdloti Town Planning Scheme, save for the addition of the Place of Public Amusement which is indicated as a free-entry use in this zone. This Scheme also includes a 'residential building' as a free-entry use.

The built form regulations applicable to General Residential 1 zones in the Umhlanga Town Planning Scheme Number 1 in the course of preparation, are as follows:

**Table 7: Table D: Umhlanga Town Planning Scheme No.1**

DENSITY ZONE	MAXIMUM PERMITTED	REMARKS	COLOUR REF MAP NO. 305/014
General Residential 1	F.A.R : 0.90 Coverage : 30%	<p>Minimum Lot Area 6000 square metres as per clause 5.2. The F.A.R. of 0.90 and coverage of 30% will only be permitted provided that:</p> <ul style="list-style-type: none"> <li>a) such development complies with the provisions of this Scheme;</li> <li>b) where any portion of a building exceeds whichever is the lesser in height of:- <ul style="list-style-type: none"> <li>(i) 7.6m above the highest natural ground level of the lot or,</li> <li>(ii) three storeys in height, then such portion of the building that is higher than the lesser of (i) and (ii) shall be contained in a figure having sides parallel to the lot boundaries, the length of each side of the figure not exceeding two-fifths of the corresponding lot boundary</li> </ul> </li> </ul> <p style="text-align: right;">30.9.76</p> <p>The Council may, by special consent, granted in accordance with the provisions of this Scheme, relax any of the aforesaid requirements save that the Council may not by the exercise of its special consent permit development in the General Residential 1 Zone which exceeds the maximum F.A.R. and maximum coverage provided for in this Table.</p>	Brown

While the floor area ratio is relative to the minimum lot size, in this case a maximum floor area ratio 0.90 is permissible on a site with a minimum lot size of 6000m<sup>2</sup>. This substantial bulk is distributed over conditions b(i) and (ii) as indicated in the remarks column of the abovementioned table. In essence this means that the building shall be contained in a figure having sides parallel to the lot boundaries, the length of each side of the figure not exceeding two-fifths of the corresponding lot boundaries. Furthermore the first 3 storeys shall not be greater than 7.6m above the highest natural ground level.

By enforcing Clause 3.2 (i) of the Umhlanga Town Planning Scheme, the resultant building takes on a pyramid shape. The impact of these buildings is reduced mainly because of the introduction of a cut-off angle and the stepping-in of the building, not only from the front of the building but from the sides as well. This in itself determines the total height of the building that in some instances has resulted in a 15 storey building being

constructed. However, mainly because of the pyramid shaped buildings, the tooth and gap effect is not seen to be so severe.

Due to the implications of Clause 3.2 (i) and the stepped back effect from the sea- side, no shadows are cast onto the beach. By stepping back the building, the extensive built form is not realised. The built form regulations need to be distributed rather than consolidated and this would to an extent soften the extent of construction.

### **3.8.1.3 Zone Two and Three : General Residential 2 and 3**

The General Residential 2 and 3 zones are other zones that have been extensively used along the Umhlanga coastline. This has resulted in sustainable densities and thresholds throughout the year. The land uses in Table C are restricted to satisfy a need for residential accommodation for family units. In this regard, hotels and residential clubs are not permitted in this zone. In this zone shops are prohibited within a residential zone mainly because of the proximity of the Central Business District i.e within a five minute walk or half a kilometre.

The Umhlanga Town Planning Scheme Map shows a lowering of densities away from the coastline. In most instances developers/owners have maximised the bulk provisions on the sites. However, as a result of the gentle sloping topography, development has followed the natural slope, thus creating a stepped-back effect thereby reducing the impact of the bulk.

### **3.8.1.4 LESSONS TO BE LEARNT IN RESPECT OF COASTAL LOCALITIES**

In considering the above, the following lessons are learnt in respect of Coastal Localities:

- The Beach Amenity Reserve has been a particularly appropriate mechanism in the protection of the environment. Furthermore, the reservation reduces the impact of large buildings. This is a tool that should be applied to all coastal towns.
- The introduction of the Beach Amenity Reserve prevents the blocking out of sunlight and the casting of shadows onto the beach.

- The stepping back of buildings at the sides enables critical view paths to be maintained.
- The cut-off angles serve to create and maintain critical view paths and protect adjacent and sensitive ecosystems.
- The introduction of a building envelope is innovative in that while building lines and side spaces are observed, by having an envelope those distances are increased, thus allowing for better light and ventilation.
- The introduction of an increased side and rear space for every storey in excess of three, creates a pyramid shaped building thus reducing the effect of the “tooth and gap” effect.
- The pedestrian promenade has opened up the area along the Beach Amenity Reserve for use by the general public.

### 3.8.2 ENVIRONMENTAL PERFORMANCE

In terms of the second theme of the dissertation the Environmental Performance of Umhlanga is discussed from a precedent perspective.

#### 3.8.2.1 Permeability

Umhlanga is permeable in that there is the availability of choice. There is also a hierarchy of roads in the area which confines and separates traffic and pedestrian flows. Lagoon Drive is in effect the major collector, while the minor roads feed onto Lagoon Drive. In the case of emergencies, the minor roads provide various options for moving through the area.





### **3.8.2.2 Variety**

Here again, it is the land uses included in the Town Planning Scheme that has resulted in the existing land uses. The Town Planning Scheme makes no attempt to create a compatible mix of uses within zones. Rather it creates sterile and mono-functional environments.

### **3.8.2.3 Legibility**

Umhlanga is legible. There are distinct elements of nodes, edges, paths, districts and landmarks. Clearly, Umhlanga is a place most people identify with. Its existence as a node is based on Umhlanga being recognised as a holiday destination mainly as a result of its locality. Again, the sea together with the lagoon, are natural edges. The paths include all the roads in the area as well as the Promenade. Umhlanga is a district on its own and comprises numerous landmarks such as the Lighthouse, the Oyster Box and Beverley Hills Hotels, Edge of the Sea and the Post Office.



### **3.8.2.4 Robustness**

As is evident from the discussion on Coastal Localities, the Town Planning Scheme Clauses make no provision for a wider mix of land

uses. Again Table C is particularly prescriptive in the land uses within the zones.

### **3.8.2.5 Visual Appropriateness**

Umhlanga has a series of large scale buildings along its coastline. Entrances to all the hotels is off Lagoon Drive, and in constructing these buildings no effort was made to create frontage façades onto Lagoon Drive. This has resulted in the back end of hotels facing the main road through the village. The remaining buildings reflect nothing special for a coastal town of such stature.



### **3.8.2.6 LESSONS TO BE LEARNT AS IT RELATES TO THE ENVIRONMENTAL PERFORMANCE**

- From the environmental performance perspective, the area lacks some of the key principles such as variety and robustness.



- No effort was made to reduce the effects of the “back of building” syndrome. The result is that hotels have their services at the rear of buildings which front onto the main road through the village of Umhlanga.
- The scale and design of the buildings in the area is not at human scale.

### **3.9 SUMMARY**

The emergence of Town Planning Schemes, both internationally and nationally, indicates that there are two dominant systems in play, mainly zoning or prescriptive, and discretionary control philosophies of development control. In researching the literature it is evident that zoning/ prescriptive control is the superior system. However this system is dependent on the updating and accuracy of both the Town Planning Scheme Map and the Town Planning Scheme Clauses.

Discretionary control confers power upon the officials of the Local Authority. The British Town Planning system currently requires that all planning applications be assessed by the Local Authority in terms of detailed local development plans. In the United States of America, a fairly rigid zoning system is used. However, a finer grain of zones and a richer palette of land uses is available. In the case of South Africa, the range of zones and land uses is limited as compared to that of the United States of America. In respect of the criteria for coastal towns that have been established, it is clear that there are a host of issues such as height control, floor area ratio, architectural guidelines, building lines and side and rear spaces that need to be considered in the planning of a Coastal Town. The importance of recognising the criteria will result in a coastal town that is built on sound planning principles and that has facilities that are conducive to coastal towns such as convenient shopping, restaurants, places of entertainment and amusement, recreational facilities and sufficient parking provision. Environmental Performance criteria and built form regulations must also be heeded so as to preserve the uniqueness of such localities. All of the above were considered in the analysis of the study area.

### **3.10 What implications does this have for the study area of Umdloti?**

The criteria set up in this chapter will significantly inform the remaining chapters of the dissertation. There is an abundance and wealth of



information and possible solutions contained in this chapter that will be used to answer the Research Question.

The following chapter will analyse the Umdloti Town Planning Scheme, highlighting the problems with the Scheme and classifying these in terms of the themes identified earlier.

## **CHAPTER FOUR: CASE STUDY**

*“As experienced planners already know, the measures best suited to conserving the natural environment are often the same as those which are needed to preserve the landforms which serve as barriers against storms, flooding and erosion. Such a combined approach to protection and resource management simplifies the process of zoning and leads to more predictable decisions as to what constitutes acceptable development. For example, the same set-back line which protects beachfront homes from erosion and storm waves could also preserve turtle and bird nesting sites on the back beach”. (Clark, Banta and Zinn, 1980)*

### **4.0 INTRODUCTION**

This chapter deals with the analysis of the Umdloti Town Planning Scheme. The analysis involved the separation of the Town Planning Scheme into its various components and the examination and interpretation of the relevant controls as they related to the themes set up earlier in the dissertation. There was also a need to relate the Town Planning Scheme to the five plans alluded to in chapter one.

### **4.1 LOCALITY OF THE STUDY AREA**

Umdloti is a coastal town situated on the Northern Coastal strip of KwaZulu-Natal. It is situated between the Umhlanga and Umdloti Rivers, with the Indian Ocean forming the eastern boundary and the M4 (a metropolitan tourist transport route running north to south along the coast) forming the western boundary (refer to annexure 1). Umdloti is divided into two sections namely Umdloti South and Umdloti North. The study area was confined to the section of Umdloti North mainly because it was within this area that there are a variety of zones, land uses and built form regulations wherein the hypothesis could be tested.

### **4.2 TOPOGRAPHY**

The topography of the study area comprises a narrow coastal belt approximately 70 meters wide and is backed by an extremely steep dune system that rises to a height of about 65 meters. Bellamont Road forms the crest of the dune. The dune is covered in places dense vegetation. The base of the dune includes a narrow flat belt of land and resulted in the

road access being problematic. The primary road, i.e North Beach Road now runs where there were once dunes. Erosion of this road by the sea, was acknowledged as a severe problem in the Structure Plan and today remains a severe problem, now facing the North Local Council.

The topography of Umdloti has resulted in the town being such a popular place to live in or, from a tourist perspective – to visit, as virtually all properties enjoy sea extensive views.

#### **4.3 HISTORY OF PLANS**

There have been five plans that have directly or indirectly affected the growth and development of the study area. These five plans consist of:

1. The Umdloti Town Planning Scheme, dated 26 June 1985;
2. The Umdloti Structure Plan, dated 1989;
3. The North Local Council's Integrated Development Plan adopted by the Council in April 1998;
4. The Coastal Tourism Development Plan prepared by Markewicz English: November 1998;
5. The Innovative Coastal Project: Planning, Design and Management Guidelines: Umdloti- Tongaat Study Area prepared by Markewicz English: October 2000.

##### **4.3.1 THE UMDLOTI TOWN PLANNING SCHEME AND THE UMDLOTI STRUCTURE PLAN**

As has already been suggested, the order of the preparation of these plans was reversed. The Town Planning Scheme was effected prior to the preparation of the Structure Plan. In retuning to the Conceptual Framework, in particular to the section relating to the Package of Plans, Section 40 of the said Ordinance clearly describes the order in which plans should be prepared and more importantly, how they are linked. In essence the Structure Plan preceeds the preparation of the Development Plan as the Structure Plan is the policy and planning framework for the area. The Development Plan contains the financial budget for he implementation of the Scheme and suggests times and stages for when milestones should be realised. The Town Planning Scheme contains those provisions contained in the Structure Plan at a detailed level and contains zones and land uses that may or may not be permitted in an area. In light of the Umdloti Town Planning Scheme having been adopted prior to the Structure Plan, the planning and policy framework were both non-

existent. Thus growth and management of the area was done without any policy and planning framework in place. However, included in the Structure Plan were the following components: Opportunities, Constraints and Goals and Objectives which, if the Structure Plan was adopted, could have made a difference to the planning framework of Umdloti.

The Structure Plan, in its opportunities identified the following :

- “Land Suitability - the study area has no unsurmountable physical problems and most of the area is suitable for urban development.
- Natural Systems - the presence of large natural systems that are substantially in their undisturbed state is a major opportunity as they enhance the environment adjacent to them.
- Tourist potential - with the predicted growth of both domestic and international tourism, Umdloti must capitalise on its physical assets.

The constraints listed are as follows:

- “Beachfront Development - the beachfront has a very narrow coastal-shelf that has led to erosion of the primary dune system. This has left very little space for beachfront parking. The only solution to this would be to provide access from remote parking areas”.

The Goals and Objectives contained in the Structure Plan are as follows:

- “Residential Goal: to ensure the quality of residential environment of a high standard in terms of layout, aesthetics and landscaping.
  - Objectives:
    - to promote a range of densities with an emphasis on low density development.
    - to promote a grading of density with lower density at the fringes and higher density near the centre.
    - to restrict the development of multi-storey development .
  - Public Facilities Goal: to provide adequate public facilities for the projected population.
  - Objectives:
    - To provide areas for active recreation with playlots integrated into the residential areas and with playing fields on the edges,
    - Enhance access to the beach by providing more parking”.
- Harber, Masson and Associates :Umdloti Structure Plan 1989)

### 4.3.2 INTEGRATED DEVELOPMENT PLAN

While it is acknowledged that the North Local Council's Integrated Development Plan is a broad-based policy document, it contained strategies that can be related to the study area. The Council's Vision of its area of jurisdiction is as follows:

*"By the year 2020, the North Local Council will be a progressive and dynamic region within the Durban Metropolitan Area, having developed its assets and resources to the benefit of all its people and the wider region. It will become an attractive, unified and vibrant area which is globally competitive, a tourist gateway and of a high international standard. By redressing the historical imbalances, it will have improved the quality of life for all by providing economic and other opportunities for the future"* (North Local Councils Integrated Development Plan: 1998:1).

That Vision is relevant to the study area and is realised by the following strategies:

1. **Development of quality residential areas:** "The aim of this strategy is to facilitate the improvement of residential areas into total living environments. Not only does this require that problems caused by inequitable policies of the past are rectified, but that the planning, design, and operation of residential areas need to be qualitatively improved. Residential areas are not simply for houses, but also are ideal locations for the provision of numerous other related facilities and services, including those that promote economic upliftment as well..." (North Local Council's Integrated Development Plan : 1998: 29)
2. **Promote effective environmental management of the natural, cultural and built environments.** The purpose of this strategy is to restore and rehabilitate natural, cultural and built resources that have deteriorated, in order to protect the heritage of the area. In this regard, to protect and enhance the Coastal Zone. (North Local Council's Integrated Development Plan: 1998: 32)
3. **Promote economic development:** In this regard several programmes were set up to achieve this strategy, these include:
  - Urban Design and Upgrade Programme,
  - Coastal Zone Management Programme,
  - Tourism Programme.

Page 48, of the Integrated Development Plan, locates Umdloti spatially stating that: “development in Umdloti will concentrate primarily on niche tourism, residential, and office developments. Spatial developments should:

- Promote further residential development
- Promote further niche tourism and recreational facilities
- Promote commercial development
- Improve the Town Centre, and in particular address the parking problems”.

While it is acknowledged that the Integrated Development Plan was a broad based policy framework document, it contained the correct strategies that will later be translated more specifically through the preparation of Local Development Plans or the revision of the Umdloti Town Planning Scheme, whichever is prepared sooner. Thus there is a policy in place to guide the development of Umdloti as a Coastal Town. However, these strategies will only come into effect once the Local Development Plan has been adopted or the Umdloti Town Planning Scheme revised. It be noted that this is the second policy document that has been prepared **after** the Umdloti Town Planning Scheme was adopted.

#### **4.3.3 THE COASTAL TOURISM DEVELOPMENT PLAN**

This document forms the third policy document. The document contains a set of Development Guidelines for the coastal towns within the Durban Metropolitan Area. These Guidelines are also broad-based and not site-specific. Included in Part Two: Situation Assessment of the abovementioned document, the northern region in terms of Settlement and Land Use is summarised as follows: “Development is occurring in a seemingly unstructured and adhoc manner and is resulting in urban sprawl which is unattractive and is a threat to the environmental quality of the surrounding area. Development between the coastal road and the sea is particularly problematic due to subdivision patterns and inappropriate land use or development controls that could cause irreparable harm to dunes and coastal forests”(Coastal Development Development Plan :1998:9). Solutions to such problems are contained in a set of Development Guidelines that are summarised as follows:

- **Development Classification:** High Intensity Tourism
- **Settlement and Land Use:** Establish Umdloti Village – mixed-use high intensity tourism and residential node.

- **Environmental Quality and Character:** - Improve urban form particularly at street level to enhance village character; control extension of high impact development towards the Umdloti Lagoon; improve townscape of commercial node at entry point; re-establish dune vegetation
- **Infrastructure:** Investigate additional car parking
- **Administration:** Prepare planning review and urban design scheme; Review Town Planning Scheme; Review Admiralty Reserve and development rights; Development applications should be subject to EIA regulations appropriate to the scale of development and sensitivity of the development zone.

The document reinforces the need for a design framework stating that **“such a framework should not be viewed as a luxury or as a constraining tool, but rather as a necessity required to ensure the effective and sustainable functioning and ‘liveability’ of the zone as well as the creation of a memorable, marketable and sought after coastal experience”** (Coastal Tourism Development Plan: 1998: 29).

The document clearly identifies issues and problems within the study area. Such issues and problems are concurrent with those highlighted by the author, as has been identified through the themes that run throughout this dissertation. The document identifies the Umdloti Town Planning Scheme as a major problem and clearly suggests a review of the Town Planning Scheme to promote the future development of Umdloti as a Coastal Town. As a result of this document being yet another policy-based framework, the same Consultant was appointed to prepare a more detailed plan for the Umdloti-Tongaat Study Area. The fifth document will be discussed hereunder.

#### **4.3.4 INNOVATIVE COASTAL PROJECT: PLANNING, DESIGN AND MANAGEMENT GUIDELINES: UMDLOTI-TONGAAT STUDY AREA**

The purpose of the study was aimed at establishing new and innovative planning design approaches for the sustainable development of the Durban Metropolitan Area’s coastal assets. The brief investigated the following:

- Land Use and Zoning Practices
- Subdivision patterns and land settlement approaches
- Landscape and Townscape Character and
- Built Form.

The following Development Framework has been formulated for the study area and is awaiting adoption by the North Local Council:

**“Character of Umdloti Village: Create a distinctive village character and sense of place at the Umdloti Beach Settlement to enhance the area’s attraction as a middle to upper income tourist destination by:**

- Developing a clear network of pedestrian pathways;
- Creating a range of experiences that are unique to the area including shops, restaurants, and reflect the unique coastal environment within which the settlement is located;
- Screening and/or camouflaging the existing multi-storey buildings through appropriate landscaping;
- Encouraging more responsive ground floor activities in multi-storey buildings to contribute to the streetscape of the beach road.

**Parking Facilities: Provide no additional beach parking within the 46m development setback”** (Planning, Design and Management Guidelines: 2000: 54).

The document suggests that the way forward is to incorporate the principles and guidelines contained in the document, into the review of the Town Planning Scheme and inform the formulation of development controls that are more appropriate to this coastal zone.

#### **4.3.5 SUMMARY**

The reversal of the order of the preparation of the plans has affected the growth and management of the study area. However, the policy plans although prepared by various different individuals and consultants repeat the same broad-based principles. The Coastal Tourism Development Plan together with the Innovative Coastal Project recognise the Town Planning Scheme as being a major problem and argue that the Umdloti Town Planning Scheme must be reviewed in order to promote the future growth of Umdloti as a Coastal Town.

#### **4.4 THE UMDLOTI TOWN PLANNING SCHEME**

As has been mentioned in Chapter three, a Town Planning Scheme comprises of a written statement of planning intent, and the statutory provisions, which, upon adoption, will give effect to the planning



proposal. The written statement is of particular importance and should contain a comprehensive assessment of existing conditions, how they have come about overtime and, in relation to the physical factors.

The legal provisions of a Town Planning Scheme comprise a “zoning” map and written regulations. The map has a dual purpose, i.e indicating the physical relationship within its surrounds and indicating a zoning as it relates to the regulations. The constitution of the Umdloti Town Planning Scheme is no different.

It is the intention to analyse the Town Planning Scheme Map and the Town Planning Scheme Clauses, as the two are inter-related.

#### **4.4.1 A PREAMBLE TO THE UMDLOTI TOWN PLANNING SCHEME CLAUSES AND THE TOWN PLANNING SCHEME MAP**

The Umdloti Town Planning Scheme Clauses are comprised of seven parts. The Scheme Clauses are read in conjunction with the Town Planning Scheme Map of the study area, as attached at Annexure 3 and 4 respectively.

The Clauses are comprised of four tables and five annexures. Part One of the Scheme Clauses includes the title, the definitions, defines the Scheme area, the effective date of the Scheme, Planning Authority and describes the Scheme Map.

Part Two looks at the reservation of land and the declaring and closing of streets.

Part Three prescribes the building lines and side/rear spaces applicable to the various zones.

Part Four includes building restrictions and use of land, non-conforming uses, special consent, and exemptions, to name but a few.

Part Five prescribes the floor area ratio, coverage and height. It describes the lot control and minimum frontage requirements within zones.

Part Six provides comment on the external appearance of buildings, advertisements and loading and parking provisions.

Part Seven includes development applications, inspection of the Scheme, amendments to the Scheme and conflict of laws.

The tables are as follows:

- Table A -Types of Buildings and Land Use
- Table B - Reservation of Land
- Table C - Use Zones
- Table D - Density Zones.

Table A provides definitions for the varying categories of land uses. In this way standard definitions arise allowing for easy categorisation by officials.

Table B describes the various reservations of land and provides information as to the type of uses for which land may be used.

Table C contains the Use Zones and thereafter clearly indicates by way of columns the free-entry, special consent and prohibited land uses. A copy of the Town Planning Scheme is attached at Annexure 3.

The study area has located within it, six different zones (refer to annexure 4). These zones comprise of:

1. Special Residential – located mostly along Bellamont Road with a portion of the sites to the north of Erf 1711 being Special Residential zones along North Beach Road;
2. General Residential 1 – located primarily along North Beach Road;
3. General Residential 2 – located primarily along Bellamont Road;
4. Intermediate Residential – located along Bellamont Road;
5. Limited Commercial – located on the MR93 which is the main road into Umdloti;
6. Administration and Public Buildings - located along Bellamont Road.

It should be noted that no provision has been made for Public Open Space, nor recreational or educational uses or facilities. The estuary at the end of North Beach Road is seen as a tourist attraction. However the zonings around the estuary, i.e Special Residential restrict access to this area.

The study area has running through it from east to west (see Town Planning Scheme attached at annexure 4) a sensitive dune that is home to many species of wildlife such as Duiker, bird such as Guinea Fowl as

well as indigenous bush. This natural ecosystem, together with a loose soil type constitutes the dune and makes this area a non-developmental area. This area is demarcated on the Town Planning Scheme Map as a 'Controlled Area'. A controlled area means 'that area demarcated on the Scheme Map by the overprinting of a red cross-hatch pattern, where, by reason of the topography, the unsuitability or instability of the soil or like reasons, development or building or the evacuation of any activity may be specified having regard to the nature of the said area'. (Umdloti Town Planning Scheme, 1985) As a result of this restriction, the Development Control Branch of the North Local Council has over the years required Developers and Landowners to submit both a Geotechnical Report and an Environmental Assessment prior to the consideration of any development application.

Through the preparation of the aforementioned documents development is guided in a responsible way by advising both the Council and the developer or owner as to the number of units, but equally important exactly where development should occur and what vegetation can or cannot be removed. However, intrusions into the dune have occurred and have since threatened the stability of the dune (refer to Umdloti Town Planning Scheme Map at annexure 4).

#### **4.4.1.1 THEME ONE: COASTAL LOCALITIES INCORPORATING BUILT FORM REGULATIONS**

It is the intention to present and then evaluate the existing Town Planning Scheme as it relates to zoning, location of land uses, and parking. Thereafter, these impacts will be weighed against the criteria set up for Coastal Localities as contained in Chapter Three. In proceeding with the discussion and evaluation of the Town Planning Scheme, the question of "what makes the study area a coastal place?" is also answered. In this regard, the researcher has paid heed to the location of land uses, the availability of parking for day trippers and tourists, the importance of the estuary, and the need for viewlines and viewsheds to be maintained.

##### **4.4.1.1.1 ZONE 1: GENERAL RESIDENTIAL 1**

In referring to the Umdloti Town Planning Scheme Map attached at annexure 3, it is evident that the majority of General Residential 1 sites are located toward the southern end of North Beach Road. Most of the sites are thin and long and extend substantially into the dune. Access to

these sites is taken off North Beach Road. The following is an extract of Table C of the Umdloti Town Planning Scheme, which prescribes the Land Uses within the General Residential 1 Zone.

**TABLE 8: Umdloti Town Planning Scheme Clauses:**  
**TABLE C: USE ZONES**

Use Zone	Colour on Map	Free-Entry Uses	Special Consent Uses	Prohibited Uses
General Residential 1	Dark Brown	1.Dwelling House 2.Laundrette 3.Medium Density Housing 4.Residential Building	Buildings and land uses not included in columns 3 and 5	1.Agricultural Industry 2.Caravan Park 3.Chalet Development 4.Commercial Workshop 5.Drive-in Cinema 6.Extractive Industry 7.Garage 8.Light Industrial Building 9.Office Building 10.Place of Public Amusement 11.Service Industrial Building 12.Service Station 13.Shop 14.Warehouse 15.Wholesale Sale

In terms of the Coastal Tourism Development Plan, Umdloti is described as a "Residential/Recreational Node". However, the land uses contained in the Table above prohibit those facilities normally conducive with tourist locations. By large facilities such as Shops and Places of Amusement are prohibited uses within a General Residential 1 zone. Restaurants are land uses permitted only with the Special Consent of the Council and lapse upon sale, lease or any other change in ownership. In this regard the Scheme Clauses are very restrictive and in no way promote tourist type of development in the area.

In examining the free-entry uses as indicated in Column 3 of the Table above, provision is made for a 'Residential Building'. In terms of Table A of the said Scheme, a 'Residential Building' is defined as follows: "means a building or portion of a building other than a dwelling house, chalet, flat, semi-detached house, terrace house or maisonette used for habitation, together with such outbuildings as are ordinarily used therewith, and includes a block of flats, boarding-house, hotel, residential club or hostel". From the aforementioned list the uses permitted as free-entry uses, although Residential in nature, are uses not conducive with land uses contained in the criteria, nor are they in keeping with the Guidelines of Coastal Land Use.

In terms of clause 6.4 of the Umdloti Town Planning Scheme in the course of preparation, "for every residential building there shall be provided one garage or covered parking space for each dwelling unit. In addition there shall be provided a suitable area for visitors parking at the rate of 1 car space for each dwelling unit" (Umdloti Town Planning Scheme 1985: 26) This requirement for parking is considered to be minimal as economic conditions indicate that the average car ownership in an area such as Umdloti is two cars per unit. This has often resulted in visitors parking not being accommodated on site. The issue of parking provision has always proved to be a difficult one in Umdloti.

As a result of the buildings having to be pushed forward due to geotechnical and environmental constraints, the provision of parking in most cases is accommodated at basement level, thus substantially increasing the cost of the building. It is the experience for the writer that this requirement for parking is minimal within such a zone and needs to be amended.

In weighing the above with the criteria and those contained in the Guidelines for Coastal Land Use, the following deductions are made:

- General Residential 1 is a Zone which allows for the establishment of substantial residential building types which are not conducive with Coastal Localities;
- The free-entry uses are restrictive and in no way facilitate uses required by residents and tourists alike;
- Shops and services are not centrally situated, nor are they located within the study area that comprises 80 % of Umdloti . The shops are located outside the study area, and where no provision is made for on-site parking for patrons;

- The location of General Residential 1 is in contradiction with the Guidelines of Coastal Land Use in that the high-rise flats are situated closest to the sea rather than at the rear of the study area. For the purposes of this dissertation “high-rise” shall refer to a building in excess of four storeys in height;
- Roads that give access to the dune and beach should be aligned perpendicular and not parallel to the coast to minimise disturbance to the dunes. However, in the case of Umdloti the aforementioned is true; North Beach Road runs parallel to the sea for the entire length of the study area. While it may be argued that this is as a result of the topography of the area, such factors should have been considered in the initial planning stages of Umdloti and could have negated the environmental and ecological problems which currently face the Council and the residents;
- Housing, and not a road, should generally form the first line of development facing the sea. In the case of Umdloti, North Beach Road is located directly adjacent to the beach with residential development in the form of flats and apartment blocks immediately behind the road;
- The dune is an unstable slope. However the Town Planning Scheme accommodates development on the basis that every development application is accompanied by a Geotechnical Report and an Environmental Assessment.

From the above it is evident that the General Residential 1 Zoning is an existing and common zone and the land uses dictated by the Town Planning Scheme are inappropriate for a Coastal Village such as Umdloti. The current plan for Umdloti in no way took cognisance of criteria for Coastal Villages. The planning lacked a Vision and sound planning principles and has been influenced by inappropriate growth and development of the Coastal Village.

The following is an extract of Table D: Density Controls from the Umdloti Town Planning Scheme which lists all requirements as it relates to the General Residential 1 Zone.

**TABLE 9: Umdloti Town Planning Scheme Clauses:**  
**TABLE D: DENSITY CONTROLS**

Table D Density Zone	Maximum Prmitted F.A.R /Coverage/Height	Additional Controls
1.General Residential 1	0.65 : 30 : 6	<ol style="list-style-type: none"> <li>1. Minimum lot area as per Clause 5.2 (1)(iii).</li> <li>2. Notwithstanding any controls in Table D, within the controlled zone as defined in clause 1.2(13), no building shall exceed a height of 6 storeys above natural ground level provided that no building shall protrude higher than two storeys above the highest natural ground level.</li> <li>3. Accommodation for motor vehicles to be provided on Lot as per Clause 6.4.</li> <li>4. Provision to be made for landscaping and maintaining the grounds to the satisfaction of the committee, and not less than 23% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space or drive-ways.</li> <li>5. A maximum F.A.R. and Coverage of 1.0 and 40% respectively is</li> </ol>



		permitted for licensed hotel. 6. Subject to the provision of a sewage disposal system to the satisfaction of the Board. 7. Where the lot is used exclusively for Medium Density Housing the maximum coverage may be increased to 35% and the density shall be limited to 30 dwelling units per ha.
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The major concern in respect of this table is the height restriction of six storeys permitted within this zone and equally important is the location of this zone. In this case, the General Residential 1 is located up against the primary dune. Due to the instability of the dune, developers and landowners are forced to locate the proposed building as close to North Beach Road as possible. This often results in tower blocks being constructed.

A further result of this positioning of buildings is that shadows are cast onto the beach, especially during peak bathing periods. Concern is also raised in respect of Point 2 in the Remarks column that states "no building shall exceed a height of 6 storeys above natural ground level provided that no building shall protrude higher than two storeys above the highest natural ground level". At this point it must be noted that the height difference between that on North Beach Road that is the lowest point, and Bellamont Road that is the highest point, is 65m, and while the General Residential zones do not extend to Bellamont Road, the current restriction has resulted in monstrous buildings having been constructed along North Beach Road.

Clause 3.2(i) of the said Scheme requires that "no building portion of a building intended to be used as a residential building, duplex flat or terraced house, shall be erected nearer than 4.5m to any such boundary, and provided the minimum side or rear space, as the case may be shall be increased by 1.5m for the full height of the building for every storey above 3 storeys of the building". In effect this means that the first 3

storeys would be built on a 4.5m side space, while the next 3 storeys would be built on a 6.0m side space and a further 3 storeys on a 7.5m side space, thus creating a stepped-back effect on either side on the building, resulting in a pyramid shape being obtained. However, as is evident from the ortho-photograph, the buildings constructed on sites zoned General Residential this is not the case. Instead, buildings are constructed in the form of tower blocks. Possible reasons for why developers or owners have not abided by this clause is perhaps that the Scheme was not properly administered. Alternatively, the sites zoned for General Residential 1 purposes have such restricted frontages that it does not allow for development on the site to be maximised from an economic perspective resulting in tower blocks being constructed. However, if the latter is true, then the Scheme should have been amended to ensure that clause 3.2(i) could be implemented.

Evidence of the above as it relates to the study area, is indicated in the following photographs.

Plate 1: Indicates non-compliance with clause 3.2 of the Umdloti Town Planning Scheme that requires a side space of 4.5m be observed, together with an increase of 1.5m for every storey above three. The plate also indicates the shadowing of habitable rooms from approximately 13h00.





Plate 2: Indicates non-compliance with clause 3.2 of the Umdloti Town Planning Scheme in respect of the tower block. Again, there is no stepping back of the building as it relates to the increase in side space for every storey above three. A front relaxation application was considered to accommodate the structure due to the stability of the dune being undermined.



By their very height and bulk, these tall buildings have a significant visual impact. While the variable skyline produced by taller buildings of varying shapes and sizes may have a positive effect in some urban situations, the opposite effect has occurred within the study area. The insensitive siting and design of high buildings has led to the blocking out of sunlight and the shadowing of recreational areas along the beach, particularly in the afternoons when recreational activity on the beaches is at its highest. This is evident in the photographs hereunder. It is contended that the planning controls in the Town planning Scheme have resulted in this occurrence.

From the above it is evident that the built form regulations for the sites zoned for General Residential 1 purposes are wrong. This statement is substantiated by the example included hereunder. The floor area ratio is

excessive for the area. It is reiterated that in order to maximise development opportunities, developers and or landowners in most instances build to bulk. This means that on a 2000m<sup>2</sup> site, the maximum development that could occur on site is 1300m<sup>2</sup>. This dispersed over a maximum of 6 storeys is 217m<sup>2</sup> per storey. Should the developer choose to construct units of 60m<sup>2</sup> each, he could achieve a total of 4 units per storey and a total of 24 units. However, this will vary depending on the size of unit chosen.

While this may not be considered to be of any significance to the reader, in reality, developers and or landowners are then unable to comply with Points 3 and 4 in the Remarks column of Table D, which relate to the provision of on-site parking and the provision for landscaping and maintaining the grounds to the satisfaction of the Council, respectively. In the latter instance, no area is set aside as garden or play area as the positioning of the building up against North Beach Road precludes such areas and uses. Thus in all stances developers and landowners retain that portion of the dune behind their buildings in an attempt to comply with this requirement of the Town Planning Scheme. However, this area of the dune is unable to be utilised as a garden or as a play area. In terms of the provision of on-site parking, both Developers and Landowners find it difficult to comply with the parking requirements of the Town Planning Scheme, mainly because of the positioning of the buildings. In all instances within the study area, parking is provided at basement level and this renders the cost of building in some cases unfeasible. The parking standard of 1 bay per unit is also obsolete, in that in most cases, there are two cars per household, thus resulting in no parking being available for visitors.





Plate 3: Indicates the overshadowing of the beach during prime bathing times. The extent of the shadowing needs to be noted as there is a road behind the beach behind which the buildings are located.



Plate 4: A site zoned Special Residential sandwiched between a site zoned General Residential: the effects of shadowing in this instance should be noted.



Plate 5: The effects of over shadowing on the beach at approximately 14h00.



Plate 6: Resultant form dictated as a result of the stability of the dune. Basement parking is located on a nil building line.





Plate 7: The dune in its natural state, the positioning of the building is dependent on the recommendations of the Environmental Impact Assessment and the Geotechnical Report.



In assessing the above as it relates to the criteria set up for Built Form Regulations, the following conclusions are made:

- The use of low-rise buildings has not been promoted mainly because of the stability of the dune. However, the Town Planning Scheme should have been amended to include another category of residential zoning such as Intermediate Residential that has a height restriction of three storeys, alternatively Special Residential which has a height restriction of two storeys. Either of these zones would have reduced the current impacts of the existing zones. Therefore, the zoning as included in the Town Planning Scheme, is wrong.



- In most instances a setback has not been heeded mainly because of the stability and slope of the dune that results in buildings being pushed forward. Buildings have in some instances been built on a nil building line mainly because of the dune. The siting of such buildings has resulted in shadows being cast on the beach, especially during peak bathing periods.

In respect of the lessons learnt from the New South Wales case, the following is applicable to the study area:

- Insensitive siting and design of high buildings has occurred. This has led to the blocking out of sunlight and shadowing of recreational areas particularly in the afternoons when recreational activity on the beaches is at its highest.
- Taller buildings as a result of their height and bulk, do have a significant visual impact.

In respect of the lessons learnt from the Sea Ranch case, the following is applicable to the study area:

- The need to be responsive to the environment. In this regard, Sea Ranch had a specific climate as regards to wind. The same would apply to the study area in that coastal villages are unique, and its microclimate and location and other factors must be considered in the designing of such a location.

The writer contends that the built form regulations applicable to the sites zoned for General Residential 1 purposes, as contained in the Umdloti Town Planning Scheme, are wrong in that they are high for a Coastal Locality such as Umdloti. The analysis of the zoning, land uses, floor area ratio and height indicate this.

#### **4.4.1.1.2 ZONE 2: GENERAL RESIDENTIAL 2**

The second zone category is General Residential 2 (refer to Town Planning Scheme Map at annexure 4). The sites zoned for General Residential 2 purposes are located on Bellamont Road and have views ranging from the Durban Harbour and continuing far north.

While it is acknowledged that the sites are located within a purely residential enclave, the nature of occupancy is not permanent. Most of these units serve as self-catering holiday apartments. The land-uses contained in Table C, indicate that land uses such as Shops, Restaurants and Places of Public Amusement are again prohibited within such a zone.

The Scheme is therefore not flexible enough to cater for such uses that would be utilised by residents and tourists. It must be mentioned that these apartment blocks are situated at the rear of the study area and are in keeping with the criteria for Coastal Localities. The parking requirement within this zone is exactly the same as for General Residential 1 zones. In this instance, due to the non-permanent nature of residency, the parking requirement is adequate. However, in the case where there is permanent residency, the requirement of the Town Planning Scheme is too minimal. In terms of Table D: Density Controls, the permitted built form regulations are much lower than that applicable to the General Residential 1 zone. The locational suitability for such zonings along North Beach Road, rather than Bellamont Road, is considered to be more appropriate. The current locality of the General Residential 2 zone allows developers and landowners to comply with provisions applicable to both on-site parking and landscaping requires without duress. The insertion of the “controlled area restriction” over this zone has also assisted in maintaining the stability of the dune.

#### **4.4.1.1.3 ZONE THREE : SPECIAL RESIDENTIAL**

The third zone category is that of Special Residential. In referring to the Town Planning Scheme Map at Annexure 4, the Special Residential sites are situated on North Beach Road and Bellamont Road. The entire zone is covered by the ‘Controlled Area’ restriction as these lots extend in to the dune.

In terms of Table C of the Umdloti Town Planning Scheme, the land uses contained in this Table, are consistent with that of other Coastal Localities. However, as a result of the changing needs of society, new land uses containing a greater variety of home businesses need to be addressed. In this regard, the inflexibility of the current Town Planning Scheme is noted. As a result of Medium Density Housing being a special consent use in this zone, the insertion of the controlled area restriction has proved to be particularly effective in influencing the locality of the units on the site, the number of units, and the type of units to be constructed, especially in Bellamont Road where there has been a shift in trend to accommodate such housing types. The narrow road frontages, together with the position of the dune, has confined development within this zone to the edges of both Bellamont Road and North Beach Road, respectively. Most homeowners within this zone, i.e Special Residential, are able to comply with the Town Planning Scheme requirements as it relates to the provision of parking. In most cases homes have at least a double garage

positioned on-site. The need for covered parking within all zones is an advantage mainly because of the negative effects of the sea-air.

#### **4.4.1.1.4 ZONE FOUR: INTERMEDIATE RESIDENTIAL**

There is only one site in the study area zoned Intermediate Residential (see Town Planning Scheme Map attached at annexure 4). As a result of the site having being subdivided and rezoned into Limited Commercial and Intermediate Residential, a Right-of-Way provides access to the site. Furthermore, the site is traversed by an overhead- transmission line and the topography of the site renders the site economically unviable.

#### **4.4.1.1.5 ZONE FIVE: LIMITED COMMERCIAL**

The site zoned Limited Commercial (see Town Planning Scheme Map attached at Annexure 4) is the remaining portion of the site zoned Intermediate Residential. The site gains direct access off MR 96 that is the main access into Umdloti. The site at present houses a franchised supermarket, a video outlet and a restaurant. The site is situated at the entrance to Umdloti offering limited access to both locals and tourists alike. Topographical constraints have restricted the development of the facility resulting in the applicant being unable to develop further as a result of being unable to comply with the parking provisions of the Town Planning Scheme.

While the need for Commercial facilities is recognised, it is contended that the zoning of this site for Limited Commercial purposes is wrong. From a planning point, the location of the site is inconvenient, there are other commercial facilities within close proximity, although it is acknowledged that they are not on the same side of the road and are not located within the study area. However, it is believed that this facility ought to have been sited more centrally on North Beach Road. Access to the site is one of the more major problems. Sight lines and distances are restricted as a result of a sharp bend in the road. Furthermore as a result of the shops having access of a major road, the issue of safety has often remained an issue. The topographical constraints have had a negative impact on this site, in that the permitted uses cannot be constructed on the site because of the permitted density factors and the parking requirements of the Scheme.

In returning to the criteria, it is submitted that the location of the shops is wrong. They are by no means centrally situated, nor are they convenient or within walking distance.

#### **4.4.1.1.6 SUMMARY OF COASTAL LOCALITIES**

In summary, it is evident that Umdloti does not echo the main planning criteria for Coastal Villages. In terms of addressing the criteria for Coastal Localities, it is evident that:

- Development has been allowed in sensitive areas, i.e the primary dune. However, provision is made in the Town Planning Scheme to permit development on the basis of the submission of a Geotechnical Report and an Environmental Assessment. As an example, this has resulted in a dwelling supported by sixty-six piles being constructed at the toe of the dune. In the future even this structure will undermine the stability of the dune.
- Again, it is noted that access to the properties on North Beach Road is directly off that road which runs parallel to the sea and has a direct disturbance impact on the dunes.
- There is no clustering of development, thus both North Beach Road and Bellamont Road are both expensive to maintain and the cost of services within them is also phenomenal.
- The zoning of sites for Special Residential purposes along Bellamont Road is inappropriate. These sites should have been consolidated to form larger lots thereby yielding a greater number of units. While Table C does allow for Medium Density Housing on sites zoned for Special Residential purposes, it in no way allows the developer and or landowner to maximise development as the number of units is determined by still having to comply with the minimum lot size for Special Residential sites. Current planning trends over the past six years has indicated a shift for Medium Density Housing in Bellamont Road, and approximately six consents have been granted to accommodate such uses.
- By zoning sites along Bellamont Road for General and Intermediate Residential purposes, the road pattern could have been different resulting in cheaper maintenance and provision of services. This sprawling of Special Residential development makes both maintenance and services economically unviable.
- The remaining three sites on Bellamont Road i.e Erven 1731, 1732 and 1733 (see Town Planning Scheme Map at annexure 4) now

constitute a spot zone as a result of sites around them having being zoned or rezoned for General Residential 2 purposes.

- The parking requirement for General Residential 1 zones is too minimal as most unit owners own more than a one car. This results in the loss of visitors parking bays on-site. The lack of parking for visitors needs to be addressed.

#### **4.4.2 ENVIRONMENTAL PERFORMANCE**

Here it is the intention to assess the study area in respect of the five Environmental issues as described by Bentley, et al (1985).

##### **4.4.2.1 Permeability**

Umdloti has a single entrance/exit road (refer to Locality Plan attached at annexure 1.1). There are only two roads within the study area, i.e North Beach Road and Bellamont Road. A right-of-way 20,12m wide off Bellamont Road, ends in a cul-de-sac. North Beach Road is accessed by continuing straight along MR96 and turning left at the traffic circle. Bellamont Road is accessed by turning left before the site zoned for Limited Commercial purposes and continuing of approximately half a kilometre, before entering Bellamont Road. The 20.12m wide right-of-way provides access to the sites zoned for General Residential 2 purposes in Bellamont Road and to Erven 2069, 2147, 1689 and 1928.

Both Bellamont Road and North Beach Road have the same status, i.e they are both local streets. Both streets are in excess of one and a half kilometres and both terminate in cul-de-sacs. Thus residents and tourists have no choice in entering or exiting Umdloti. This lack of permeability also results in the lack of richness of the area. In the case of an emergency, residents of Umdloti could find themselves in a compromising situation as the area outside the study area has no alternate access either. Thus Umdloti is not permeable and this results in a lack of richness. The author's experience is that the greatest lack of permeability is experienced at a pedestrian level.

##### **4.4.2.2 Variety**

Variety is yet another element missing in Umdloti. As is evident from the analysis of Table C as it relates to the various zones, the Town Planning Scheme makes no attempt to create a compatible mix of uses. Rather, it creates a sterile environment and is restrictive in the land uses it

prescribes. It is anticipated that by implementing components of the New Land Use Management System, a richer mix and greater variety of land uses will be encouraged. However, as it stands, Umdloti lacks the element of Variety.

#### **4.4.2.3 Legibility**

Umdloti, because of its limited extent and access is soon legible to most people. Lynch, K (1997) lists five elements which he deems to think makes a place more legible. These include: nodes, edges, paths, districts, and landmarks. (see annexure 8 for Urban Design Analysis)

In relating the aforementioned to the study area, Umdloti itself is recognised as a node in the broad sense. The North Local Council's Integrated Development Plan identifies Umdloti as a niche Tourism Node. It is a place with which the people of the North identify with but not at the pedestrian scale. Within the study area, the area around the Life Guards Tower is beginning to develop as a potential secondary node mainly because of the limited retail facilities in that area.

The Edges in Umdloti include the Indian Ocean and the Umdloti Estuary/Lagoon. The aforementioned edges are both natural edges. While the estuaries elsewhere have tourist potential, the estuary at Umdloti is inaccessible to tourists and day-trippers mainly because the zonings around the estuary are Special Residential, thereby restricting access to this edge.

Paths include both North Beach Road and Bellamont Road; the right-of-way serves mainly as an access point.

Umdloti itself is a district lacking an identity. Apart from the sea and the lagoon, Umdloti has no character. The entrance to Umdloti is in fact a sewer pump station positioned on the traffic circle. Thus Umdloti is quickly legible to most people over a relatively short space of time due to its limited access.

#### **4.4.2.4 Robustness**

Robustness is the ability to respond to changes, be it changes in zoning, land uses, or types of facilities. Robustness is dynamic in that most changes are in response to market forces. However, while the Town Planning Ordinance makes provision for rezoning, the Town Planning

Scheme Clauses contain prescriptive restrictions such as minimum lot sizes and frontages, which render possible rezoning applications impossible. The Town Planning Scheme also makes provision for a mix of land uses. Again, Table C is particularly prescriptive in the permitted land uses within zones. The uses resultant from the Town Planning Scheme have resulted in a mundane and an environment lacking in character.

#### **4.4.2.5 Visual Appropriateness**

Legibility, variety and robustness are principles which reinforce visual appropriateness. However, in the study area two of the three principles, i.e Variety and Robustness are missing. The resultant built form is as a result of the direct application of the Scheme resulting in an inappropriate built form that is visually unpleasant. In this regard the General Residential zoning along North Beach Road has resulted in buildings that have no human scale. Provisions in respect of landscaping particularly in the General Residential 1 Zone, are not adhered to. While Developers and Landowners have made efforts to maintain the stability of the dune, they have not provided any further landscaping to enhance and soften the front facades of these buildings.

#### **4.4.3 PERCEPTIONS OF ISSUES RELATED TO ISSUES OF COASTAL LOCALITIES AND ENVIRONMENTAL PERFORMANCE**

In providing an overall assessment of the Study Area, perceptions from an Administrative, Developers and Residents perspective are included. It must be noted that the detailed responses to the questionnaires and interviews will be discussed in a following chapter.

##### **4.4.3.1 Coastal Localities**

The Umdloti Town Board experienced no pressure from the residents to amend the Umdloti Town Planning Scheme, nor did the Town Board make any effort to adopt the Structure Plan as a result of the incorporation into the Borough of Umhlanga. Thus the existing zones and land uses remained as they were. While the then Town Clerk realised that Umdloti was then “too residentially orientated”, from an administrative perspective, he was of the belief that time frames in respect of the adopted Tongaat Hulett’s Durabn Metropolitan Area Development Plan, were too far into the future and development could not be sustained



unless, the Tongaat Hulett Group developed the land they owned around the boundaries of Umdloti.

The Ratepayers Association was of the opinion that the development which occurred along North Beach Road was wrong and that while nothing could be done to reduce the impacts of the substantial development, the Ratepayers Association would not like to see replications of the development in North Beach Road. They were also of the belief that facilities such as the retail facilities were not appropriately located and that there is a lack of such facilities in the area that prevented Umdloti growing as a tourism node. The Chairperson expressed interest in the amendment of the Town Planning Scheme so as to encourage a range of ancillary retail stores within the General Residential 1 zone along North Beach Road.

The Residents shared very similar thoughts in respect of the type of development in Umdloti. They also expressed a need for additional retail facilities such as convenience shops and restaurants in the area. Another issue raised by the residents was that of parking. Residents complained that there was no provision made for tourists, day-trippers and fishermen and that this has resulted in the indiscriminate parking of vehicles across and in private driveways and properties.

#### **4.4.3.2 ENVIRONMENTAL PERFORMANCE**

The Umdloti Ratepayers Association believe that there needs to be a promenade along North Beach Road. This thought was coupled with the need for ancillary retail shops along North Beach Road. The Association also felt that it was necessary to install street lighting and street furniture, such as benches, along the promenade in an attempt to make the area user- friendly.

The Developer's argument was based on how the Town Planning Scheme has impacted on development in the area. He was of the belief that the Town Planning Scheme was not flexible enough so as to accommodate the personal requirements of buyers. He also believes that Town Planning Schemes operative elsewhere in the North Local Council, and within the Durban Metropolitan Area, were more facilitative than that of the Umdloti Town Planning Scheme. He explained that as a result of technicalities included in the Town Planning Scheme such as the controlled area restriction, development was often hampered.

The Residents echoed similar sentiments to the Ratepayers Association. A detailed analysis is included in the following chapters.

#### **4.4.3.3 CONCLUSION**

The analysis of the Umdloti Town Planning Scheme highlights the shortcomings of the current Town Planning Scheme. The history of plans indicates clearly that the framework and policy required to guide the growth and development of the study area as a coastal town was the missing link. However, subsequent documents produced have all been at a general and broad-based level, not detailed enough to be adopted and implemented. The policy documents recognise the limitations of the Umdloti Town Planning Scheme, and recommend that the Town Planning Scheme be reviewed in an effort to guide the growth and development of the study area. It is also suggested that a guideline in respect of the aesthetics and design be considered for implementation purposes.

There is also a need for a mix of land uses such as shops, restaurants and places of public amusement and or entertainment. The Town Planning Scheme as it exists is not facilitative, nor flexible, nor does it offer a richer palette of land uses in order to accommodate such land use mixes. It is not flexible in that it cannot address developers and or landowners requirements without having to go through drawn out statutory processes. The density controls need to be re-addressed and whilst property owners sit with extensive development rights, these rights need to be managed in a more responsible way. If Umdloti is to become a niche tourist node as identified in the Councils Integrated Development Plan, then the Town Planning Scheme needs to be amended so that it concurs with the Councils Integrated Development Plan and other related policies of the Council. In amending the Scheme, cognisance must be taken of prevailing legislation so that the uniqueness of the coastal village of Umdloti is preserved and retained into the future.

The following chapter will include an analysis of the questionnaires and interviews conducted in the study area. It will also consider solutions that may be applicable to the study area.

## **CHAPTER FIVE**

### **MAIN FINDINGS AND ANALYSIS OF SURVEY DATA**

#### **5.0 INTRODUCTION**

This Chapter deals with the findings of the surveys done that include:

- Questionnaires
- Interviews
- Land Use Survey and the
- Urban Design Analysis

It also looks at the results and outcomes of the issues raised during the interviews. The Land Use Survey and the coding is then compared to that permitted in terms of the Umdloti Town Planning Scheme in an attempt to realise any non-conforming uses with the Town Planning Scheme. The results of the Responsive Environment Analysis are also included. All of the aforementioned techniques have been explicitly described in Chapter Two.

#### **POLICY AND PRACTICE**

The dissertation, through both the review of contemporary literature and interviews with residents, Ratepayers Associations, and the Council, has revealed that there are substantial problems with prevailing legislation and practice. The Town Planning Scheme is outdated and is not flexible enough to accommodate the dynamic and vibrant socio-economic environment, which to a large extent dictates planning trends.

#### **5.1 RESPONSES TO QUESTIONNAIRES**

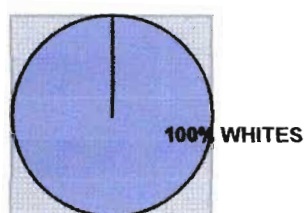
As was discussed in Chapter Two, a questionnaire was distributed to ascertain the residents needs, requirements, aspirations, their satisfaction or dissatisfaction within the area, and their attitudes to the resultant development and finally, the type of development they would like to see happen in their area and where this should happen. The sample of sixty-nine dwelling units was drawn, of which thirty-nine were single dwelling units on sites zoned Special Residential, while the remaining thirty comprised units within blocks of flats. The questionnaire was distributed to all sixty-nine units and a hundred percent sample was obtained. The

following are responses obtained from the distribution of the questionnaires. A copy of the Questionnaire is attached at Annexure 2.

### 5.1.1 Questions 1 TO 5: **DEMOGRAPHICS**

Questions One to Five were related purely to demographics. Such questions were included to ascertain whether the responses to the three themes set up, are particular to a group, particular to any gender, or any age group of people. The following responses were obtained:

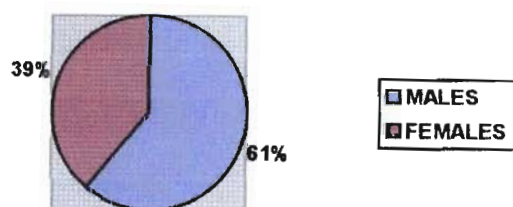
- The study area is 100% inhabited by White persons living in dwelling units and flats as reflected by the questionnaire (refer to graph below)



POPULATION GROUP

- 
- The questionnaire was answered by 42 males (61%) and 27 (39%) females (refer to table and graph below)

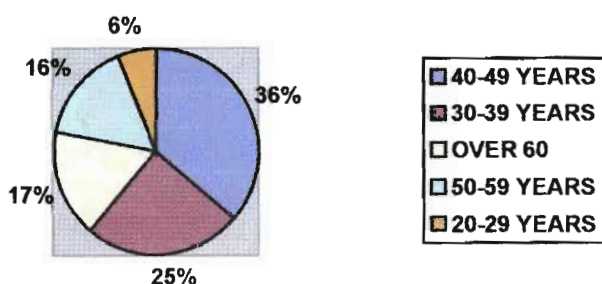
	No. of persons	%
Males	42	61
Females	27	39
Total	69	100 %



GENDER

- The majority of the respondents are in the age group category 40-49 years (26%), with the age group 30-39 years (25%), over 60 (17%), 50-59 years (16%), 20-29 years (6%) (refer to graph below)

	No. of persons	%
20 to 29 years	4	6
30 to 39 years	17	25
40 to 49 years	25	36
50 to 59 years	11	16
Over 60 years	12	17
<b>TOTAL</b>	<b>69</b>	<b>100 %</b>

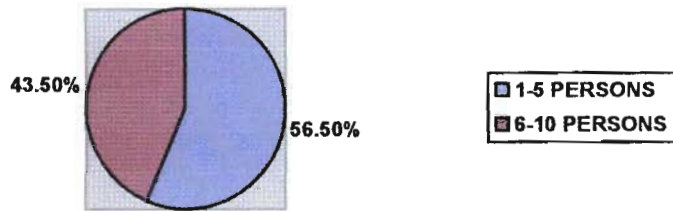


## AGE BREAK DOWN

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- 56.5% of the dwellings house between 1-5 persons per household while the remaining 43.5% house between 6-10 persons per household. (refer to table and graph below)

	No. of persons	%
1 to 5 persons	39	56.5%
6 to 10 persons	30	43.5 %
<b>TOTAL</b>	<b>69</b>	<b>100%</b>



## NUMBER OF PERSONS PER HOUSEHOLD

### In Summary

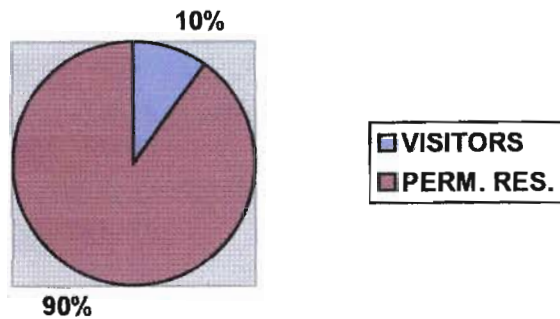
The study area is inhabited by persons of the White Group, of which 61% are male and the remaining 39% are females. The study area is inhabited mainly by persons in the age category 40-49. The average family size is between 1-5 persons.

### **5.1.2 Question 6: RESIDENCY**

Are you a permanent resident or visitor in the area ?

The questionnaire was responded to by 7 (10%) visitors and 62 (90%) permanent residents. The survey was undertaken during the month of October when Umdloti is not seen as a prime tourist destination. Thus statistics will change during peak tourism seasons. (refer to graph below)

	No. of persons	%
Visitors	7	10
Perm.Residents	62	90
TOTAL	69	100%



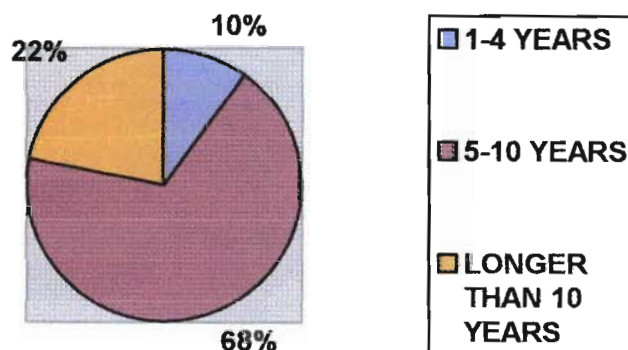
## PERMANENT RESIDENTS VS VISITORS

### 5.1.3 Question 7: LENGTH OF STAY

If you are a permanent resident how long have you lived in Umdloti?

The majority of the people in this sample have lived in the area for between 5-10 years. (refer to graph below)

	No. of persons	%
1-4	7	10
4-10	47	68
LONGER THAN 10	15	22
TOTAL	69	100



## RESIDENTIAL OCCUPANCY



#### **5.1.4 Question 8 : REASON FOR LIVING IN UMDLOTI**

Was there any particular reason for you wanting to live in Umdloti?

People wanted to live in Umdloti mainly because the town is seen as a tranquil place to live in. Others were passionate about the sea and others saw it as a good investment with easy access to Durban.

#### **5.1.5 Question 9: RESIDENCY**

If you are not a permanent resident in the area, how often do you holiday in Umdloti?

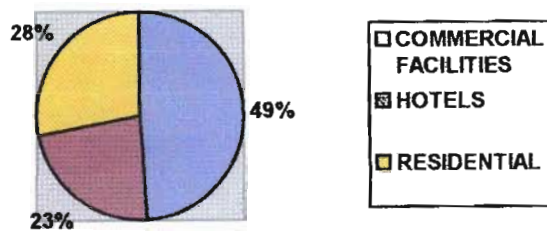
Three persons were visiting Umdloti for the first time, while the remaining four visitors were making their annual visit to the area. The frequent visitors(2) continued to come mainly because of time-share commitments and the remaining 2 because the holiday was seen as good value for money.

#### **5.1.6 Question 10: QUALITY AND TYPICAL FACILITIES**

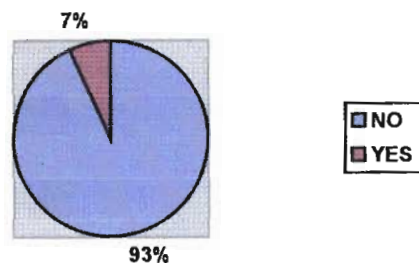
What are some of the facilities you would like to see in Umdloti? and  
Question 11: Are the facilities you utilise within a comfortable walking distance of five minutes?

49% believe that there should be more commercial facilities such as shops, places of amusement and entertainment. 23% said that hotels were required and 28% said that there was a need for additional residential accommodation. It is evident from the above figures that residents would like to see additional commercial facilities in the area.

In response to whether facilities utilised were within a comfortable distance, 93% said No and 7% said Yes. The numbering of the questionnaires indicate that the respondents that agreed that facilities were within walking distance, were those located close to the existing facilities. These responses indicate that the Town Planning Scheme has not been facilitative in providing facilities most desired by the people. (refer to graphs below)



## FACILITY REQUIREMENTS



## COMFORTABLE DISTANCE OF FACILITIES

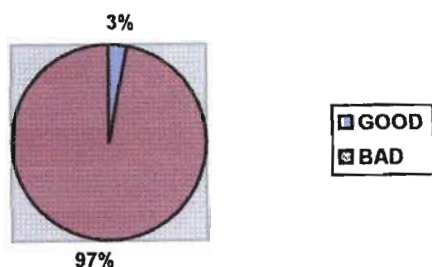
### 5.1.7 Question 12 : PERCEPTIONS OF DEVELOPMENT

What do you think about the development along North Beach Road?

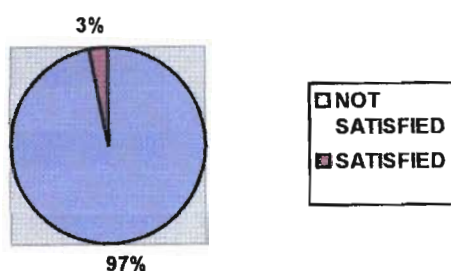
Question 13: Are they the type of buildings that should be located there?

Question 14: Are they the type of uses that should be located there?

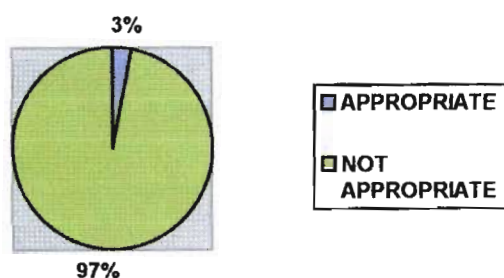
In respect of questions 12, 13 and 14, three percent (3%) believe that the development along North Beach Road is good, while the remaining 97% are of the belief that the development is 'bad'. 97% believe that the buildings along North Beach Road should not have been located there, while the remaining 3% are satisfied with the type of buildings located along North Beach Road. 3% of the respondents believe that the type of uses located there presently are appropriate, while the remaining 97% believe that the uses are not appropriate. (refer to graphs below)



## DEVELOPMENT ON NORTH BEACH ROAD



## LOCATION OF BUILDINGS ALONG NORTH BEACH ROAD



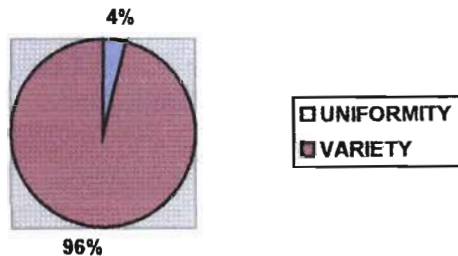
## TYPES OF USES

### 5.1.8 Question 15: AESTHETICS

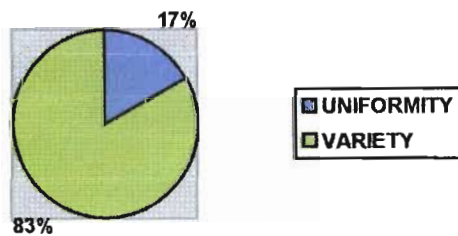
What about the aesthetics i.e should there be a variety of buildings or should there be uniformity in the design, materials and colour?

In response to question 15 , four percent (4%) of the respondents believed that there should be uniformity in buildings as it relates to shape and size of buildings. The remaining 96% said that there needed to be a variety in the shape and size of buildings. 17% of the

respondents said that there should be uniformity in the use of materials and colours used in and on buildings, while 83% believed that there should be a variety of materials and colours utilised. (refer to graphs below)



## SHAPE AND SIZE OF BUILDINGS

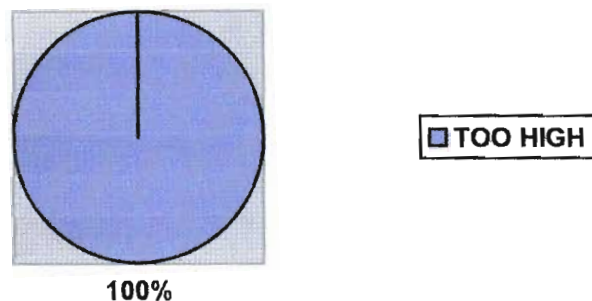


## MATERIALS AND COLOURS OF BUILDINGS

### 5.1.9 Question 16 : AESTHETICS

Are the buildings too high along North Beach Road ?

The responses to question 16 was that all 69 respondents i.e 100% believed that the buildings along North Beach Road are too high.(refer to graph below)

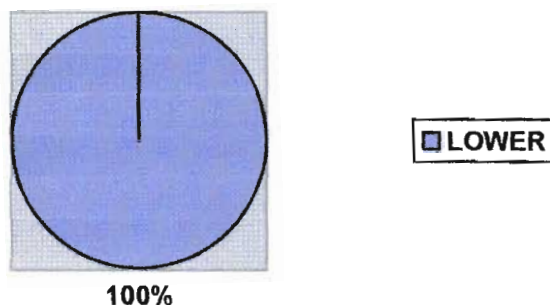


## HEIGHT OF BUILDINGS ON NORTH BEACH ROAD

### 5.1.10 Question 17: AESTHETICS

Should they be lower and sprawled over the site?

All respondents interviewed felt that the buildings along North Beach Road were too high and that the buildings should be lower and sprawled across the site. (refer to graph below)

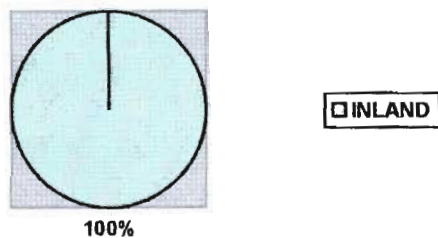


## HEIGHT OF BUILDINGS ON NORTH BEACH ROAD

### 5.1.11 Question 18: ALTERNATIVE LOCATIONS FOR DEVELOPMENT

Do you think the blocks of flats should be located elsewhere, if so where?

It was the perception of all 69 (100%) respondents that the blocks of flats should be located towards the inland area of Umdloti and behind Bellamont Road, others said that the flats should be built in Bellamont Road. The main reasons for wanting the flats to be located elsewhere was that of sea-views, property values, as blocks of flats were seen as an invasion of privacy. (refer to graph below)

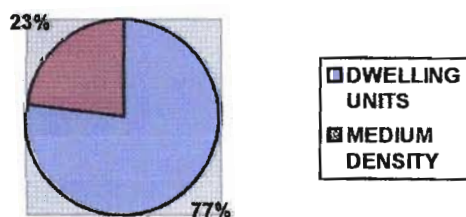


## LOCATION OF FLATS

### 5.1.12 Question 19: DEVELOPMENT OPTIONS

Would you prefer to see a lower scale of development such as medium density housing (groups of simplexes and duplexes) in place of the flats or single dwelling units?

77% of the respondents preferred to see a lower scale of residential development such as Dwelling Units (single, free standing homes) in place of the flats, while the remaining 23% opted for Medium Density Housing (inclusive of duplexes, simplexes and terraced housing). (refer to graph below)



## RESIDENTIAL DEVELOPMENT

### 5.1.13 Question 20: If you were given a chance to change Umdloti what would you like to see happen?

When asked if the respondents were given a chance to change Umdloti, what would they like to see happen, the following responses were generated. The author has summarised the responses as follows:

1. The flats would be relocated to the inland area of Umdloti,



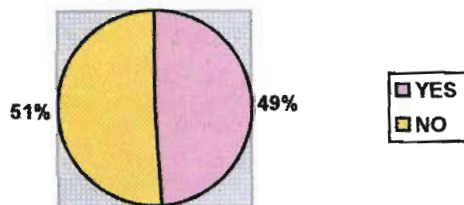
2. The shops would be more centrally located,
3. Provision of better parking facilities for day-trippers and fishermen,
4. More planting and rehabilitation of the dune,
5. Make Umdloti a tourist destination by introducing tourist retail activities such as restaurants, cinemas and a hotel.

#### **5.1.14 Question 21:**

#### **PERCEPTIONS OF WHAT MAKES UMDLOTI MEMORABLE**

Are there any striking features in Umdloti which make it a memorable experience?

In response to question 21, 49% of the respondents replied that the estuary was the most striking feature of Umdloti. 51% believed that there were no striking features in Umdloti.(refer to graph below)



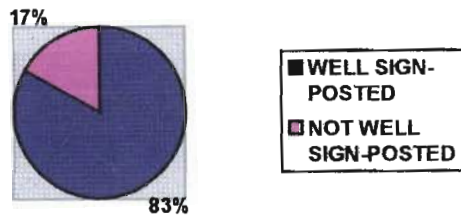
#### **STRIKING FEATURES**

#### **5.1.15 Question 22: PERMEABILITY and LEGIBILITY**

As a tourist coming into Umdloti for the first time, would you be able to find your way around the area? Is there distinctive signage, are places easy to find?

83% of the respondents believed that as tourist coming to Umdloti for the first time, that they would find their way around the area as places are well sign-posted and places are easy to find. The remaining 17% believe that the area is not well sign-posted and places are difficult to find. (refer to graph below) These responses confirm the statements made earlier that Umdloti is legible and permeable .





## SIGNAGE

### 5.2 ANALYSIS OF QUESTIONNAIRES

Before proceeding to the next task utilised in the data collection, i.e interviews, an analysis of the questionnaires has been provided. The author has categorised the responses as they relate to the themes that are consistent throughout this dissertation, which are:

- Coastal Localities
- Environmental Performance

#### Coastal Localities

The issues as identified by the author in Chapter Two are as follows:

- Appropriateness of existing zoning
- Appropriateness of location of existing zoning
- Appropriateness of existing land uses
- Appropriateness of location of existing land uses
- Parking provisions as dictated by the Town Planning Scheme.

The respondents, in confirming the need to relocate the blocks of flats along North Beach Road to another location, indicates clearly that they believe that the land use is inappropriate. They are also of the belief that other uses such as Dwelling Units and Medium Density Housing should be located in place of the Flats, thereby inferring that the zoning is also inappropriate. This issue of low density, low-rise development was set up in the criteria in Chapter Three. The residents have also echoed the need for shopping facilities, restaurants, places of public amusement and entertainment to be located more centrally and within an easy and comfortable walking distance. This issue was also set up in the criteria for coastal localities set up in Chapter 3.

## Environmental Performance

The issues identified by the author in Chapter Two as it relates to Environmental Performance, are as follows:

- Permeability
- Legibility
- Visual Appropriateness
- Robustness
- Nodes
- Edges
- Paths
- Districts
- Landmarks.

The respondents believed that Umdloti is a legible place. However there is a limiting striking feature which is the estuary. In this respect the researcher's submission in Chapter 4 has been verified by the respondents. These issues are relevant to the Town Planning Scheme in that through the interpretation and implementation of a Town Planning Scheme the abovementioned issues can be realised. However, with standardised Town Planning Schemes such as the Umdloti Town Planning Scheme, such issues are in some cases unable to be implemented mainly because of the physical constraints of the area. Thus standardised Town Planning Schemes are inappropriate mechanisms in the realisation of the abovementioned issues.

In respect of the built form regulations, the issues identified by the author in Chapter Two include:

- The effects of floor area ratio
- Height
- Building Lines
- Side and rear spaces
- Effects of the above on the overshadowing of the beach
- Lack of human scale.

In this regard the responses have addressed the dissatisfaction with the resultant built form in North Beach Road as it relates to the height of the buildings and the type of buildings. The author's submission in Chapter Four is further endorsed by the residents.

## **5.3 INTERVIEWS**

Interviews held were open-ended interviews and in some instances resulted in leading questions being asked.

### **5.3.1 Interview 1**

The Chairperson of the Umdloti Rate Payers Association was interviewed and the following response was obtained. The following is a summary of the interview conducted.

Umdloti has a definite role to play in tourism in the North Local Council. It is the perception of the Ratepayers Association that development which has occurred in Umdloti over the past two years has not been environmentally sensitive. The scale of development is inappropriate and has resulted in an unattractive, inharmonious and dysfunctional coastal village. There is a lack of “sensitive planning” and this has resulted in the people of the area being restricted in their movements. The development along North Beach Road, is both inappropriate and insensitive. There is a need for a Promenade along North Beach Road, together with the introduction of shops and restaurants, attractive street furniture, and street lighting, in order to promote Umdloti as a tourist destination.

### **5.3.2 Interview 2**

The developer interviewed provided the following response.

The Umdloti Town Planning Scheme is restrictive in that it does not provide the flexibility that developers and potential buyers look for. In this regard it makes no provision for exclusions from the floor area ratio, the need for a geotechnical and environmental study is required with every submission of a development application. This is both time consuming and expensive and delays development. This Town Planning Scheme in particular is difficult to interpret and results in many visits by the Architect and the Developer to the Local Authority only to understand the provisions of the Scheme. The Developer suggested that the following issues be considered in reviewing the Town Planning Scheme:

- The Scheme must be written in a simple and easy to understand format;
- Requirements must be clearly set out so as to prevent building plans being referred;

- The floor area ratio control must be amended to exclude structures like garages and balconies. This will allow developers to satisfy the requests of potential buyers.

### 5.3.3 Interview 3

The third interview offers comment from an Administrative perspective. In this regard the ex-Town Clerk of Umdloti was interviewed. In essence, his interview contained the following salient points:

- The Structure Plan was not adopted mainly because of the impending incorporation of Umdloti into the Borough of Umhlanga.
- During his term of office which was from May 1984 to June 1993, there was no pressure from the residents to amend any portion of the Town Planning Scheme, and hence, the Town Planning Scheme remained.
- He, as the then Town Clerk was of the belief that Umdloti was a town that was 'too residentially orientated.' Notwithstanding the adoption of the Tongaat Hulett's Durban Metropolitan Area Development Plan which contained time frames too far into the future, there were no intermediate plans to establish thresholds to sustain facilities in a place such as a Umdloti. It was mainly for that reason that development in Umdloti was stifled. All development had to be in accordance with that plan which rendered proposed development un-sustainable.

### 5.3.4 Summary

The Interview with the Ratepayers Association indicates that development that has occurred in the area has been perceived as being inharmonious, dominant lacking scale and as being dysfunctional. The Association is of the belief that in order to promote Umdloti as a tourist destination, development that is sensitive to the location of Umdloti needs to occur. In this regard the issues include the resultant built form along North Beach Road. The Association is of the belief that the Town Planning Scheme must be amended to create new environments along North Beach Road. This should take the form of a promenade, followed by the introduction of uses such as shops, restaurants and other related tourist facilities along North Beach Road. Thus the Association is looking forward to the preparation of the North Local Councils Local Development Plan.

The interview with the Developer, clearly repeated the restrictions and limitations of the Town Planning Scheme from an economic perspective. The Developer was of the belief that the Town Planning Scheme needed to be more flexible in accommodating the needs of prospective buyers.

The Interview with the ex-Town Clerk highlighted the fact that the Town Planning Scheme was not amended as per the recommendations included in the Structure Plan mainly because of the impending incorporation of Umdloti into Umhlanga. The Town Clerk saw the Town Planning Scheme as being too 'residentially orientated' and believed that development needed to be sustainable into the future. However the time frames as indicated in the Tongaat-Hulett's Durban Metropolitan Area Development Plan were too far into the future to remedy Umdloti's immediate needs.

## **5.4 LAND USE SURVEY**

The Land Use Survey was carried out by the author having to walk to each site within the study area and recording the type of building and activity which occurred on each site within the study area. This information was verified with the use of an aerial photograph. The Umdloti Town Planning Scheme Map and the Umdloti Town Planning Scheme Clauses were then consulted to confirm the zonings and the land uses that occurred on sites. This investigation highlighted no non-conforming uses within the study area. The Land Use Survey Plan, Annexure 7 is attached hereto.

In essence the following is an analysis of the Land Use Survey.

1. There are twenty-one blocks of flats within the study area, seventeen of which have access off North Beach Road. The remaining four blocks are accessed off Bellamont Road. There are five vacant sites in North Beach Road. In referring to the Land Use Plan, these sites are coloured in brown.

2. The seventeen blocks of flats range between three storeys in height to ten storeys in height. These blocks of flats are constructed mainly of calci- brick, have tiled roofs and aluminium windows. These blocks of flats are fully occupied in the warmer months and are sub-let in the cooler months. The flats are indicated in brown on the Land Use Plan. As is evident from the overlay attached to the Land Use Plan, all of the buildings in excess of four storeys occur at the entrance of Umdloti. The

Land Use Plan also indicates that the sites within this area have maximised their development potential. This is based on the fact that the dune in this area is more stable to support this type of development.

3.The four blocks of flats along Bellamont Road are constructed of brick and tile and are extensively landscaped. They are two storeys in height and blend into the adjoining Special Residential zone. There are seven vacant sites in Bellamont Road.

4.The dwelling houses are located both on North Beach Road and Bellamont Road. In referring to the Land Use Plan, such uses are indicated in yellow. The homes along both roads are constructed of brick and tile aluminium windows. There are a few homes along North Beach Road that are in a state of disrepair and six homes that are being renovated. Homes along Bellamont Road are more substantial and are well maintained. Owners in both North Beach Road and Bellamont Road have added a touch of personalisation to their homes by naming their homes, the introduction of design techniques such as “brookie lace” and bold shades of paint.

5.Within the block of flats called Sorjente, there are four shops (see Land Use Plan). These shops comprise of an estate agency, an ice-cream shop, a beachwear shop and a bar. There is no parking available for these facilities. In this proximity, but on the seaside, is the lifeguards tower and it is around this activity that a secondary node as mentioned earlier is beginning to develop. This node is developing here mainly because of the close location of the shops but equally importantly, because of the safe bathing beach. This secondary node is seen to contain retail facilities primarily for use by tourists. However, it by no means satisfies the requirements of the permanent residents.

6.There have been two informal trading sites identified in the study area- one within the developing secondary node and a further node approximately a kilometre north of the first.

7.There are no public open spaces in Umdloti nor are there schools, places of Worship or medical facilities. Neither are there any designated picnic spots.

8.The North Local Council has now identified a parking area along North Beach Road.



In considering the above, it is evident that Umdloti is a 'residential' town. However, with most of the flats being leased, it is a primary holiday destination. This analysis indicates the emergence of a secondary node. However, the sustainability of such a node during off-peak seasons is questionable. The non-provision of public open spaces and designated picnic areas allows for the entire coastline to be utilised resulting in undue stress being exerted over the entire coastline. It is therefore argued that there is a need for such areas to be identified. While the Structure Plan made provision for a School and a Place of Worship, these facilities are still lacking. The Local Authority is now looking at the provision of both such facilities within the area.

## **5.5 URBAN DESIGN ANALYSIS FINDINGS : PART ONE (REFER TO ANNEXURE 8 ATTACHED HERETO)**

### **5.5.1 Permeability**

The study area has a single access point. This access point in turn provides access to Bellamont Road, situated on the crest of the primary dune, and North Beach Road which is situated at the base of the primary dune. Both these roads terminate in 'dead-ends' with no formal turning devices in place. Thus there is no choice in movement, and hence the area is not permeable due to limited access. There are no formal pedestrian links from Bellamont Road to North Beach Road.

### **5.5.2 Legibility**

There are two focal points in Umdloti. The first is at the entrance of Umdloti, at the traffic circle (which is not within the study area) and the second located in front of Erf 1636, which has the Life-Savers Building in front of it on the beach. While nothing special is located on the traffic circle, it is the only traffic circle in Umdloti and divides Umdloti into Umdloti North and Umdloti South. The life-savers tower is the emerging secondary node.

The Edges comprise of the sea and the natural forest to the west of Bellamont Road. The land to the west of Bellamont Road is outside the jurisdiction of the study area. However it is in the ownership of the Tongaat-Hulett Group, for which there are no development plans available. However, Umdloti will eventually grow in that direction.



The Paths are comprised of Bellamont Road and North Beach Road. The Right-of Way off Bellamont Road is of minor significance.

While there area no man-made landmarks within the study area, the estuary is the only natural landmark. However, because of its location, it is perceived to be a 'private' facility mainly because it is surrounded by properties zoned Special Residential.

### **5.5.3 Variety**

The study area is monotonous as it lacks the range of facilities that are conducive to Coastal Localities such as a variety of shops, restaurants, cinemas, hotels, flea markets and informal traders. The Town Planning Scheme has not allowed for the promotion of such a range of uses to develop in this area, while the Questionnaire Survey has indicated a local demand for such facilities.

### **5.5.4 Robustness**

While it is acknowledged that robustness occurs both within and outside buildings, this survey provided no evidence that different purposes or uses occurred within the study area. The Town Planning Scheme makes no provision in Table C to accommodate other uses, other than those specified in the said Table.

## **5.6 URBAN DESIGN ANALYSIS: PART TWO**

The second part of the Urban Design Analysis involved the gathering of information of the area in respect of issues such as the height, architecture, street furniture, landscaping detail and signage provisions. A completed sample is attached at Annexure 9. However, a summary of the findings is included hereunder. The floor area ratio was obtained by scrutinising every building plan within the study area. This information was made available to the author by the North Local Council.

In summary, the study area was divided into four precincts as indicated on the following pages. The reason for dividing the area into the four precincts is that the study area is approximately two kilometres long and in order provide a clear analysis of the area, the four precincts were introduced. (see attached plans indicating precincts)

### **5.6.1 Precinct One**

The highest building in this precinct is ten storeys and the lowest building, is a single storey. In this precinct only three buildings had not maximised the permitted floor area ratio of 0.65. There is no provision for street furniture on these sites. However two benches and six bins were provided on the sea-ward side of North Beach Road. In respect of the landscaping provision as included in the Town Planning Scheme, most developers have complied with the provision by retaining the natural dune at the rear of their sites. Names and numbers of buildings are clearly visible on all buildings.

### **5.6.2 Precinct Two**

The height of buildings in this precinct ranged from six storeys to a single storey. Floor area ratios in most instances have been maximised with approximately five sites still having floor area ratio available for future development. Three benches and twelve bins were provided in this precinct. Landscaping has been provided by the maintenance of the dune. Names and numbering on buildings is clearly visible.

### **5.6.3 Precinct Three**

This portion of the study area is categorised by mainly single dwelling units. The stability of the dune has pushed dwelling units closer to the road edges and hence, having to be accommodated on relaxed building lines. Buildings are two storeys in height, with the garage located at the basement in most cases, allowing for views to be maximised. Floor area ratios have been maximised on all sites within this precinct. A total of two benches and eight bins were provided on the sea-ward side of North Beach Road. Some homeowners within this precinct have chosen names for their homes and all homes had street numbering clearly displayed.

### **5.6.4 Precinct Four**

The last precinct is characterised by mainly single dwelling units with a Medium Density Housing development comprising of seventy-five dwelling units, situated in Bellamont Road. Dwelling units are all constructed of brick and tile, although the owner of Erf 2240 has substantial wooden features added to his home. The dwelling unit situated in the dune is underpinned by sixty-six pylons. The height restriction of two storeys has been adhered to. Most of the sites have maximised the floor area ratio of 0.30. There is no architectural theme reflected by these dwellings. A single bench and nine bins were located within this precinct. Again, homeowners have named their homes and street numbering is clearly visible.

### 5.6.5 Summary

From the above it is evident that precincts one and two, the precincts located closest to the central core of Umdloti, have the sites with the highest bulk factors and the tallest buildings. The heights of the buildings then decrease towards the north. Most sites within the study area have maximised their permitted floor area ratios and there is no architectural theme evident in the study area. Street furniture, i.e seven benches, have been provided by the Local Authority, with thirty-five bins also placed within the study area. Landscaping is not evident on the sites. However the dune has been maintained in all instances. Signage in the form of names and street numbering is visible on all buildings and homeowners have introduced a hint of personalisation into the area by naming their homes.

## 5.7 CONCLUSION

In returning to the Table: Summary of Issues, as included in Chapter Two and, as a conclusion to this chapter, that Table is now verified through the different methods of survey. As is evident, all issues of concern to this dissertation have been addressed following problems found:

- The Questionnaires and Interviews have both demonstrated that the Town Planning Scheme has been a restricting and limiting factor in the development of Umdloti. While these methods echo peoples perspectives, this is what Town Planning is about-to plan with the people-for the people. Therefore in reviewing the Town Planning Scheme, the plan must address the 'needs' of the people.
- The Developer through his interview has demonstrated that the Town Planning Scheme has been restrictive in promoting Umdloti from an economic perspective. If the area is to function as a Coastal Town then it must be competitive in offering, attracting and accommodating the needs of the people.
- The ex-Town Clerk has verified why the Town Planning Scheme was not amended and this is based on the reasoning that the planning needed to be recognised as part of a bigger plan, i.e holistic planning and as a result of Umdloti having to be incorporated into Umhlanga. This incorporation has now been realised and the following chapters will highlight whether current planning policies and frameworks will assist in developing Umdloti as a Coastal Village.

This chapter together with the preceeding chapter has analysed the Umdloti Town Planning Scheme Clauses and the Town Planning Scheme Map.

It has highlighted the problems in terms of:

- the existing zoning,
- resultant the land uses,
- the problems in respect of the parking and issues related to landscaping,
- In respect of the built form regulations, the analysis of the Town Planning Scheme indicated that those factors contained in the current Town Planning Scheme are too high for use in coastal towns such as Umdloti. Such statements were verified by the respondents of the questionnaires and interviews,
- Environmental Performance criteria were then tested in the study area and the problems highlighted. Once again these issues were verified by the respondents,
- The Land Use Survey and the two components of the Urban Design Analysis, also highlighted those problems and issues originally foreseen in the study area. The following table indicates that all issues in respect of this dissertation have been addressed.

In summary, Umdloti does not function as a coastal place. The Town Planning Scheme has been the major cause of this. As has been demonstrated, the existing zonings are inappropriate, the resultant land uses do not promote Umdloti as a coastal town, the location of the zones and the land uses are both wrong. Parking provision for tourists and day-trippers is lacking. The resultant built form does not reflect strong design principles, resulting in heights of buildings so excessive that shadows are cast onto the beach. The built form regulations such as the floor area ratio, are too excessive for use in coastal towns and requires management of the existing development rights. In terms of the Environmental Criteria set up in Chapter Three, it has been proven that the study area lacks the ability to meet with such criteria. This results in the study area being unable to function as a coastal town.

**Table 10: Summary of Issues**

Theme	Issues	Issue Addressed
Coastal Localities	<ul style="list-style-type: none"> <li>▪ Appropriateness of existing zoning</li> <li>▪ Appropriateness of existing location of zoning</li> <li>▪ Appropriateness of resultant land uses</li> <li>▪ Appropriateness of location of resultant land uses</li> <li>▪ Parking provisions as dictated by the scheme</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> </ul>
Environmental Performance  (Bentley, et al)  Lynch	<ul style="list-style-type: none"> <li>▪ Permeability - options for movement within the study area.</li> <li>▪ Legibility – how well is the study area ‘understood’ by the residents/tourists</li> <li>▪ Visual Appropriateness – effects of massing, any provisions in the scheme?</li> <li>▪ Robustness – ability of the study area to respond to change as a result of economic condition</li> <li>▪ Nodes</li> <li>▪ Edges</li> <li>▪ Paths</li> <li>▪ Districts</li> <li>▪ Landmarks</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> </ul>
Built Form Regulations	<ul style="list-style-type: none"> <li>▪ Effects of floor area ratio, height, building lines, side and rear spaces – the effect of the above on overshadowing of the beach, lack of human scale.</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> </ul>

In returning to the hypothesis, which read as follows:

The Umdloti Town Planning Scheme is an inappropriate tool in addressing the management and shaping of the built environment of Umdloti. The factors that influence this are as follows:

1. Umdloti is a Coastal Town that is unique, and hence requires a plan and planning that takes cognisance of this.
2. The built environment that has emerged lacks an enriching urban form.
3. The intensity factors are far too high for use in the study area. The bulk factors are too high and have resulted in buildings that are not consistent with coastal planning;

This chapter through various sources such as the residents, tourists, and the Ratepayers Association, endorses the hypothesis and the factors that influence the hypothesis. The following chapter refers back to the hypothesis to measure its validity.



## **CHAPTER SIX**

### **VALIDITY OF HYPOTHESIS**

#### **6.0 INTRODUCTION**

This chapter refers back to the hypothesis to measure its validity.

The preceding chapter has, through the four methods of research that have been utilised, confirmed the statements contained in the hypothesis. It has been proven that the Umdloti Town Planning Scheme has been an inappropriate tool in addressing the management and shaping of the built environment of Umdloti.

If the Umdloti Town Planning Scheme was amended after the adoption of the Structure Plan, problems in respect of the type of residential development and the location and introduction of zones and land uses not contained in the Scheme, such as Public Open Space, Education and recreation, could have been remedied. However, as the ex-Town Clerk verified in his interview, planning could only have occurred if it was holistic in its approach and by amending the Town Planning Scheme at that stage, was not considered as holistic. The chance still existed though when Umdloti was incorporated into the Borough of Umhlanga to have amended the Town Planning Scheme. It is not however, within the scope of this dissertation to unravel that episode.

The researcher is of the belief that the Structure Plan had a very definite role to play, it contained the ingredients to have at least incorporated stronger planning principles as it related to residential issues, tourist facilities and problems such as parking. Although the Structure Plan was a broad based policy document, the recommendations were sound. The Umdloti Town Planning Scheme was never amended to recognise and allow Umdloti to develop as a Coastal Town. Rather, its short-comings as demonstrated by the themes established, indicates that the growth and development of the study area of Umdloti has been prejudiced as a result of its Town Planning Scheme. This sentiment has been echoed by the respondents in the questionnaires and interviews.

The following chapter will investigate whether there are any future plans for Umdloti and how these will effect its development as a Coastal Town in addressing the problems identified in this dissertation.

## CHAPTER SEVEN

### FUTURE IMPLICATIONS FOR THE STUDY AREA

#### 7.0 INTRODUCTION

This chapter will look at the future implications for the study area by considering the following current planning frameworks as has been discussed in Chapter Three:

- The North Local Councils Integrated Development Plan;
- The Coastal Tourism Development Plan prepared by Markewicz English cc: November 1998;
- The Innovative Coastal Project: Planning, Design and Management Guidelines: Umdloti-Tongaat Study Area prepared by Markewicz English cc: October 2000;
- The New Land Use Management System.

#### 7.1 THE NORTH LOCAL COUNCILS INTEGRATED DEVELOPMENT PLAN

As has been mentioned in Chapter Three, the North Local Council's Integrated Development Plan is a broad based policy framework document, and while the Vision for the area is vast, the Vision is realised through the strategies. In particular, the following strategies:

- **Development of quality residential areas:** While the strategy aims to create total living environments, there is also recognition for the need for sound planning, design and efficient operation of these areas. There is also recognition for the provision of related facilities including those that promote local economic development.
- **Promote effective environmental management of the natural, cultural and built environments.** This strategy is aimed at promoting, protecting and enhancing the Coastal Zone by restoring and rehabilitating the natural, cultural and built environments.
- **Promote economic development:** All three of the programmes listed in Chapter Three have been successfully completed.

The uniqueness of the study area has been recognised by the Integrated Development Plan and in this regard identifies Umdloti as a niche tourism and recreation node, being able to offer further residential

development, promote commercial development and address the parking problems which were indicated as key issues as it relates to the theme of Coastal Localities. The second theme of Environmental Performance is accommodated within the strategies as it relates to design implications and Coastal Zone Management Programmes. Thus the future of the study area in the future has been accommodated at a very broad scale.

## 7.2 THE COASTAL DEVELOPMENT PLAN

In considering the Coastal Tourism Development Plan, specific guidelines have been established to guide the future development of Umdloti. The guidelines for the study area are as follows:

- **Development Classification:** High Intensity Tourism;
- **Settlement and Land Use:** Establish Umdloti Village – as a mixed-use high intensity tourism and residential node;
- **Environmental Quality and Character:** - Improve urban form particularly at street level to enhance village character; Control extension of high impact development towards the Umdloti Lagoon; Improve townscape of commercial node at entry point; Re-establish dune vegetation;
- **Infrastructure:** Investigate additional car parking space;
- **Administration:** Prepare planning review and urban design scheme; Review Town Planning Scheme; Review Admiralty Reserve and development rights; Development applications should be subject to EIA regulations appropriate to the scale of development and sensitivity of the development zone.

In considering the abovementioned guidelines, yet again issues in respect of the themes established have been addressed. The guidelines address issues included in Theme One such as zoning and land-use, stating that Umdloti be established as a 'mixed-use high intensity tourism and residential node'.

The Second Theme of Environmental Performance is addressed in the guideline relating to **Environmental Quality and Character** as indicated above. In this regard the guideline in respect of **Administration**, suggests that the Town Planning Scheme be reviewed and that the preparation of a planning review and urban design scheme be undertaken. This guideline incorporates suggestions for both Themes One and Two.

These guidelines have been adopted by the North Local Council and will now be utilised in the review of the operative Town Planning Scheme and further utilised for translation into the North Local Council's Local Development Plans. Again, the study area has been accommodated for in the future planning of the North Local Council, and while the direction is still broad based, it contains more detail than the Integrated Development Plan.

### **7.3 INNOVATIVE COASTAL PROJECT: PLANNING, DESIGN AND MANAGEMENT GUIDELINES: UMDLOTI –TONGAAT STUDY AREA**

This document is more detailed and structured than the documents mentioned above. It includes guidelines specific to the study area which are as follows:

**“Character of Umdloti Village: Create a distinctive village character and sense of place at the Umdloti Beach Settlement** to enhance the area's attraction as a middle to upper income tourist destination by:

- Developing a clear network of pedestrian pathways between North Beach Road and Bellamont Road;
- Creating a range of experiences that are unique to the area, including shops, restaurants, and reflect the unique coastal environment within which the settlement is located;
- Screening and/or camouflaging the existing multi-storey buildings through appropriate landscaping;
- Encouraging more responsive ground floor activities in multi-storey buildings to contribute to the streetscape of the beach road.

**Parking Facilities: Provide no additional beach parking** within the 46m development setback” (Planning, Design and Management Guidelines: 2000: 54).

The document is currently awaiting adoption by the North Local Council and if adopted the Guidelines will be used to guide the Town Planning Scheme Review. The Guidelines contain recommendations as it relates to the two themes which have been the foundation of this dissertation mainly: 1) Coastal Localities, including built form regulations, and 2) Environmental Performance.

## **7.4 THE NEW LAND USE MANAGEMENT SYSTEM**

The New Land Use Management System could be particularly effective in the study area mainly because it introduces new and additional zonal types such as Mixed Use and zones with buffering qualities, together with the different levels of zones such as high, medium and low impact zones. The system argues for a finer grain to zoning which is a change from the conventional homogenous approach; it is more flexible and liberal in that there are many more uses permitted in each zone.

## **7.5 CONCLUSION**

The abovementioned documents indicate that there is a very definite future for the study area. A considerable amount of work done in an attempt to promote and guide development of the study area as a coastal town. Both the documents referred to in 8.2 and 8.3 above realise that the Umdloti Town Planning Scheme has been an inappropriate tool in addressing the management and shaping of the built environment; all three documents realise that Umdloti is a unique coastal town and requires a plan and planning ethos that takes cognisance of this. Furthermore, the documents state that the zonings and land uses are not conducive to coastal towns and are therefore inappropriate for use; the built environment lacks an enriching urban form and that there is nothing special about Umdloti. The built form regulations are too high for use in the study area and have resulted in buildings that are inconsistent with coastal planning which reveals that the current Town Planning Scheme is inappropriate and requires that the current Town Planning Scheme be reviewed.

The chapter concludes with the researcher being completely satisfied that there are mechanisms in place that will now guide the development of Umdloti as a Coastal Town. The following chapter will suggest the researcher's recommendations for the study area.

## **CHAPTER EIGHT**

### **RECOMMENDATIONS AND CONCLUSIONS**

#### **8.0 INTRODUCTION**

The following chapter contains the recommendations of the researcher. In formulating the recommendations of the dissertation, the researcher found it necessary to return to the subsidiary questions contained in Chapter One and to test the recommendations against those questions.

While the Umdloti Town Planning Scheme, like most other Town Planning Schemes, was deemed “necessary for regulation, restricting or prohibiting development of an area” (Town Planning Ordinance, No 27 of 1949)(as amended) the emergence of plans as indicated in the History of Plans, shows that while the Umdloti Town Planning Scheme contained the elements such as zonings, land use controls and built form regulations; to regulate, restrict or prohibit development, there was no framework that underpinned the Town Planning Scheme. Therefore, the growth and development of Umdloti was not based on sound planning principles. Thus, in the absence of a policy and framework, the Town Planning Scheme was devoid of a Vision for Umdloti in respect of its growth and development.

The Umdloti Town Planning Scheme has proved to be an inflexible tool in the economic development of the study area. The interview with the Developer indicates that due to the inflexibility of the Town Planning Scheme, potential sales in the area are stalled or lost mainly because the provisions of the Town Planning Scheme are so rigid and are unable to be relaxed.

The Umdloti Town Planning Scheme is not consistent with other coastal localities’ Town Planning Schemes. In returning to the Umhlanga Town Planning Scheme, while it is acknowledged that the Umhlanga Town Planning Scheme does contain more innovative clauses as it relates to a wider mix of land uses within zones, the introduction of cut-off angles and the stepping-in of buildings from both the front and sides; these clauses remain particular to that locality mainly because there are larger and wider sites in Umhlanga. Furthermore, the presence of the Beach Amenity Reserve reduces the impact of these substantial buildings, simultaneously reducing issues such as the casting of shadows on the beach and protecting the indigenous vegetation that covers the dunes. Standardised Town Planning Schemes are by no means acceptable as they



do not seek to maintain and preserve the uniqueness of the area. Furthermore, they do not reflect the needs of the people. In this regard the Umdloti Town Planning Scheme is a typical example of that. The opportunity to have rectified that was in the adoption of the Structure Plan which was work-shopped with the residents but that never materialised.

The Umdloti Town Planning Scheme is a poor and inappropriate plan in its own right. While it is acknowledged that there are very real topographical constraints within the study area, the basic coastal planning principles have not been applied. In 1962, R.A. Pistorius in his book *North Coast Survey*, highlighted problems associated with the indiscriminate parking of vehicles, of the width of North Beach Road and its inability to accommodate the capacity of such a road, and the physical constraints in respect of the development along North Beach Road. Why then, some thirty-eight years later have these problems still not been addressed?

Some of the problems associated with coastal localities and highlighted in this dissertation included:

- Development allowed in sensitive areas: in this regard the dwelling built on sixty-six pylons on the crest of the dune was highlighted.
- Buildings along North Beach Road were too high for a coastal locality such as Umdloti.
- In all instances setbacks could not be maintained mainly because of the need to maintain the stability of the dune.
- The location of facilities such as shops needs to be centrally located and accessible to pedestrians.
- The land uses contained in the Town Planning Scheme are too limited thus resulting in a coastal town lacking in tourist facilities such as convenience stores, restaurants and cinemas.
- The lack of provision of parking for tourists and day-trippers.
- The lack of permeability, variety, robustness and visual appropriateness.

Thus the plan for Umdloti has been an inappropriate one.

It has been acknowledged that the Structure Plan did contain planning principles that could have guided the growth and development of Umdloti. However, was highlighted by the ex-Town Clerk, the Structure Plan was not adopted because of the incorporation of Umdloti into the Borough of Umhlanga and that development had to occur in a holistic

environment and had to be sustainable. At that stage development was fragmented and unsustainable.

In respect of the issues identified the following recommendations specific to the Umdloti Town Planning Scheme are made:

1. The zoning approach to Town Planning Schemes should be maintained. However, the zoning categories and the land use categories should be amended to include zones and uses that are conducive to coastal localities and echo that strong planning principles. In this regard, the introduction of a Mixed Use Zone shall be incorporated to include land uses such as ancillary retail on the ground floor, with residential accommodation above. This zone should be introduced along the sites currently zoned for General Residential 1 purposes in North Beach Road, in an attempt to create the Promenade that the residents desire.
2. That no further rezonings along North Beach Road be considered mainly because of the stability of the dune and equally important, to assist developers and landowners in utilising their development rights in a more responsible way.
3. That the zoning philosophy of development control remain. In light of the changes facing Local Authorities, the capacity and skill of planners is threatened. Instead, information is supplied from the Town Planning Scheme Map and Clauses that would echo explicitly the Council's policies and frameworks.
4. That the use of the Controlled Area Restriction remain in the Town Planning Scheme in an attempt to preserve the stability of the dune.
5. If Umdloti is to realise the Integrated Development Plan's Vision for the area, then there has to be a wider range of residential development types available. As has been alluded to, Umdloti does not have a hotel. The introduction of the Mixed Use Zone, as stated in (1) above will also offer a different type of residential accommodation.
6. The need for tourist and recreational facilities in order to realise its Vision. Umdloti requires a host of tourist facilities and as suggested in (1) and (4) above, the introduction of a Mixed Use Zone could satisfy this. In respect of the recreational facilities it is recommended that a detailed assessment of the beach be carried out and that areas for safe bathing and launching of boats be provided. In light of there being no land zoned for Public Open Space, the Council negotiate with the Tongaat Hulett Group in an attempt to secure land for such use.
7. The parking problem is currently being addressed by the North Local Council. However, it is recommended that due to the

popularity of Umdloti during peak season, that the North Local Council acquire the Remainder of Erf 1074 Umdloti for parking purposes. This would supplement the parking required.

8. That the Umdloti Town Planning Scheme be reviewed and consideration be given to management of development rights along North Beach Road. While landowners have existing development rights there is a need to manage those rights in a more responsible way, and that incentives for complying could include a reduction in rates.
9. That a clear set of Architectural Design Guidelines be established and adopted so as to promote the uniqueness of the town as a coastal village. These guidelines through innovative design techniques and methods could disperse significant bulk over sites.
10. The Beach Amenity Reserve as utilised in the Umhlanga Town Planning Scheme has been particularly effective. It is therefore recommended that the Beach Amenity Reserve be extended to cover the coastline of Umdloti as well.

The following are a set of general recommendations that result from issues highlighted in the dissertation and that would complement the area and promote its existence as a coastal town:

1. Making the area more accessible by developing a clear and safe network of pedestrian pathways. There is a need to link North Beach Road and Bellamont Road. Pathways designed and incorporated into the existing dune could make for an interesting and educational walk.
2. Consideration be given to a Public / Private Partnership between the North Local Council and the Ratepayers in an attempt to provide improved street furniture such as benches, bins, street lighting and signage.
3. That a 'back of beach' parking area linked to a new commercial node at the entrance to Umdloti be considered and that it be linked via a pedestrian system to North Beach Road.

The hypothesis set up in Chapter Two that read as follows:

The Umdloti Town Planning Scheme is an inappropriate tool in addressing the management and shaping of the built environment of Umdloti. The factors that influence this are as follows:

1. Umdloti is a Coastal Town that is unique, and hence requires a plan and planning that takes cognisance of this.

2. The built environment that has emerged lacks an enriching urban form.
3. The intensity factors are far too severe for use in the study area. The bulk factors are too high and have resulted in buildings that are not consistent with coastal planning;

is correct. The solution lies in the review of the Umdloti Town Planning Scheme in an effort to make it a planning tool that is both facilitative and a document that will guide the development of Umdloti in order to preserve its uniqueness into the future.

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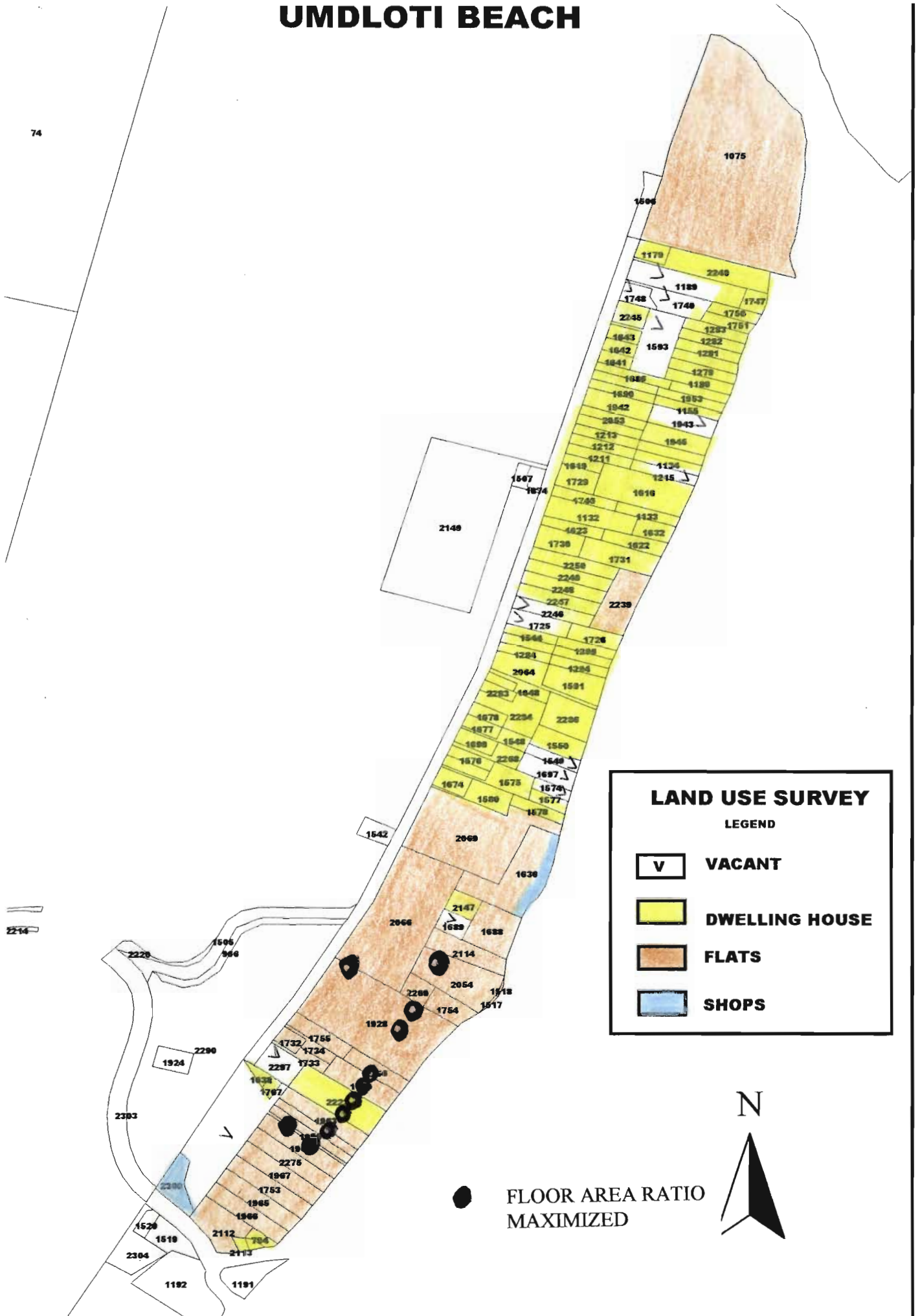
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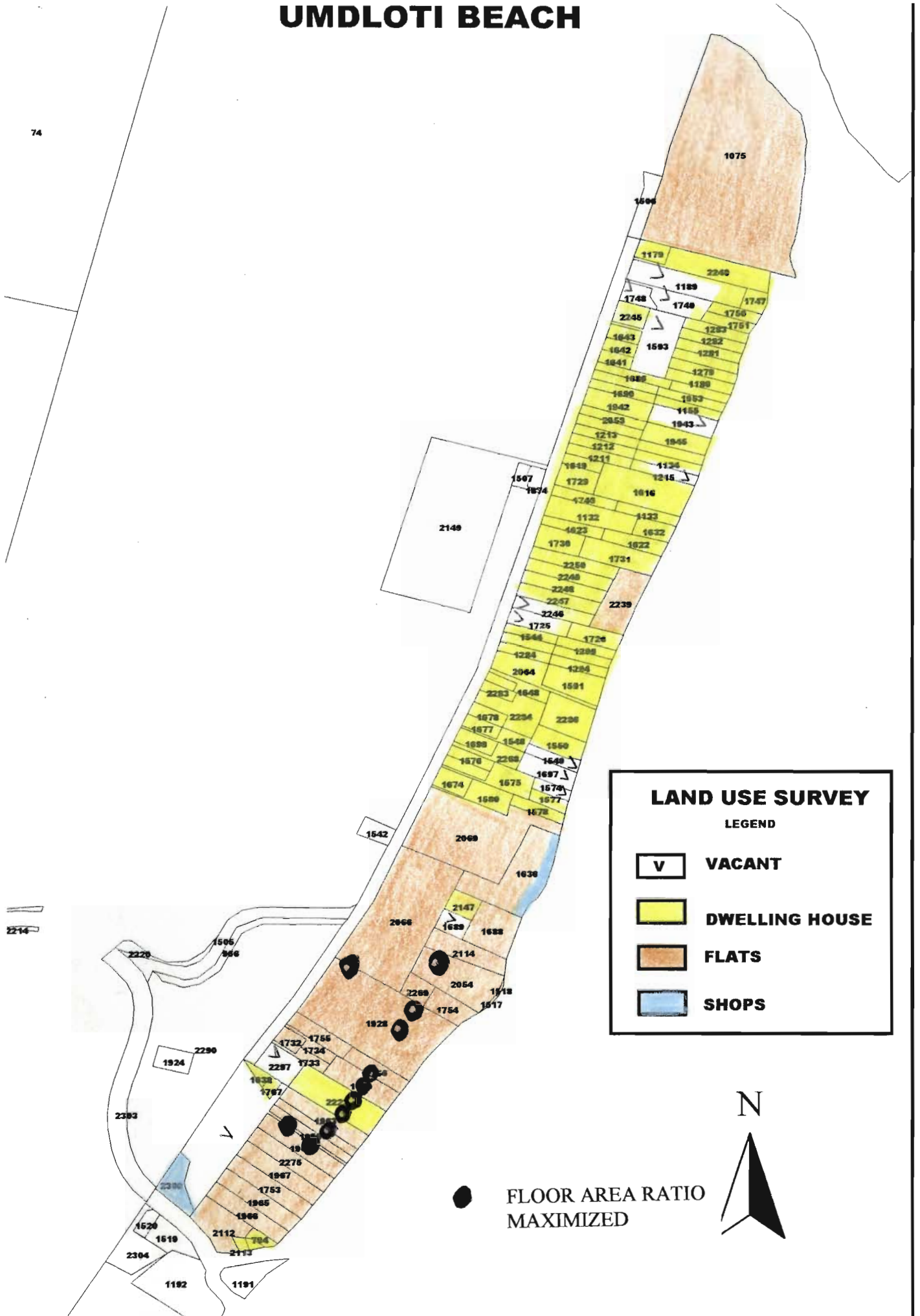
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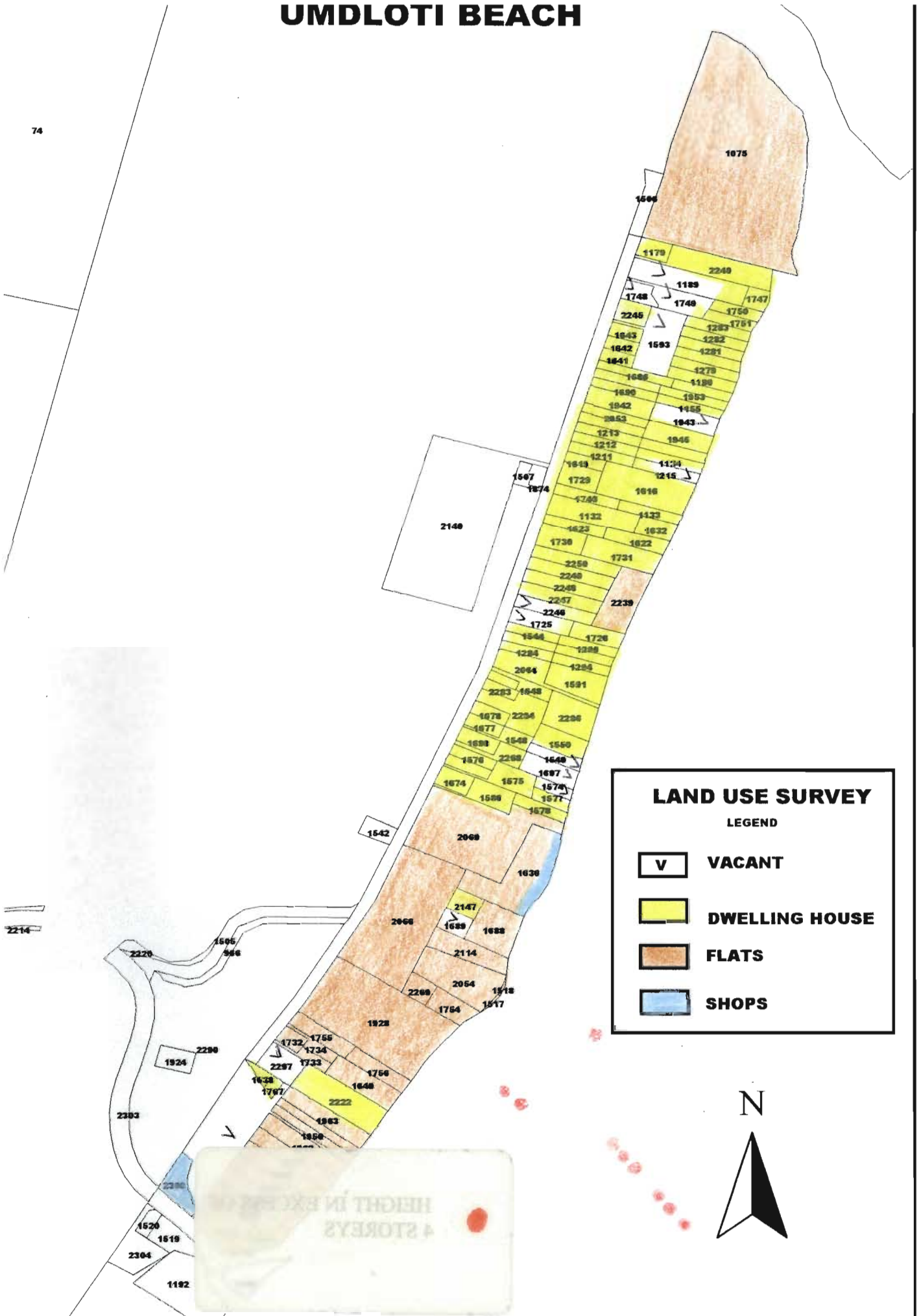
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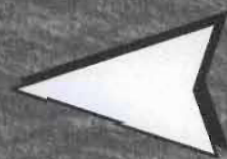


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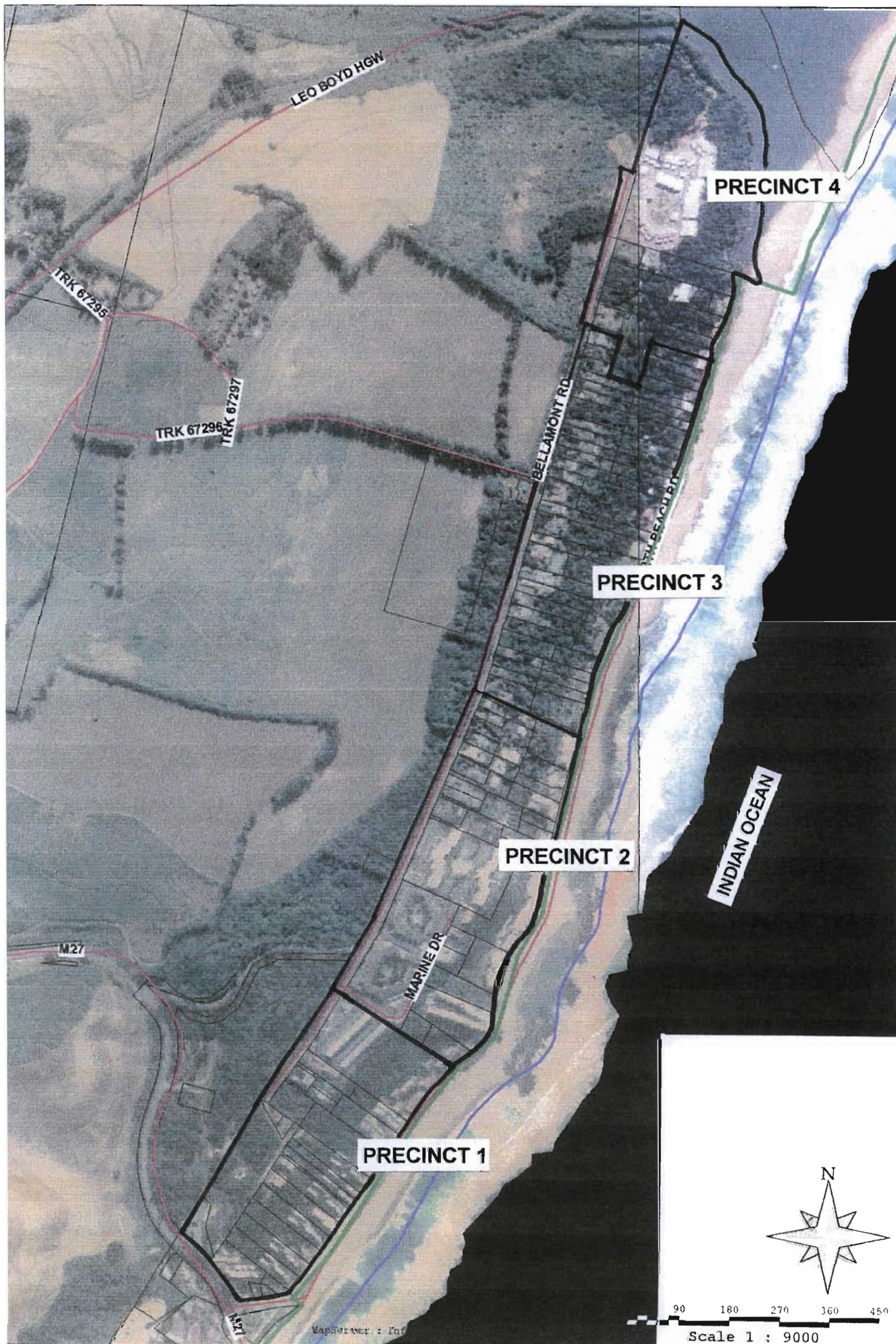
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BELMONT RD

MARINE DR

INDIAN OCEAN

NORTH BEACH RD

N21

SOUTH BEACH RD

PRECINCT 1

MapServer : Information Software Systems





BELLAMONT RD

NORTH BEACH RD

INDIAN OCEAN

MARINE DR

**PRECINCT 2**





BELLAMONT RD

TRK 67296

NORTH BEACH RD

INDIAN OCEAN

PRECINCT 3



Scale 1 : 2500







ANNEXURE 1:

Locality Plan: Metropolitan Context

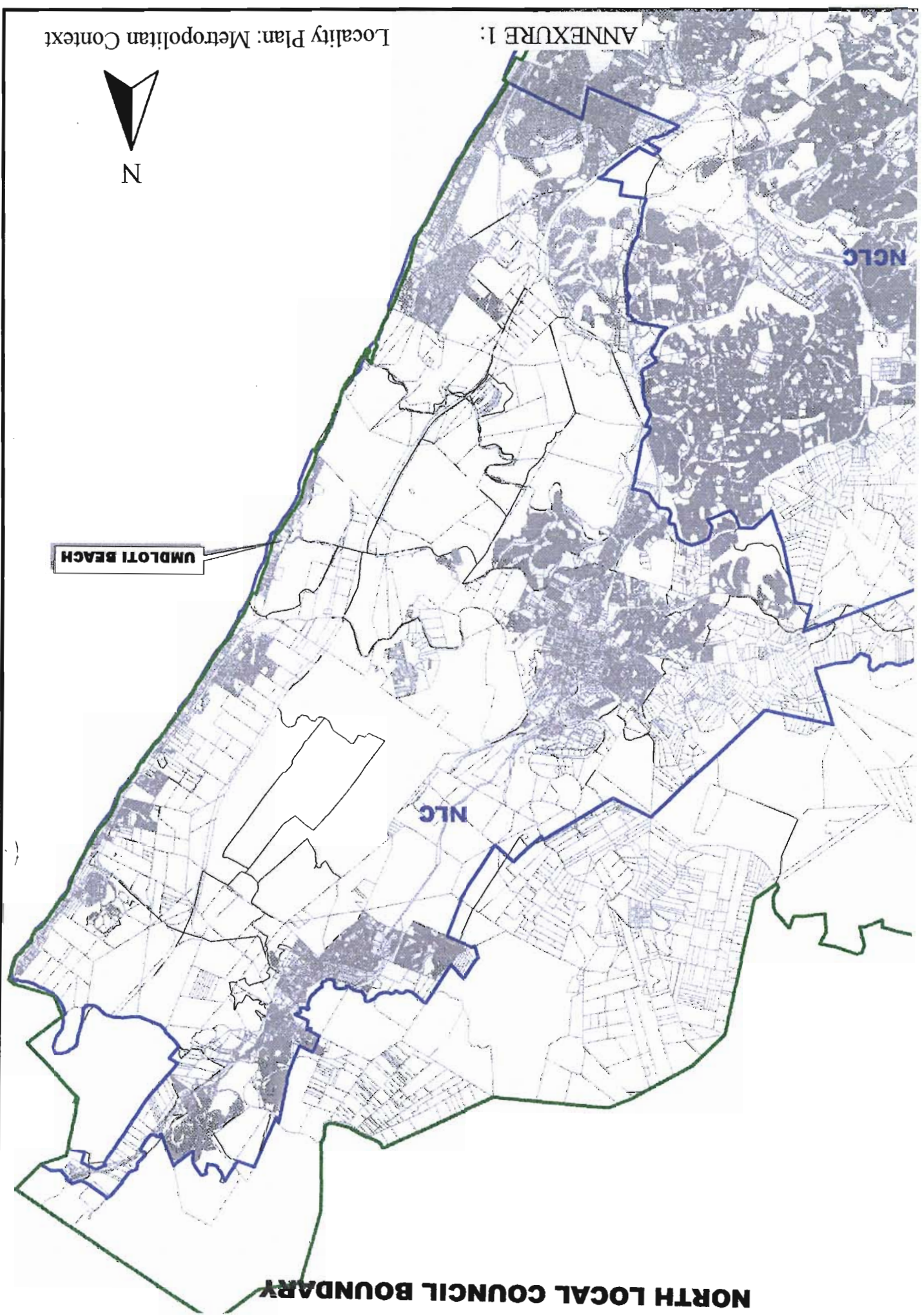


UMDLOTI BEACH

NLC

NCLC

NORTH LOCAL COUNCIL BOUNDARY



## QUESTIONNAIRE

### QUESTIONNAIRE NUMBER:

This questionnaire forms part of a research study of the effectiveness of the Umdloti Town Planning Scheme. This questionnaire is carried out in terms of the requirements for the Degree, Masters in Town and Regional Planning, at the University of Natal in Durban. It is the intention of the study to examine how the Umdloti Town Planning Scheme has dictated the development of Umdloti as it relates to the zoning, land uses, the responsive environment and the resultant built form.

All information will be treated in the strictest confidence and publication will not be in any form that can be associated with any individual.

### BIOGRAPHICAL INFORMATION

(interviewer to observe and mark in answers to questions 1,2,and 5)

1. To which group does the respondent belong?

Black	1	Asian	3
Coloured	2	White	4

2. The Respondents' gender

Male	1	Female	2
------	---	--------	---

3.Detail the respondents' age in years.

4.How many persons live in this dwelling?

5. Which type of dwelling does this house occupy? (interviewer to mark from observation)

Single dwelling unit	1
Flat in a block of flats	2
Town /Cluster Housing	3
Other specify	4

### QUESTIONS BASED ON THE STUDY AREA

6. Are you a permanent resident or visitor in the area?

Visitor	1	Permanent Resident	2
---------	---	--------------------	---

7. If 2, how long have you lived in Umdloti?

1-4 years	1
5-10 years	2
Longer	3

8. Was there any particular reason for you wanting to live in Umdloti?

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9. If, you are not a permanent resident in the area, how often do you holiday in Umdloti?

Bi-Annually	1
Annually	2
Other	3

10. What are some of the facilities you would like to see in Umdloti?

Commercial(shops, restaurants, places of amusement & entertainment)
Residential (dwelling units, flats, simplexes, duplexes)
Hotels
Other (specify)

11. Are the facilities you utilise within a comfortable walking distance?

Yes	1	No	2
-----	---	----	---

12. What do you think about the development along North Beach Road?

Good	1	Bad	2
------	---	-----	---

13. Are they the type of buildings that should be located there?

Yes	1	No	2
-----	---	----	---

14. Are they the type of uses that should be located there?

Yes	1	No	2
-----	---	----	---

15. What about the aesthetics i.e. should there be a variety of different buildings or should there be some uniformity in the materials/ design/ colours etc.

Uniformity in buildings –shape/size	1
Variety in buildings – shape/ size	2
Uniformity in materials and colour	3
Variety in materials and colour	4

16. Are the buildings too high along North Beach Road?

Yes	1	No	2
-----	---	----	---

17. Should they be lower and sprawled over the site?

Yes	1	No	2
-----	---	----	---



18. Do you think the block of flats should be located elsewhere? If so where and why.

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---

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19. Would you prefer to see a lower scale of residential development such as medium density housing (groups of simplexes and duplexes) in place of the flats or single dwelling units?

Medium Density Housing	1
Single Dwelling Units	2

20. If you were given a chance to change Umdloti, what would you like to see happen?

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21. Are there any striking features in Umdloti, which make it a memorable experience?

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22. As a tourist coming into Umdloti for the first time, would you be able to find your way around the area? Is there distinctive signage, are places easy to find?

Yes	1	No	2
-----	---	----	---

**Thank You for your patience and co-operation.**

**UMDLOTI BEACH HEALTH COMMITTEE**

**TOWN PLANNING SCHEME CLAUSES**

SECOND REVISION  
FINAL ADOPTION 26 JUNE 1985  
AMENDED AS AT MAY 1996

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## UMDLOTI BEACH TOWN PLANNING SCHEME

### SCHEME CLAUSES

#### PART 1:

##### 1.1 TITLE:

This scheme shall be known as the Umdloti Beach Town Planning Scheme in the course of preparation.

##### 1.2 DEFINITIONS:

In these clauses unless the context otherwise indicates any word, shall, when used in this Scheme have the same meaning as is assigned to it in the Ordinance, otherwise it shall have the meaning assigned to it in these definitions below or those defined in Table A:

(1) “Administrator”

Administrator means the Administrator of the Province of Natal acting upon the advice and with the consent of the Executive Committee of the said Province.

(2) “Ancillary Unit”

Ancillary Unit means a building ancillary to a dwelling house comprising an interleading group of rooms which shall not consist of more than 1 bedroom, a combined lounge/dining room a kitchen, a bathroom and a toilet, the total floor area of which shall not exceed 60m<sup>2</sup>. 24 October 1994. 24 10 94

(3) “Appeals Board”

Appeals Board is the Town Planning Appeals Board established in terms of Section 73 ~~bis~~ of the Ordinance.

(4) “Arcade”

Arcade means an area forming part of a building which may or may not be covered, reserved exclusively for pedestrian traffic, but may include fountains, benches and other similar features and shall nowhere have a total width of less than 4 metres and an unobstructed width of less than 2 metres.

(5) “Area of Scheme”

Area of Scheme is the area which lies within the inner edge of the boundary line coloured blue on the Resolution Map.

(6) “Authority”

Authority is the written authority given by the Town Board in terms of Section 67 of the Ordinance.

(7) “Basement”

Basement is the lowest part of any building, which part is constructed with more than 50% of it's volume below the mean finished ground level immediately surrounding the building.

- (8) **“Building”**  
 Building is any structure or erection of an immovable nature for whatever purpose used including any tank, swimming pool or radio-mast and any wall, retaining wall or close-boarded fence more than two metres in height at any point, but excluding any open fence, post, steps, pier ramp, fountain, statue, fish-pond, pergola and other garden ornamentation.
- (9) **“Building Line”**  
 Building Line is a line parallel to any boundary of a lot which is conterminous with a street, public right of way or road reservation; or in the case of “hatchet shaped” lots, a line parallel to the boundary nearest to the street which is not a boundary of the access strip.
- (10) **“Bylaw”**  
 Bylaw is a bylaw, or regulation made to enable the Local Authority to give proper effect to the powers and duties conferred or imposed upon it in terms of the Local Authorities Ordinance 25 of 1974 or any other law.
- (11) **“Caravan”**  
 Caravan means any vehicle permanently fitted out for use by persons for living and sleeping purposes whether or not such vehicle is a trailer.
- (12) **“Commission”**  
 Commission is the Town and Regional Planning Commission established in terms of Section 2 of the Ordinance.
- (13) **“Common Land”**  
 Common Land means that portion of a medium density housing site which is set aside for the use and enjoyment of all the occupants of the dwelling units on that site and from which the general public may be excluded.
- (14) **“Controlled Area”**  
 Controlled Area means any area demarcated upon the Scheme Map by the overprinting of a red cross-hatch pattern, where, by reason of the topography, the unsuitability or instability of the soil or other like reasons, development or building or the execution of any other activity may be prohibited, restricted, or permitted upon such conditions as may be specified having regard to the nature of the said area.
- (15) **“Coverage”**  
 Coverage is the proportion of a lot covered by buildings, and is expressed as a percentage of the lot area as defined. Thus 25% coverage means that only one quarter of the lot may be covered by buildings.
- (16) **“Date of Adoption”**  
 Date of Adoption means the date upon which any provision of this Scheme is finally adopted by the Town Board in terms of Section 47 ~~bis~~ (4) of the Ordinance.

- (17) **“Develop Land” or “Development”**  
Develop Land or Development means to erect a building on any land or to alter or extend any building or to lay out or adapt such land for any use or purpose.
- (18) **“Duplex Flat”**  
Duplex Flat means a dwelling unit in a building each such unit consisting of a ground floor and one upper floor connected by an internal staircase and having direct access to a private open area.
- (19) **“Dwelling Unit”**  
Dwelling Unit means a self-contained inter-leading group of rooms for a single family including not more than one kitchen, together with such outer-buildings as are of a nature customarily incidental thereto.
- (20) **“Dwelling Unit Curtilage”**  
Dwelling Unit Curtilage means a single defined area of land forming part of a medium density housing site comprising the land upon which a dwelling is erected or is intended to be erected together with such private open areas and other areas as are reserved for the exclusive use of the occupants of the dwelling unit.
- (21) **“Erection of a Building”**  
Erection of a Building means the construction of a new building or a structural alteration or additions to any building.
- (22) **“Existing Building”**  
Existing Building means a building lawfully erected before the date of adoption or a building erected in accordance with plans which were approved by the Town Board prior to that date.
- (23) **“Existing Use”**  
Existing Use means in relation to any building or land, a continuous use of that building or land after the date of adoption for the purpose for which it was designed and lawfully authorised by the Town Board at that date.
- (24) **“Floor Area”**  
The floor area of a building shall be taken as the sum of the roofed areas of the building at each floor level, measured over and including wall thicknesses.  
15 August 1994.
- (25) **“Floor Area Ratio”**  
Subject to Clause 5.1, is the ratio of the total floor area of the buildings on a lot to the lot area and is expressed as a decimal, e.g. a Floor Area Ratio of 0,5 means that the floor area of the buildings on a particular lot is half the lot area.
- (26) **“Frontage”**  
Frontage is the length of the boundary of a lot which is coincident with the boundary of an existing or proposed street.

(27) **“Gross Office Area”**

Gross Office Area is the sum of the floor areas of the office space in a building including storage, corridors, lift shafts, staircases, kitchens and conveniences, and shall include wall thicknesses and basements used other than for parking purposes.

(28) **“Gross Shop Area”**

Gross Shop Area is the sum of the floor areas of both the storage and retail areas of a shop and shall include wall thicknesses and basements used other than for parking purposes, but shall exclude public conveniences.

(29) **“Height”**

Height is the height of a building in storeys or floors and is expressed as a number.

(30) **“Home Owners Association”**

Home Owners Association means a company registered in terms of Section 21 of the Companies Act, No. 61 of 1973, as amended, membership of which shall be exclusive to and compulsory for the freehold or registered leasehold owners of dwelling unit curtilages in a medium density housing site.

(31) **“Local Authority”**

Local Authority is the Umdloti Beach Town Board.

(32) **“Industrial Building”**

Industrial Building means a Factory as defined in the Factories, Machinery and Building Work Act, No. 22 of 1941 as amended.

(33) **“Lot”**

Lot is a registered subdivision of land; provided that where, as a provision of the Scheme, a proposed road reservation or a change in zoning divides a registered subdivision into two or more portions, the term “Lot” shall apply to each of such portions as if they had been separately registered.

(34) **“Lot Area”**

Lot Area is the area of a lot, less the area of any public right of way, road servitude, new road reservation or road widening reservation to which the lot may be subject, but shall include any registered servitude for overhead or underground services.

(35) **“Maisonette (or Pair of Maisonettes)”**

Maisonette means a two storey building consisting of 2 dwelling units placed one above the other with separate entrances.

(36) **“Mall”**

Mall means an area of land open to the air and reserved exclusively for pedestrian traffic but may include fountains, benches and other similar features as well as kiosks for, inter alia, the sale of refreshments.

- (37) **“Medium Density Housing Site”**  
Medium Density Housing means a defined area of land upon which medium density housing is established or is proposed to be established and which comprises dwelling unit curtilages and common land, but excludes any land required by the Town Board for public purposes.
- (38) **“Ordinance”**  
Ordinance is the Town Planning Ordinance No. 27 of 1949, as amended.
- (39) **“Outbuilding”**  
Outbuilding means a building ordinarily used in conjunction with a dwelling unit(s), and used for the garaging of private motor vehicles, storeroom, servant’s rooms, servant’s toilet, workroom and other such similar uses.
- (40) **“Private Open Area”**  
Private Open Area means a usable area, exclusive of utility areas, driveways and parking areas, which is open to the sky and which is adjacent to and has direct access from a dwelling unit on a medium density housing site, such private open area being reserved for the exclusive use of the occupants of the associated dwelling unit, but may include covered open areas (patios) and verandahs.
- (41) **“Rear Boundary”**  
Rear Boundary shall mean that boundary of a lot which is furthest from any street boundary, and which does not meet any street boundary.
- (42) **“Scheme”**  
Scheme is the Umdloti Beach Town Planning Scheme in the course of preparation, as amended from time to time.
- (43) **“Scheme Map”**  
Scheme Map is the Map forming part of the Scheme as adopted by the Town Board in terms of Section 47 bis (4) of the Ordinance.  
(See Clause 1.6).
- (44) **“Semi-detached House”**  
Semi-detached House means a building other than a dwelling house comprising 2 dwelling units contained in one building, both on the ground floor and each provided with a separate entrance.
- (45) **“Side Boundary”**  
Side Boundary is any boundary of a lot which meets a street boundary and any other boundary and which is neither a street boundary nor a rear boundary.
- (46) **“Special Consent”**  
Special Consent is the consent of the Town Board where such consent relates to any application made in terms of Section 67 bis of the Ordinance.



- (47) **“Storey”** TP3A.6  
Storey is a room or set of rooms at one level, including any room, the floor of which is split in two or more levels, and shall have the following implications:-
- (a) Basement shall not count as a storey provided it is used for the purposes of parking vehicles, service installations or storage, and not for residential purposes, or as a shop, factory or work place.
  - (b) The ground floor may be on several levels.
  - (c) A pitched roof containing a habitable room and any other type or style of roof which contains or supports any rooms, structures or features over and above those mentioned in paragraph (e) below and which the Town Board considers to be habitable shall count as a storey.
  - (d) A storey shall not be higher than 4,5 metres. If a storey is higher than this, each 4,5 metres or part thereof shall count as a storey.
  - (e) Lift, meter, and similar rooms and architectural features which are in proportion to the building do not constitute a storey.
- (48) **“Street Line”**  
Street Line means a boundary of a lot which is coincident with the boundary of an existing or proposed street.
- (49) **“Terrace House”**  
Terrace House means a dwelling unit in a building comprising 3 or more dwelling units, each having a separate entrance on the ground floor with direct access to a private open area or areas.
- (50) **“Usable Common Open Space”**  
Usable Common Open Space means the usable portion of the common land which is not covered by vehicular road carriageway, parking areas and communal facilities of a non-recreational nature, but includes walkways, structures intended for recreational use and a children’s playing area or areas.
- (51) **“Utility Area”**  
Utility Area means the outdoor private area adjacent to or associated with the kitchen side of a medium density housing unit, the screening of which shall be to the satisfaction of the Town Board and which includes patios, verandahs and drying areas.
- (52) **“Zone”**  
Zone is that portion of the area shown on the Scheme Map, by distinctive colouring or edging or in some other distinctive manner (other than any such portion which is reserved for the purpose included in Table B - Reservation of Land), for the purpose of indicating the restrictions imposed by this Scheme on the erection and use of buildings or structures, or the use of land.

1.3 **SCHEME AREA**

The area to which this Scheme applies consists of the area of land under the jurisdiction of the Town Board as set out in Proclamation No. 37 of 1946.

1.4 **EFFECTIVE DATE**

The effective date is the date of the Administrator's approval of the resolution of the Town Board to prepare a scheme. For the area described in Proclamation No. 37 of 1946 this is 8th May, 1962.

1.5 **PLANNING AUTHORITY**

The Umdloti Beach Town Board, hereinafter referred to as the Board, shall be the authority responsible for enforcing and carrying into effect the provisions of the Scheme.

1.6 **SCHEME MAP**

The Scheme Map comprises drawing No.

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**PART 2:**

2.1 **RESERVATION OF LAND:**

- (1) The areas of land shown on the Scheme Map and listed in Table B (Reservation of Land) are reserved for the purposes indicated. They shall not be used for any purpose which would conflict with the use for which they have been reserved, save that any such land may continue to be used for the purposes for which it was used on the date of adoption. Where any of the land is in Board ownership the Board may execute thereon any development necessary or incidental to the purpose for which the land is reserved.
- (ii) Where reservations for purposes such as public open space, street, Central, Provincial and Local Government, railway or essential services appear on a lot, no person shall erect a building or execute any other work on the reserved land save with the Special Consent of the Board after approval by the body concerned; provided that any existing land use or existing building may continue until such time as the Board has acquired and transferred ownership of the land in terms of the provisions of the Local Authorities Ordinance or any other such law. In granting its Special Consent under this clause the Board shall only permit uses that are of a temporary nature and it shall specify the date on which such consent shall expire. Nothing herein shall be construed as prohibiting the fencing of land in conformity with the bylaws.

## 2.2 DECLARING OR CLOSING OF STREETS:

All streets and roads shown in red on the Scheme Map, and the widening of existing streets and roads shown in red on the Scheme Map are to be new streets and roads, and shall become effective at dates to be determined. All streets and roads shown in red hatch on the Scheme Map are to be closed at dates to be determined.

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## PART 3:

### 3.1 BUILDING LINES

- (1) All lots except where otherwise stated, shall be subject to a 7,5 metre building line.
- (ii) Within a Medium Density Housing Site, a building line does not apply to the dwelling unit curtilages.
- (iii) In the General Commercial zone the building line shall be the street line; and in the Limited Commercial zone all lots shall be subject to a 9 metre building line; provided that the Town Board may relax the building line restrictions subject to the continuity of the shopping frontage not being disrupted.
- (iv) All lots in the General Residential zones shall be subject to a 9 metre building line.
- (v) Where a building line is laid down no building other than boundary walls, fences, pergolas or architectural and garden features, shall be erected between the building line and the street line. Where a new road or road widening is required, the building line is to be set back so as to take into consideration any such new road or widening.
- (vi) The Board in its discretion may relax the building line if, on account of the levels of the lot or adjoining land or the proximity of buildings already in front of the building line or any other special circumstances compliance with the building line would seriously hamper the development of the lot.
- (vii) The Board may, in its discretion, relax the building line if the architectural effect will enhance the appearance of the streets and contribute to public amenity.
- (viii) The Board may, in its discretion, relax the building line on corner lots in Special Residential zones to 4,5 metres provided that such relaxation is confined to one boundary only. There authority for such relaxation is given it shall be condition that no buildings which are erected forward of the prescribed building line of 7,5 metres shall be permitted nearer than 4,5 metres to the side boundary of the lot adjoining.

- (ix) Notwithstanding the provisions of the above clauses in the cases of swimming pools the building line may be relaxed at the discretion of the Board to no less than 1 metre; provided that where a pool is to be constructed so that any portion of it is within 7,5 metres of a road boundary such pool shall be screened to the satisfaction of the Board.
- (x) Cognisance shall be taken in all cases of the building restriction line imposed in terms of the Provincial Road Ordinance No. 10 of 1968 as amended, and in such circumstances the building restriction line may not be relaxed by the Board without the consent of the Provincial Roads authority.

### 3.2 SIDE AND REAR SPACE

- (i) No building shall be erected nearer than 2,75 metres to any side or rear boundary of the lot on which it is situated provided that no building or portion of a building intended to be used for the purposes of a residential building, duplex flat, maisonette, semi-detached house or terraced house shall be erected nearer than 4,5 metres to any such boundary, and provided the minimum side or rear space, as the case may be, shall be increased by 1,5 metres for the full height of the building for every storey above 3 storeys of the building.
- (ii) Within a medium Density Housing site, side and rear space requirements do not apply to dwelling unit curtilages.
- (iii) Notwithstanding (I) above, in the case of commercial or industrial zones the side space requirement may be waived at the discretion of the Board except where it is necessary to provide access to the rear of the building for the purpose contemplated in Clause 6.5 or where such building adjoining lots zoned for residential purposes.
- (iv) The Board may authorise the erection of single storey outbuildings on the side and rear boundaries of lots in Special and General Residential zones provided the owners of properties contiguous to the affected boundaries have indicated in writing that they would have no objection to such authorisation.
- (v) The Board may, in its discretion, permit in any zone any building to be erected closer to any boundary than the distances specified in this clause if on account of the siting of existing buildings or the shape, size or levels of the lot, the enforcement of this clause will, in the opinion of the Board render the development of the lot unreasonably difficult. In considering any application under this sub-clause the Board shall have due regard to any possible detrimental effect on adjoining properties.

**PART 4****4.1 BUILDING RESTRICTIONS AND THE USE OF LAND:**

The Types of Building and Land Uses shall be as defined in Table A. The extent and location of the various zones shall be as set out on the current adopted Scheme Map.

**4.2 ERECTION AND USE OF BUILDING AND USE OF LAND:**

TABLE C gives the purpose for which:

- (1) Buildings may be erected and used or land may be used only with the written authority of the Board;
- (ii) Buildings may be erected and used or land may be used only with the Special Consent of the Board; and
- (iii) Buildings may not be erected and used and land may not be used.

**4.3 SITING OF BUILDINGS AND ACCESS POINTS:**

- (1) The siting of any building intended to be erected or the development or use of any land shall be subject to the approval of the Board and persons intending to erect buildings or use land shall, before commencing, apply to the Board for approval of the siting, use or development.
- (ii) In respect of any application to develop a lot the Board may determine the position and number of vehicular or pedestrian points of access and may, if it deems fit, prohibit pedestrians or vehicular access across any boundary or boundaries and require that a suitable fence or wall be erected to prevent such access.
- (iii) In considering any application for the development in terms of Section 67 of the Ordinance, it shall be the duty of the Board to ensure wherever it is considered appropriate, that adequate provision be made for the preservation of indigenous flora, the planting or replacement of trees and the protection of watercourses, by means of conditions qualifying approval of such development.
- (iv) (a) No person shall within a controlled area (as defined in Clause 1.2 (13)) develop any land, or excavate or level any site, or remove any natural vegetation from, or erect any structure of any nature whatsoever or carry out any work upon such site without having obtained the prior approval of the Board in terms of this sub-clause.



- (b) No such approval shall be given unless the Board, after due examination, and subject to such conditions as it may specify, is satisfied that any such development, erection or other work referred to in paragraph (a) hereof can be carried out without danger to the site, or any adjoining site or any building thereon.
- (c) For the purpose of any examination referred to in paragraph (b), the applicant shall, where required by the Board, submit such plans or other information as the Board may require. Without affecting the generality of the afore going, such plans may be required by the Board:-
  - (i) to be certified by a Land Surveyor or Consulting Engineer as being correct;
  - (ii) to show sections through the site over the area to be developed down the land of greatest slope;
  - (iii) to show sections at such intervals across the site as the Board may require.
- (d) The conditions referred to in paragraph (b) hereof may be such as to:-
  - (i) restrict the form or nature of the building or structure;
  - (ii) limit the size and/or shape of the building or structure;
  - (iii) prescribe the form of foundations for the building or structure;
  - (iv) prescribe or restrict the materials of which the building or structure is to be constructed;
  - (v) determine the siting of any building or structure and on any soakpits or other drainage works;
  - (vi) prohibit or control any excavation on the site, the construction of any roadways, paths and other garden features;
  - (vii) prohibit or control the removal of any natural vegetation;
  - (viii) control any other aspects which the Board considers necessary.
- (e) Notwithstanding anything contained in this sub clause the Board shall not be liable for any loss or damage which may occur to any building, structure or any property whether within a controlled area or otherwise arising out of any action by the Board in terms of this sub clause.

#### 4.4 NON-CONFORMING EXISTING USE:

Any existing building or existing use which is not in conformity with the Scheme, but for which authority was obtained from the Board prior to the date of adoption, may be completed and continue to be used for the purpose for which it was designed, subject to compliance with any conditions which may have been imposed by the Board, and provided that:

- (1) Any such non-conforming existing building or use of land may be increased on the lot by an amount not greater than 12,5% of its total floor area or area as the case may be, at the date of adoption, provided that the completed building or use is in conformity with the other provisions of the Scheme, relating to the zone in which such building or use is situated.
- (ii) Any alteration or addition or change of use which in the opinion of the Board alters the character of an existing building or use of land, shall automatically remove such building or land from the category of "existing building" or "existing use".
- (iii) Where the non-conforming existing use of any building or land is discontinued for a continuous period of 18 months or longer, such existing use shall be deemed to have lapsed and shall not be recommenced.

#### 4.5 SPECIAL CONSENT:

The Board may not consider an application which relates to the erection or use of a building or the development or use of land which, under the provisions of the Scheme, requires the Special Consent of the Board until the applicant has completed the following requirements:

- (1) Any person desirous of obtaining the Special Consent of the board for the erection and use of a building or for the use of land, whether wholly or partially for the purpose requiring such Special Consent, shall make application in writing setting out full particulars and reasons, and such application shall be submitted in duplicate. Within 7 days of lodging his application, the applicant shall furnish by registered post, the registered owners of all lots lying wholly or partially within a distance of 100 metres from any boundary of the lot mentioned in the application with copies of the notice referred to in (iii) below in both official languages.
- (ii) On the date of lodging the application the applicant shall exhibit a notice, in a form approved by the Board, in a prominent position on the property. This notice shall be properly and adequately maintained for a period of not less than 21 days. The notice shall be clearly visible from any street or streets giving access to the property. Within 7 days after the expiry of the period mentioned above the applicant shall lodge with the Town Clerk of the Town Board proof, in the form of an affidavit, that this notice was displayed for a continuous period of 21 days.

- (iii) At his own expense the applicant shall publish once, in both official languages, a notice in a newspaper or newspapers approved by the Board and circulating in the Board area. This notice shall set out concisely the particulars of his application and shall call on any objectors thereto to lodge their written objections with the Town Clerk and shall further state where any plans, particulars and other documents relating to the application may be inspected. The applicant shall forward to the Town Clerk a copy of that page of the newspaper containing the notice or certified proof of the publication as soon as possible but not later than 21 days after publication.
- (iv) Any person objecting to the application may lodge a written objection, in duplicate, with the Town Clerk and a copy thereof with the applicant, setting out the full grounds of the objection not later than 28 days from the date of publication of the notice.
- (v) The Board shall take into consideration any objections received within the said period and shall, within a period of 2 months of the receipt of the application or the appearance of the advertisement, whichever is the later, come to a decision upon the application and shall within 14 days thereafter, notify by registered post the applicant and persons, if any from whom objections were received of its decision, either with or without conditions.
- (vi) Any applicant or person who has objected to the application and who feels aggrieved by any decision may, within 21 days of being notified of the decision or order, give notice to the Secretary of his intention to appeal to the Appeals Board in terms of Section 67 ~~ter~~ of the Ordinance. Any person giving notice of his intention to appeal shall, at the same time, if he is an applicant, notify any person who is an objector, or, if he is an objector, notify the applicant and any other objector.
- (vii) Where any objection has been received in respect of any application under this Clause the decision of the Board shall not take effect until the expiration of 21 days from the date on which the applicant or any objectors were notified of the decision of the Board; provided that where the applicant or any objector has given notice of his intention to appeal, the decision of the Board shall not take effect until the appeal has been disposed of and then shall be subject to the outcome of such appeal.
- (viii) Where the Special Consent of the Board has been obtained, the discontinuance of any such use at any time after the date of approval by the Board or the Appeals Board, as the case may be, or failure to put any such Special Consent into effect after the date of such approval, for a period exceeding 18 months shall be deemed both to interrupt the continuous use and to render the consent null and void.

- (ix) Wherever the Board grants its Special Consent for, or the Appeals Board authorises the erection of a building or the use of land for any particular purpose or purposes, such building shall not be extended nor shall such land be used for any other purpose or purposes, including those listed in Column 3 of TABLE C, without the further Special Consent of the Board.
- (x) Any building which requires the Special Consent of the Board shall not exceed the density provisions set out in TABLE D for the zone in which such building is situated.

#### 4.6 DESIGN AND LAYOUT OF CARAVAN PARKS:

The written authority of the Board for the establishment of a Caravan Park shall only be given if the design and lay-out is in accordance within the standards laid down in the code of practice for Caravan Parks published by the South African Bureau of Standards, (Publication S.A.B.S. 092/1971 as amended).

#### 4.7 APPLICATION PROCEDURE, DESIGN AND LAYOUT OF MEDIUM DENSITY HOUSING DEVELOPMENT:

1. Any person wishing to develop a site for Medium Density Housing shall apply to the Board for approval in principle, and attached to the application a layout plan showing in outline, proposed buildings, roads, access points and private open areas.
2. The approval in principle having been granted, the applicant shall subsequently submit to the Board for its approval:
  - (1) a layout plan or plans showing:
    - (a) the position, dimensions and materials to be used in the construction of all roads, drive-ways, parking areas, squares and pedestrian access ways, if any;
    - (b) the boundaries of all dwelling unit curtilages, private open areas and common open spaces;
    - (c) the position, nature, extent and levels of all proposed and existing buildings on the site and adjoining sites;
    - (d) the proposed landscaping of the site;
    - (e) the proposed public open space;
    - (f) the position and nature of recreation facilities, if any;
    - (g) the position and extent of all utility areas.

- (ii) a set of working drawings prepared by an architect to a scale of 1 : 100 showing the plans, sections and elevation of each type of structure within the proposed development and particulars of the materials and colours to be used for the exterior wall finishes and roof or roofs; together with elevations of each typical group of dwelling units to a scale of 1 : 100 or 1 : 200;
  - (iii) a table indicating:
    - (a) the total area of the site;
    - (b) the total number of dwelling units;
    - (c) the total floor area;
    - (d) the total number of car parking spaces provided for visitors and for residents;
    - (e) the extent of the usable common land, the smallest private open area, the smallest dwelling unit curtilage and the smallest utility area;
    - (f) the areas of public open space and other public areas; and
  - (iv) any other documents which the Board may reasonably require.
3. (1) The following minimum areas per dwelling unit shall apply to a Medium Density Housing Site:
- (a) Private Open Area - 30m<sup>2</sup>
  - (b) Usable Common Open Space - 50m<sup>2</sup>
  - (c) Utility Area - 15m<sup>2</sup>
- (ii) The minimum floor area of a garage or carport shall be 20m<sup>2</sup>.
4. (1) Where in the opinion of the Board a road within a Medium Density Housing site should serve the public, the Board may require the road to be registered as a public road, provided that for the purpose of bulk and coverage calculation, the area of the public road shall be included in the gross site area.
- (ii) The minimum width of a road carriageway within a Medium Density Housing site shall be 3 metres where the carriageway is one-way and 5 metres where the carriageway is two-way.
  - (iii) Situated at the end of every cul-de-sac there shall be provided turning space to the satisfaction of the Board.



5. Notwithstanding the provisions of Clauses 5.2 (ii) (iii) (iv) and (v), the individual dwelling unit curtilages may be transferred in freehold or registered leasehold title. In the event of the different dwelling unit curtilages being so transferred, the Board shall require that :-
- (1) (a) the common land shall be owned exclusively by the freehold or registered leasehold owners of the dwelling units in co-ownership; and
  - (b) no co-owners shall be entitled to require the partition of the common land according to the proportion of his share;
  - (ii) a Home Owners' Association shall be established. Such Association shall administer and maintain the common land, control the external appearance of buildings within the Medium Density Housing site and deal with any other matter pertaining to the Medium Density Housing site which is of common interest to its members. The affairs of the Association shall be regulated by a memorandum and Articles of Association. The Memorandum and Articles of Association shall have been submitted to the Board who shall have certified that it has not objection to these documents;
  - (iii) no dwelling unit curtilage within the Medium Density Housing site or within any portion of the site specified by the Board shall be transferred or separately registered before the whole Medium Density Housing site or the specified portion of the Medium Density Housing site within which the curtilage is situated has been developed to the satisfaction of the Board.
6. (1) Notwithstanding the requirements in 4.7.1 and .2, wherever it is intended to develop a site for Medium Density Housing in a Special Residential zone, the Special Consent of the Board shall first be obtained.
- (ii) In the Special Residential zone the maximum number of dwelling units which may be established on a Medium Density Housing site shall be obtained by dividing the registered surveyed area of the property concerned by the appropriate minimum lot area per dwelling house as specified in Clause 5.2 and raised to the next whole number.

#### 4.8 GARAGES AND SERVICE STATIONS:

- (1) The layout of a Garage or Service Station including the siting of pumps, buildings and of vehicular access or egress shall be to the satisfaction of the Board.
- (ii) No Garage or Service Station shall have direct vehicular access to an existing or proposed major traffic arterial.
- (iii) The following prerequisites and conditions shall be observed whenever it is proposed to erect a new Garage or Service Station, or to extend an existing Garage or Service Station.

- (a) No vehicular entrance to or exit from a Garage or Service Station shall be within 150 metres of a freeway interchange, 60 metres from an intersection with a road which in the opinion of the Board is a major road or 20 metres from an intersection with any road.
- (b) The frontage of a Garage or Service Station lot shall not be less than 36 metres in length.
- (c) Dwarf walls or other permanent structures satisfactory to the Board shall be erected on the street frontage of the site so as to confine the movement of vehicles into or out of the Garage or Service Station to authorised access points.
- (d) No Garage or Service Station shall be established upon any lot unless, in the opinion of the Board, it has adequate depth so as to enable all activities to be carried on clear of the street. Filler points for underground tanks shall be so sited as to make it possible for tanker vehicles to stand wholly within the curtilage of the lot when recharging the tanks and for such vehicles to enter and leave the lot in a forward direction.
- (e) Pump islands shall not be less than 5 metres from any boundary of the lot and all traffic routes within the forecourt shall have minimum width of 5 metres.
- (f) A garage or Service Station shall be so sited and designed that traffic entering and leaving the lot will not adversely affect movement of pedestrians or vehicles on any heavily trafficked public street or place.
- (g) Parking accommodation for motor vehicles to be provided on the lot in accordance with Clause 6.4.

The Board may relax any of the above conditions (a) - (g) in respect of any application for a garage which, in the opinion of the Board, is not a traffic generator in terms of Annexure D.

- (iv) In granting its permission for the establishment of a Garage or Service Station, the Board shall take cognisance of the standards set out in Annexure D. (Planning Standards for Control of Traffic at Traffic Generating Sites).

#### 4.9 EXEMPTIONS:

- (1) (1) Nothing in this Scheme shall prohibit or restrict the letting of part of a dwelling house, provided that, in the Special Residential zone, no part of any dwelling house nor any additional freestanding building which may be erected for use in conjunction with such dwelling house may be used as a separate dwelling unit.

- (ii) Notwithstanding the proviso to paragraph (i) above a dwelling house which was existing at the date of adoption may, with the Special Consent of the Board, be converted to two flats.
- (2) Nothing in this Scheme shall prohibit or restrict the use of a place of work, place of instruction or institution or place of public assembly, as a place of public amusement, provided that such use is restricted to not more than twenty days in each calendar year;
- (3) Nothing in this Scheme shall prohibit or restrict the practice of any profession or occupation in a residential building or dwelling house, provided that the person practising such profession or calling shall reside in the dwelling unit concerned; and provided further that there is no public display of goods, no sign larger than 0,2 m<sup>2</sup> affixed to the premises and the formal authority of the Board has been applied for and obtained; and the Board shall take into consideration the nature of the profession or calling in relation to the character of the area and the number of persons to be employed and shall impose whatever conditions it considers necessary to protect the amenities of the neighbourhood or it may call on the applicant to apply for Special Consent provided that if it is subsequently found that there is, in fact, an interference with the amenities of the neighbourhood the Board may impose further conditions or call on the occupant to cease the practice.
- (4) (a) Nothing in this Scheme shall prohibit or restrict the running of a guest house from a dwelling house situated on any lot zoned Special Residential provided that the applicant shall reside on the premises concerned and provided further that no sign larger than 0,2m<sup>2</sup> is affixed to the premises and the Special Consent of the Council has been applied for and obtained.

In considering such an application the Council shall take into consideration the number of persons to be accommodated on the premises and in relation to the character of the area, the suitability of the premises concerned for the proposed use and the availability of off-street parking for motor vehicles and any other matters which would in, its opinion interfere with the amenities of the neighbourhood and may make the granting of such application subject to such terms and conditions as it may deem proper, including the provision of adequate off-street parking for motor vehicles, the number of persons that may be accommodated on the premises and any other condition it considers necessary or proper in order to ensure that the amenities of the area are not interfered with provided that if it subsequently finds that there is in fact an interference with the amenities of the neighbourhood, the Council may impose further conditions or call on the owner to cease the usage.

- (b) Notwithstanding the afore going provisions, the Council may exempt an applicant from applying for Special Consent if it is satisfied that no interference with the amenities of the neighbourhood existing or as contemplated by this Scheme will result; provided that the prior written consent of the registered owner of each adjoining property and such other properties as the Town Clerk may direct, has first been obtained.

(5) USE OF HOTELS FOR CERTAIN PURPOSES

- (1) The Board may permit any one or more of the following shops or activities, viz: Hairdressing salons; Bookshops or newsagents; Florists; Curio shops; Theatre Booking agents; Bank agents; Travel agents; Vending machines;

to be established:

- (a) in any hotel graded by the Hotel Board as a five-star, four-star or three-star hotel in terms of the Hotels Act, 1965, or which, according to the nature of the accommodation and service provided therein, and its situation, is in the opinion of the Board, likely to be graded as such;
- (b) by Special Consent in any hotel other than those referred to in subparagraph (a) hereof;

provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.

- (ii) The Board may, by Special Consent and when it is of the opinion that there will be no interference with the amenities of the neighbourhood, authorise, in terms of this scheme, the establishment of a bottle store in any licensed hotel premises.

4.10 REMOVAL OF INJURIOUS CONDITIONS:

- (1) Where, in the opinion of the Board, the amenity of any use zone or reservation of land or any portion thereof, is injured by the condition of any fence, wall, garden or other structure or by the external appearance of any building or by the storage of anything or by the parking of any vehicle on a site, or for any other reason, the Board may serve a notice on the owner or occupier of the premises on which the injurious condition exists, requiring him within such period, not being less than 28 days from the date of service of the notice, to take such action as may be necessary to abate the injury. The said notice may specify the steps to be taken to abate the injury.

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- (ii) Any person on whom a notice is served in terms of this Clause shall have the right of appeal to the Appeals Board.

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**PART 5****5.1 FLOOR AREA RATIO, COVERAGE AND HEIGHT**

- (1) In any density zone as set out in TABLE D no building shall be erected which will exceed in floor area ratio, coverage and height the maximum figures permitted for that zone.
- (2) "For the purpose of calculating the total permissible floor area in terms of TABLE D:
  - (a) in a residential building, the area of all public access corridors, public stairways and public entrances or hallways whether open or closed shall be excluded, provided that in the case of a block of flats, the area of any portion of a public thoroughfare or public waiting space used for any purpose other than a public thoroughfare or public waiting space shall be included, and provided that in the case of an hotel the total area of public entrances and hallways shall be included.
  - (b) in a residential building, the area of any roofed verandah, balcony or terrace which is intended for the private use of one flat in a block of flats or of one room or one suite of rooms in an hotel, shall be included in the calculation of the total floor area.
  - (c) any portion of a building other than a dwelling house, intended for the deposition of a daily refuse and any portion used for the parking of vehicles as required in terms of Clause 6.4 and in the case of a block of flats, any portion intended for communal laundry purposes, shall not be included, save that where the portion of a building intended for the parking of vehicles exceeds by more than 50% the minimum requirements prescribed in Clause 6.4 the Council may require such excess or any portion thereof to be included.
  - (d) an uncovered swimming pool, tennis court, a filtration plant room, a lift motor room, an electricity transformer and meter room, a mechanical ventilation and air-conditioning plant room and a refrigeration equipment room shall not be included.
  - (e) building intended as servants' quarters shall be included.
  - (f) in a commercial zone the gross floor area inclusive of storerooms, toilet facilities and retail spaces and the public entrance halls and foyers to office buildings shall be included save that the floor areas of public shopping arcades and malls, whether roofed or unroofed and not intended for retail use shall not be included and save that in Garage or Petrol Filling Stations, the unwallled ground floor, driveways or access ways (other than the Pump islands) covered by canopies shall not be included in the floor area thereof.

- (g) save as aforesaid all laundries and storerooms shall be included in the calculation of the total floor area.”

- (3) Only roofed or covered areas are included in the coverage.

## 5.2 LOT CONTROL:

- (1) (1) The Board may increase the minimum lot size specified in this clause where, in the Board's opinion, the method used for the disposal of sewage warrants such an increase.
- (ii) No Lot within a Special Residential zone shall be less than 1000 m<sup>2</sup> in extent except in cases where any such lot was in existence prior to the date of adoption.
- (iii) No Lot within a General Residential zone shall be less than 2000m<sup>2</sup> in extent except in cases where any such lot was in existence prior to the date of adoption.
- (iv) No Lot within an Intermediate Residential zone shall be less than 2000m<sup>2</sup> in extent.
- (v) No Lot used for Medium Density Housing shall be less than 2000m<sup>2</sup> in extent.
- (vi) No Lot within a General Commercial or a Limited Commercial zone used exclusively for commercial purposes, which may include one flat of not more than 90m<sup>2</sup> for a caretaker or owner, shall be less than 450m<sup>2</sup> in extent.
- (vii) Except as provided in (vi) above, no Lot within General Commercial and Limited Commercial zones used for a composite building in which the ground floor is to be used exclusively for commercial purposes and the upper floor(s) for residential flats, shall be less than 2000m<sup>2</sup> in extent.
- (viii) No Lot within a Service Industrial or Light Industrial zone shall be less than 1000m<sup>2</sup> in extent except where any such Lot was in existence prior to the date of adoption.
- (ix) No Lot within an Agricultural zone shall be less than 2 ha in extent except where any such lot was in existence prior to the date of adoption.
- (x) Where a township is established for the erection of dwellings wholly or partly financed by the Department of Community Development, the Board may authorise a reduction in the prescribed minimum for any lots so used provided that all such lots are served by a waterborne sewage disposal system to the satisfaction of the Board.

- (xi) No Lot used for a Caravan Park or Chalet Development purpose shall be less than 1 ha in extent.
  - (xii) No Lot used for a Garage or Service Station shall be less than 2000m<sup>2</sup> in extent.
  - (xiii) No Lot used for Worship purposes shall be less than 3600m<sup>2</sup> in extent.
  - (xiv) The Lot Area in any zone is exclusive of access ways in "hatched-shaped" lots.
  - (xv) Where on the date of adoption, two dwelling houses were existing lawfully on a single lot which is less in extent than the areas prescribed in these clauses, the Board may, in its discretion, grant authority for the subdivision of the lot into two separate lots, provided also that the area of either of the subdivided lots is not less in extent than 900m<sup>2</sup> and each subdivision conforms to the other provisions of the Scheme. In giving any such authority the Board shall take into account the amenity of the locality and of the adjoining properties.
  - (xvi) Where an existing lot in a Special Residential zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Board may allow the erection of a dwelling house on the lot provided that the lot has not been reduced in area to less than 900m<sup>2</sup> and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the Board.
  - (xvii) Where an existing lot in a General Residential zone has been reduced in area by the expropriation or alienation of land for road widening or construction purposes and for open space purposes, the Board may allow the erection of a residential building on the lot provided that the lot has not been reduced in area to less than 1800m<sup>2</sup> and provided further that arrangements for the disposal of sewage have been made to the satisfaction of the Board.
- (2) Except as provided in Clause 4.7.6 (i) and (ii) not more than one dwelling house shall be erected on any lot, provided that where the lot is 2000m<sup>2</sup> in extent or greater in a Special Residential zone or 4000m<sup>2</sup> or greater in a General Residential zone or 4 ha or greater in the Agricultural zone, one additional dwelling house may be erected on the lot provided the applicant has submitted to the Board and received approval for a drawing showing that the land on which the additional dwelling house will stand is capable of being subdivided so that the subdivision will conform to the provision of the Scheme; and provided that the applicant furnishes the Board with an undertaking that any land required under the Scheme for road construction or road widening purposes shall be transferred to the Board at dates to be determined by the Board.

- (3) Except in special circumstances the depth of a lot in relation to the frontage shall not exceed the ratio of 4 to 1 in proportion. A lot of irregular shape should be capable of containing within its boundaries a rectangle not exceeding the ratio 4 to 1 in proportion, having an area of 75% of the minimum prescribed area.
- (4) Notwithstanding the provisions of sub-clause (2) hereof, the Council may by Special Consent granted in accordance with the provisions of this Scheme permit the erection of an ancillary unit on any Lot. Such ancillary unit shall be attached to the dwelling house except in special circumstances satisfactory to the Council, where it may be attached to the outbuildings or connected to the dwelling house by a wall or other architectural feature not exceeding 5,0m in length. In all cases such unit shall form an architectural entity with the dwelling house or outbuildings whichever is the case and all municipal service shall be provided from the dwelling house. The floor area and coverage of such unit shall be included in the floor area and coverage permitted in terms of Clause 5.1 and TABLE D and occupation of the unit shall be restricted to not more than 2 persons.
- (5) Notwithstanding the provisions of sub-clause (4) hereof, the Council may exempt an applicant from applying for Special Consent if it is satisfied that no interference with the amenities of the neighbourhood existing or as contemplated by this Scheme will result; provided that the prior written consent of the registered owner of each adjoining property and such other properties as the Town Clerk may direct, has first been obtained. 24 October 1994

### 5.3 MINIMUM FRONTAGE REQUIREMENTS

- (1) Except where otherwise stated in this clause the minimum frontage for all lots shall be 18 metres and the width of the access way for a "hatchet-shaped" lot shall be a minimum of 4 metres throughout its length. Where a lot is of an irregular shape or occurs in a cul-de-sac or similar type of planning device, the frontage on the street may, with the authority of, the Board, be less than 18 metres provided the proportion of the lot is in conformity with the ratio provision set out in Clause 5.2 (3) and provided also that the frontage on the street is not less than 9 metres.
- (ii) The minimum frontage of a lot used for General Residential purposes, shall be 21 metres. The width of the access way for a "hatchet-shaped" lot in General Residential zones, shall be a minimum of 9 metres throughout its length.
- (iii) The minimum frontage of a lot used solely for commercial purposes shall be 12 metres while that used for the purpose of a composite building referred to in Clause 5.2 (1) (vii) shall be 21 metres.
- (iv) Where a township is established for the erection of dwelling units wholly or partly financed by the Department of Community Development the Board may authorise a reduction in the minimum prescribed frontage to comply with the requirements of that Department.



**PART 6****6.1 EXTERNAL APPEARANCE OF BUILDING**

- (1) The character, design and external appearance of buildings, including the material used in their construction, shall be subject to the approval of the Board, and no building may be erected without the approval of the Board.
- (ii) In considering any application, the Board shall have regard to the character of the locality in which it is proposed to erect such building and shall take into account whether or not the building will be injurious to the amenities of the locality by reason of its external appearance or the materials it is proposed to use.
- (iii) Any person intending to alter, extend or erect a building shall submit drawings to the Board as set out in Clause 6.2, with whatever other information the Board may require, showing the external appearance of the proposed building together with a description of the materials to be used.
- (iv) Within 42 days from the date of the submission of the drawings and particulars, the Board shall approve the application either unconditionally or subject to such conditions as it may deem fit, or it may refuse to grant the application on the grounds that the external appearance of such building is unacceptable.
- (v) Any applicant aggrieved by any decision in terms of sub-clause (iv) hereof shall have the right of appeal to the Appeals Board.

**6.2 LOCAL AUTHORITY APPROVAL**

- (1) (1) For the purpose of securing the approval of the Board in terms of Clause 6.1 the following documents shall be lodged with the Town Clerk.
  - (1) Drawings in quadruplicate showing the elevations facing any National or Provincial Highway, railway line, street, or access way, together with side and rear elevations; the drawings shall be to a scale not less than 1 in 100 or in the case of projects too large to be shown conveniently to this scale, a scale of 1 in 200 will be acceptable; fences, gates and boundary walls being deemed to form part of the elevation for the purpose of this clause.
  - (ii) One set of drawings coloured or presented in such a manner as will clearly indicate the finished appearance of the proposed building or alterations or additions, and, if so required, supplemented by plans and sections to indicate the true intent and meaning of the elevations.
  - (iii) A Block Plan to a scale not less than 1 in 500 indicating the siting of the buildings on the lot, the position of any existing buildings on the adjoining lots, and servitudes, building lines and rights-of-way to which the lot is subject.



- (iv) A brief schedule in quadruplicate, specifying the general construction and finishes of the proposed building, alterations or additions on the lot.
- (2) The approval by the Board of the design and external appearance of the proposed buildings, additions or alterations shall not be deemed to be an approval in terms of any other provisions of the Town Planning Scheme in course of preparation or of the Building Regulations, which approval shall first be applied for and obtained before any building work is commenced.

### 6.3 ADVERTISEMENTS:

No advertisements shall be displayed or hoardings erected without the written authority of the Board. Any person proposing to erect any sign, advertisement or hoarding shall submit drawings, of any such sign or advertisement or hoarding to the Board for approval. No hoarding or advertisement shall be permitted which is likely to cause injury to the amenity of the neighbourhood. Name plates not exceeding 0,2 m<sup>2</sup> in extent are not considered to fall under this heading. This clause does not apply to casual advertisements for entertainments, property for sale, auctions to be held on the premises or meetings provided they are not, in the opinion of the Board, unduly ostentatious.

### 6.4 LOADING AND PARKING ACCOMMODATION:

- (1) Any person intending to erect, alter or extend a building or develop or use any lot, shall provide loading and parking accommodation within the boundaries of the lot and shall submit proposals therefor in accordance with the following requirements and to the satisfaction of the Board.
  - (1) For every residential building and chalet there shall be provided 1 garage or covered parking space for each dwelling unit. In addition there shall be provided a suitable area for visitors parking at the rate of 1 car space for each dwelling unit, and a loading and unloading area with suitable access to the satisfaction of the Board.
  - (ii) For every dwelling unit within a Medium Density Housing site, there shall be one garage or carport plus one open or covered car space, of which at least one space for every 2 units, shall be situated in areas easily accessible to visitors, provided the additional car spaces are not placed on the private open area.
  - (iii) For every building intended for shopping use there shall be provided 1 car space off the street for each 46m<sup>2</sup> or major portion thereof for the gross shop area and for every building intended for office use there shall be provided 1 car space for each 93m<sup>2</sup> or major portion thereof of gross office area. In addition there shall be provided on the lot a loading and unloading area with suitable access to the satisfaction of the Board.

Provided that where in the General Commercial zones it is physically impracticable to provide on-site parking without disturbing the continuity of the shopping frontage, or where the lot is of such proportions that parking accommodation cannot be reasonable provided, the Board shall call upon the developer to contribute to a parking fund by way of a cash payment in lieu of the provision of on-site parking. The cash payment shall be calculated on the basis of the cost to the Board of providing the car spaces, at ground level, that would have been required in terms of the scheme, on land designated in the scheme for public car parking purposes. For the purpose of this clause a car space shall be taken to be an area of 23m<sup>2</sup>, which includes manoeuvring space. This contribution shall become payable not later than the date of approval of the building plans. All monies received by the Board in terms of this clause shall be paid into a Parking Reserve Fund and shall be used only for the provision of vehicular parking within the Central Area.

- (iv) Where, in a General Commercial zone land has been donated for a public car park the cash payment to the parking fund shall be reduced in proportion to the number of car spaces that can be accommodated in the area of land that has been donated.
- (v) Where, in the General Commercial zone, a contribution has been made or land has been donated by the developer, the exemption from on-site parking shall only apply where the building is used for commercial purposes.

Where a residential use is incorporated in a composite building providing for both commercial and residential use, on-site parking as set out in Clause 6.4 (1) (I) and 6.4 (1) (vi), shall be provided for the residential use.

- (vi) For every hotel building or boarding house there shall be provided 1 car space for every bedroom together with a suitable and convenient area wherein may be parked a minimum of 5 cars with the addition, where the hotel is licensed, of a further convenient area provided for parking accommodation for an additional number of 15 cars, together with a loading and unloading area with suitable access to the satisfaction of the Board.
- (vii) For every public office there shall be provided a convenient area for parking accommodation for 15 cars.
- (viii) For every building or portion of a building intended for use as a warehouse there shall be provided one car space for each 170m<sup>2</sup> or major portion thereof of floor area and a loading and unloading area with suitable access to the satisfaction of the Board.
- (ix) For every building or portion of a building intended for use as a hall without fixed seats there shall be provided a car space off the street for every 25m<sup>2</sup> or major portion thereof of floor area.
- (x) For every building intended for use as a theatre, cinema, assembly hall or place of public worship, there shall be provided a car space for every 8 seats.

- (xi) For every building or portion of a building intended for use as a garage or service station there shall be provided one suitable located car space for every 60m<sup>2</sup> or major portion thereof of floor area plus a loading and unloading area for bulk tankers to the satisfaction of the Board.
- (xii) For every industrial building there shall be provided on the lot sufficient accommodation for parked cars, calculated on the number of persons engaged in the business, including management, office staff and factory employees, as follows:
  - (a) Up to 25 persons employed:  
1 car space for every 4 persons of part thereof.
  - (b) thereafter, for the next 25 persons:  
1 car space for every 5 persons or part thereof.
  - (c) thereafter, for any further number of persons:  
1 car space for every 10 persons or part thereof.

There shall be in all cases a minimum of 2 car spaces and, in addition to the foregoing, there shall be provided on the lot to the satisfaction of the Board a further parking and turning space for every commercial vehicle used for the benefit of the industry and a loading and unloading area with suitable access.

Provided that:

- (a) in respect of Black employees the Board may relax the above requirements; and
  - (b) the Board may at any time vary the foregoing requirements if the character or type of manufacturing or processing activity being conducted on the site is changed or altered to an extent which, in the opinion of the Board materially alters the number and type of vehicles attracted to the site; provided that in no case shall such variation result in the number of car specs provided exceeding a ratio of one car space per 150m<sup>2</sup> of total floor area of the industrial buildings on the site.
- (xiii) (a) "A parking space shall be in accordance with Annexure **P** : Dimensions for off-street parking facilities, which space shall be clearly marked and constructed on the Lot or arranged as a garage or covered parking space, to the satisfaction of the Council";
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- (xiv) Where in any building the area set aside for the parking or garaging of vehicles exceeds the minimum requirements by more than 50%, any such excess in area shall be taken into account when calculating the permitted floor area for that building.

- (xv) A totalisator depot, tattersalls club or similar institution shall be required to provide 35 car spaces.
- (2) For any use or development not specified in paragraphs (1) above, loading and parking accommodation shall be provided to the satisfaction of the Board.

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## PART 7

### 7.1 APPLICATIONS:

- (1) At any time after the effective date no person shall :
  - (1) erect a new building, or alter or add to an existing building or carry out any other proposed work, or
  - (ii) develop or use any land, or use any building or structure for any purpose different from the purpose for which it was being developed or used on such date, or
  - (iii) use any building or structure erected after such date for a purpose or in a manner different from the purpose for which it was erected:

until he has first applied in writing to the Board for authority to do so and the Board has granted its written authority thereto either with or without condition;

  - (a) provided that any authority granted by the Board shall remain valid for 18 months from the date of granting of such authority; and
  - (b) where any building or work referred to in any such authority has not been substantially commenced within the said period of 18 months or where an appeal has been lodged, within a period of 18 months from the date of notification of the outcome of such Appeal, or where there has been an interruption in the development of the building or land for a continuous period of 18 months, the said authority shall automatically be considered to have lapsed and building operations shall not be commenced or recommenced unless fresh authority has first been applied for and obtained.
- (2) After the date of adoption no person shall erect or extend a building or institute work which is not in conformity with the provisions of the Scheme relating to the erection and use of buildings and use of land.
- (3) No person shall use or cause to be used any building or portion thereof for any use other than that for which it has been lawfully erected unless such building has been altered for any proposed new use and any necessary Special Consent or authority of the Board has first been applied for and obtained



- (4) No land in any use zone may be used for the purpose of the deposit or disposal of waste material or refuse, tipping, dumping, scrap yard, motor graveyard, used car lot, or any other similar purpose until the owner or his duly authorised representative has applied for and received the written approval of the Board.
- (5) Ordinary applications under the Regulations shall be sufficient notice for the purpose of administering the Scheme; provided that the Board may call upon persons making such applications to provide any additional information or plans it deems necessary. The Board may call upon any building owner who proposes to alter a building or put it to a new use to provide a fresh building survey of the property.

## 7.2 INSPECTION OF SCHEME:

The Board shall allow any person to inspect the Scheme at any reasonable time. A register of all applications and decisions on the Scheme shall be kept in accordance with the requirements of Section 67 quin of the Ordinance and shall be available for inspection by any person at any reasonable time.

## 7.3 AMENDMENT TO THE SCHEME:

If the Board desires to rescind, alter or amend any of the provisions of the Scheme in course of preparation it shall follow the procedure as set out in Section 47 bis of the Ordinance. (See Annexure A).

## 7.4 CONFLICT OF LAWS:

- (1) (1) Nothing in this Scheme shall be construed as enabling any person to erect or use any building or to develop or use any land which is in conflict with any condition of title imposed by the Administrator in terms of the Ordinance or by the State under any other law.
- (ii) The owner of any lot which is subject to a condition of title, referred to in sub-clause (i) above which is in conflict with any provision of this Scheme, may make application to the Administrator for the alteration, suspension or removal of such condition in terms of Section 31(1) of the Ordinance.
- (iii) The Scheme provisions shall apply over and above the Regulations where they are more onerous than the Regulations or where the Scheme makes no provision, then Regulations shall apply.
- (iv) In the case of any conflict or difference in interpretation between the English and Afrikaans versions of the Scheme Clauses, the English version shall prevail.



- (2) Any decision, order or authorisation given by the Appeals Board in terms of Section 73 ~~quat~~ (5)(d) of the Ordinance, and as confirmed or altered on review by the Administrator in terms of Section 73 ~~sex~~ of the Ordinance, shall be deemed to be a valid authority granted by the Board, in terms of Clause 7.1 and, as such, shall be construed as being in accordance with the duly adopted provisions of the Scheme.

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TABLE ATYPES OF BUILDING AND LAND USE

(Note: "Building" shall mutatis mutandis include use of land)

1.     Agricultural Building :       means a building used in connection with, or which would ordinarily be incidental to, or reasonably necessary in connection with the use of the site of that building as agricultural land.
  
2.     Agricultural Industry :       means a building used for the intensive production in any form whatsoever, of poultry, game birds, livestock and allied products, and includes any final processing of these commodities.
  
3.     Agricultural Land       :       means arable, meadow or pasture land, market gardens, poultry farm, nursery garden and land used for the purposes of breeding or keeping domestic animals, poultry or bees and includes any buildings connected therewith, but excludes buildings connected with the housing of cats and dogs.
  
4.     Caravan Park           :       means an area of land provided with adequate ablution and sanitary facilities with or without communal kitchen, constructed with permanent materials arranged for the accommodation of caravans which are used mainly for temporary holiday dwellings and provided also with permanent water points, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purposes, and may also include one dwelling house or flat for caretaker or manager's use.
  
5.     Chalet Development   :       means a grouping of a number of Chalets on a lot; a chalet meaning a detached habitable building used as a holiday dwelling, with a floor area not exceeding 53m<sup>2</sup> and not less than 32 m<sup>2</sup> consisting of not more than 3 living rooms with or without sanitary convenience, bathroom, shower and kitchen, together with approved outbuildings or ancillary buildings to be used in conjunction with a chalet or series of chalets, but shall not include a dwelling house or residential building. A series of chalets shall denote any grouping of a number of chalets (see Provincial Notice No. 786 of 1970).
  
6.     Commercial Workshop:       means a light industrial building wherein the primary purposes the selling of goods or services by retail and where the processes are operated specifically in

conjunction with a shop or office to which the public, as customers, has access and includes such uses as a watch repairer, shoe repairer, valet service, radio/television repairer, electrician and may include a jobbing printer, but excludes a garage or service station.

7. Creche : means a building or portion of a building for the care of seven or more infants and young children during the daytime absence of their parents or guardians.
8. Drive-in Cinema : means a site prepared and equipped for the viewing of cinema performances from parked motor vehicles and includes toilet buildings and may include a cafeteria, office, seating facilities, and one dwelling house or flat for a caretaker or manager's use.
9. Dwelling House : means a freestanding dwelling unit used as a dwelling for a single family, together with such outbuildings as are ordinarily used therewith.
10. Extractive Industry : means the process of extracting, mining, winning or quarrying of raw materials from the ground, including gravel, sand and stone and includes buildings connected with such operations and crushing plant.
11. Garage : means a building used for the servicing, repair, storage, display, sale, spray painting, fuelling or washing and cleaning of vehicles together with facilities connected with these activities including the storage and sale of fuel, lubricants, motor spares and accessories, tourist maps, brochures and including an office, storeroom, workshop, greasepit and machinery; provided that panel beating may be included by special consent.
12. Institution : means a building or portion of a building used or designed for use as a charitable institute including the administration thereof, and a building designed for use as a hospital, homes for the aged or for mentally or physically retarded children, nursing home, sanatorium, clinic convalescent home, orphanage or other building used as a public or private institution, but does not include a restricted building.
13. Laundrette : means a building used for the purpose of washing and drying clothing and household fabrics, where the machines used are electrically operated and quiet running, and of the type which process each customer's articles individually, and which may be operated by the customer. The washing

media used shall be of a type that shall not cause harmful effluent to be discharged into the sewerage system.

- |     |                                  |   |   |
|-----|----------------------------------|---|---|
| 14. | <b>Light Industrial Building</b> | : | means an industrial building as defined in Clause 1.2 in which the processes carried on or the machinery installed are such as can be carried on or installed in a Light Industrial zone without causing nuisance to other properties within such zone or to the general public, or without detriment to the amenities of other use zones, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, traffic generation or other causes. |
| 15. | <b>Medium Density Housing</b>    | : | means a group of two or more attached and/or detached dwelling units, together with such outbuildings as are ordinarily ancillary thereto, with each dwelling unit having direct access to a private open area and access to common land, the whole development having been designed as an harmonious entity. Such development may include duplex flats, semi-detached houses, terrace houses, maisonettes or dwelling houses.                            |
| 16. | <b>Office Building</b>           | : | means a building or part of a building used as an office or for other business purposes, and includes: a bank, building society, insurance office, estate agent and other professional suites, but does not include a post office.  |
| 17. | <b>Parking Garage</b>            | : | means a building, part of a building or land designed primarily for the purpose of parking, other than parking required in terms of Clause 6.4, and includes washing and servicing of motor vehicles, but does not include a building, any part of which is designed for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.   |
| 18. | <b>Place of Public Amusement</b> | : | means a building or land used for public entertainment and includes a theatre, cinema, music-hall, concert-hall, amusement arcade, dance hall, skating-rink, race-track, sports-arena, exhibition-hall, billiards room and fun-fair.  |
| 19. | <b>Place of Public Assembly</b>  | : | means a building or land, used for social meetings, gatherings, religious purposes or indoor recreation, but does not include a place of public amusement.  |
| 20. | <b>Private Recreation Area</b>   | : | means a sports ground, playing field or other open space of a club, firm, private person or other body, including buildings normally ancillary to recreational activities.  |

21. **Public Office** : means an office building used for any Central, Provincial or Local Government purpose, and includes an administrative office, local authority office and town hall, government office, court house, police station, post office, public library, public art gallery, public museum, and buildings ordinarily ancillary thereto.
22. **Recreation Building** : means a clubhouse, gymnasium, squash court, pavilion, shelter, change room and any similar building used in conjunction with a sport. A clubhouse may include dining facilities and lounges.
23. **Residential Building** : means a building or portion of a building other than a dwelling house, chalet, duplex flat, semi-detached house, terrace house or maisonette used for human habitation, together with such outbuildings as are ordinarily used therewith, and includes a block of flats, boarding-house, hotel, residential club or hostel.
24. **Restaurant** : means a building or portion of a building used primarily for the preparation and sale of food, confectionery and beverages for consumption on the premises.
25. **Service Industrial Building** : means a light industrial building catering primarily for the local customer, and includes a builder's yard and allied trades, laundry, bakery, dairy depot, dry-cleaning and similar types of uses.
26. **Service Station** : means a building
- (a) wherein is sold, by retail sale only:
- (1) petrol or petroleum derivatives capable of use in internal combustion engines,
  - (ii) lubricating oils and greases,
  - (iii) spare parts, including electrical equipment,
  - (iv) tyres, tubes, valves and repair equipment, or
  - (v) tourist brochures and other such incidentals.

And



(b) where the following operations are carried on:

- (I) running repairs of a minor nature,
- (ii) lubricating and greasing,
- (iii) washing and cleaning,

But shall not include panel beating, spray painting or the carrying out of vehicle body repair work or repairs of a major nature to the engine or transmission system thereof.

- 27. Shop : means a building or land used for any retail trade or business wherein the primary purpose is the selling of goods and appliances by retail and includes a building used for the purpose of a hairdresser, ticket agency, showroom, auction mart or for the sale of food and drink for consumption off the premises or for the reception of goods to be washed, cleaned, altered, dry-cleaned or repaired and includes ancillary buildings ordinarily incidental to the conduct of the retail business, but does not include an industrial building, garage, service station, milk depot or hotel.
- 28. Warehouse : means a building or land used mainly for the storage of goods and materials.
- 29. Wholesale Shop : means a building used mainly for the purpose of carrying on wholesale trade or wholesale business wherein the primary purpose is the selling of goods by wholesale.

**UMDLOTI BEACH TABLE B : RESERVATION OF LAND**  
**(SEE PART 2 OF CLAUSES)**

<b>COLOUR NOTATION ON SCHEME MAP</b>	<b>USE FOR WHICH LAND IS RESERVED</b>	<b>ADDITIONAL CONTROLS</b>
Green (16)	Public Open Space	<p>1 This land is reserved as open space for the use and enjoyment of the Public, once such area is in Board ownership.</p> <p>2 Works as described in the Local Authorities Ordinance No. 25 of 1974, Sections 208 and 264, Sub-sections (14-20) and 27 are permitted and may include public parks and gardens, recreational grounds, zoological gardens and similar such uses.</p> <p>3 Attention is drawn to Clause 2.1 (I) and (ii) of these clauses.</p>
Red (4)	New roads and widening of Existing Roads	Proposed reservations for New Roads as shown on the Scheme Map to be effective at dates to be determined.
Red (4) Broken Line	Approximate position of New Roads	Final alignment to be determined when development takes place.
Pink (29)	Public Car Park	<p>1 Acquisition or development to be negotiated with lot owners.</p> <p>2 Parking Garage permitted.</p>
Horizontal Blue Hatch (M) with letters W W	Water Works	Reserved for Water Supply authority.
Orange (36) with letters S.D.	Sewage Disposal Works	Building and other works incidental thereto permitted

**UMDLOTI BEACH TABLE B : RESERVATION OF LAND**

<b>COLOUR NOTATION ON SCHEME MAP</b>	<b>USE FOR WHICH LAND IS RESERVED</b>	<b>ADDITIONAL CONTROLS</b>
Orange (36) with letters R.S.	Refuse site	Buildings and other works incidental thereto permitted.
Green Blue (12)	River Reserve	<ol style="list-style-type: none"> <li>1 Reserve to protect the amenity of the water course and to minimize pollution and erosion.</li> <li>2 Removal of soil and stones not permitted without the authority of the Board.</li> <li>3 Board shall be permitted to install underground services.</li> </ol>
Yellow Green (15)	Amenity Reserve	<ol style="list-style-type: none"> <li>1 This land is reserved to protect the quality of the natural environment but may be used by the Public for passive recreation.</li> <li>2 Subject to Clause 3 below a shop (restricted to a maximum area of 150m<sup>2</sup> and the sale of non-alcoholic beverages, food, confectionery, tobacco and similar commodities) car parking and public conveniences are permitted and a Place of Public Amusement may be permitted by Special Consent.</li> <li>3 The design and siting of any building, structure or land use shall take into account any existing indigenous vegetation and no such vegetation shall be removed without the authority of the Board.</li> <li>4 All other uses are prohibited.</li> </ol>

**UMDLOTI BEACH TABLE B : RESERVATION OF LAND**

<b>COLOUR NOTATION ON SCHEME MAP</b>	<b>USE FOR WHICH LAND IS RESERVED</b>	<b>ADDITIONAL CONTROLS</b>
Light yellow (Y) with green bush pattern	Conservation Reserve	<ol style="list-style-type: none"> <li data-bbox="874 450 1414 707">1    This is a natural area of land within which the conservation of the scenic beauty, indigenous flora and fauna, water courses and other topographical features, places of historic or scientific interest and the like is of primary importance. No indigenous flora, fauna or any naturally occurring material shall be disturbed or removed.</li> <li data-bbox="874 734 1414 864">2    Except where picnic areas and the footpaths through the vegetation have been specially demarcated, the public shall not be admitted.</li> <li data-bbox="874 891 1414 1021">3    Any work of any kind which is undertaken shall be done in accordance with a layout plan which shall be a duly adopted provision of the Scheme.</li> </ol>

**UMDLOTI BEACH TABLE C : USE ZONES**

**NOTE:** In this table the erection and use of buildings shall apply mutatis mutandis to the use of land, as if the use of the land were the use of a building.

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
Special Residential	Light Yellow (1)	9 <u>Dwelling House</u>	Buildings and land uses not included in Columns 3 and 5	2 Agricultural Industry 4 Caravan Park 5 Chalet Development 6 Commercial Workshop 8 Drive-in Cinema 10 Extractive Industry 11 Garage 14 Light Industrial Building 16 Office Building 17 Parking Garage 18 Place of Public Amusement 23 Residential Building 24 Restaurant 25 Service Industrial Building 26 Service Station 27 Shop 28 Warehouse 29 Wholesale Shop



**UMDLOTI BEACH : TABLE C : USE ZONES**

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
General Residential 1	Dark Brown (62)	9 Dwelling House 13 Laundrette 15 Medium Density Housing 23 Residential Building	Buildings and land uses not included in Columns 3 and 5	2 Agricultural Industry 4 Caravan Park 5 Chalet Development 6 Commercial Workshop 8 Drive-in Cinema 10 Extractive Industry 11 Garage 14 Light Industrial Building 16 Office Building 18 Place of Public Amusement 25 Service Industrial Building 26 Service Station 27 Shop (other than provided for in Clause 4.9 (4)) 28 Warehouse 29 Wholesale Shop

**UMDLOTI BEACH TABLE C : USE ZONES**

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
General Residential 2	Medium Brown (58)	9 Dwelling House 13 Laundrette 15 Medium Density Housing 23 Residential Building (excluding hotel with liquor licence)	Building and land uses not included in Columns 3 and 5	2 Agricultural Industry 4 Caravan Park 5 Chalet Development 6 Commercial Workshop 8 Drive-in Cinema 10 Extractive Industry 11 Garage 14 Light Industrial Building 16 Office Building 17 Parking Garage 18 Place of Public Amusement 24 Restaurant 25 Service Industrial Building 26 Service Station 27 Shop 28 Warehouse 29 Wholesale Shop

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USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
Intermediate Residential	Light Orange (33)	9 Dwelling House 13 Laundrette 15 Medium Density Housing	Building and land uses not included in Columns 3 and 5	2 Agricultural Industry 4 Caravan Park 5 Chalet Development 6 Commercial Workshop 8 Drive-in Cinema 10 Extractive Industry 11 Garage 12 Institution 14 Light Industrial Building 16 Office Building 17 Parking Garage 18 Place of Public Amusement 23 Residential Building 24 Restaurant 25 Service Industrial Building 26 Service Station 27 Shop 28 Warehouse 29 Wholesale Shop

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USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
Limited Commercial	Light Blue (5)	6 Commercial Workshop 13 Laundrette 16 Office Building 21 Public Office 23 Residential Building (except on Ground Floor) 24 Restaurant 27 Shop	Buildings and land uses not included in Columns 3 and 5	1 Agricultural Building 2 Agricultural Industry 4 Caravan Park 5 Chalet Development 7 Creche 8 Drive-in Cinema 9 Dwelling House 10 Extractive Industry 11 Garage 12 Institution 14 Light Industrial Building 15 Medium Density Housing 17 Parking Garage 23 Residential Building (on Ground Floor) 25 Service Industrial Building

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1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
General Commercial	Blue (6)	6 Commercial Workshop 13 Laundrette 16 Official Building 18 Place of Public Amusement 21 Public Office 23 Residential Building (except on Ground Floor) 24 Restaurant 27 Shop 28 Warehouse 29 Wholesale Shop	Buildings and land uses not included in Columns 3 and 5	1 Agricultural Building 2 Agricultural Industry 4 Caravan Park 5 Chalet Development 7 Creche 8 Drive-in Cinema 9 Dwelling House 10 Extractive Industry 11 Garage 12 Institution 14 Light Industrial Building 15 Medium Density Housing 23 Residential Building (on Ground Floor) 25 Service Industrial Building



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1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
Administration	Orange (36)	9 Dwelling House 12 Institution 18 Place of Public Amusement 19 Place of Public Assembly 21 Public Office 22 Recreational Building	Buildings and Land uses not included in Columns 3 and 5	2 Agricultural Industry 4 Caravan Park 5 Chalet Development 6 Commercial Workshop 8 Drive-in Cinema 10 Extractive Industry 11 Garage 14 Light Industrial Building 15 Medium Density Housing 16 Office Building 23 Residential Building 25 Service Industrial Building 26 Service Station 29 Wholesale Shop

**UMDLOTI BEACH : TABLE C : USE ZONES**

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
Light Industry	Red Purple (19)	6 Commercial Workshop 9 Dwelling House 14 Light Industrial Building 21 Public Office 25 Service Industrial Building 28 Warehouse 29 Wholesale Shop	Buildings and land uses not included in Columns 3 and 5	4 Caravan Park 5 Chalet Development 7 Creche 10 Extractive Industry 12 Institution 15 Medium Density Housing 18 Place of Public Amusement 19 Place of Public Assembly 23 Residential Building
Service Industry	Light Purple (17)	6 Commercial Workshop 9 Dwelling House 21 Public Office 25 Service Industrial Building	Buildings and land uses not included in Columns 3 and 5	2 Agricultural Industry 4 Caravan Park 5 Chalet Development 7 Creche 8 Drive-in Cinema 10 Extractive Industry 12 Institution 15 Medium Density Housing 18 Place of Public Amusement 19 Place of Public Assembly 23 Residential Building

**UMDLOTI BEACH : TABLE C : USE ZONES**

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
Worship	Orange (36) with letter W	9 Dwelling House 19 Place of Public Assembly 20 Private Recreation Area	7 Creche (provided it is an ancillary use) 12 Institution 22 Recreation Building  Any buildings and land uses not listed in Table A	Buildings and land uses not included in Columns 3 and 4
Garage	Blue Purple (61)	11 Garage 26 Service Station	17 Parking Garage 24 Restaurant	Buildings and land uses not included in Columns 3 and 4
Service Station	Blue Purple (61) with letters P.F.S. inscribed	26 Service Station	11 Garage 17 Parking Garage 24 Restaurant	Buildings and land uses not included in Columns 3 and 4

**UMDLOTI BEACH : TABLE C : USE ZONES**

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
Private Open Space	Yellow Green (15) with Green border (16)	20 Private Recreation 22 Recreation Building	3 Agricultural Land 7 Creche 9 Dwelling House 18 Place of Public Amusement 19 Place of Public Assembly 23 Residential Building (restricted to a flat for a manager or caretaker)	Buildings and land uses not included in Columns 3 and 4
Agriculture	Green Brown (50)	1 Agricultural Building 3 Agricultural Land 9 Dwelling House	2 Agricultural Industry 4 Caravan Park 8 Drive-in Cinema 10 Extractive Industry 12 Institution 20 Private Recreation Area 22 Recreation Building 26 Service Station  Any Building and Land Uses not listed in Table A	Buildings and land uses not included in Columns 3 and 4

**UMDLOTI BEACH : TABLE C : USE ZONES**

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY <u>NOT</u> BE ERECTED AND USED
Caravan Park	Light Orange with stipple (W)	4 Caravan Park 13 Laundrette 20 Private Recreation Area 22 Recreation Building	3 Agricultural Land 5 Chalet Development 24 Restaurant 27 Shop (restricted to the sale of day-to-day commodities)	Buildings and land uses not included in Columns 3 and 4



**UMDLOTI BACH : TABLE D : DENSITY**

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. , COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Special Residential	0,30 : 25 : 2	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2 (1)(ii).</li> <li>2 Where the lot is used exclusively for Medium Density Housing purposes, the minimum lot area shall be 2000m<sup>2</sup> and the maximum number of units which may be established shall be as per clause 4.7.6(ii).</li> <li>3 A Medium Density Housing site shall be subject to the provision of a sewage disposal system to the satisfaction of the Board.</li> <li>4 The height restriction for all lots facing the Beach Road from Lot 1731 to Lot 1747 inclusive, may be increased to 3 storeys.</li> </ol>	Light Yellow (1)
General Residential 1	0,65 : 30 : 6	<ol style="list-style-type: none"> <li>1 Minimum lot area as per clause 5.2(1)(iii).</li> <li>2 Notwithstanding any other controls in Table D, within the Controlled Zone as defined in Clause 1.2(13), no building shall exceed a height of 6 storeys above natural ground level provided that no building shall protrude higher than two storeys above the highest natural ground level.</li> <li>3 Accommodation for motor vehicles to be provided on Lot as per Clause 6.4.</li> <li>4 Provision to be made for landscaping and maintaining the grounds to the satisfaction of the Committee, and not less than 25% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space and drive-ways.</li> <li>5 A maximum F.A.R. and Coverage of 1,0 and 40% respectively is permitted for a licenced hotel.</li> <li>6 Subject to the provision of a sewage disposal system to the satisfaction of the Board.</li> <li>7 Where the lot is used exclusively for Medium Density Housing the maximum coverage may be increased to 35% and the density shall be limited to 30 dwelling units per ha.</li> </ol>	Dark Brown (62)

**UMDLOTI BEACH : TABLE D : DENSITY**

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. , COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
General Residential 2	0,45 : 30 : 3	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2(1)(iii).</li> <li>2 Notwithstanding any other controls in Table D, within the controlled zone as defined in Clause 1.2(13), no building shall exceed a height of 15 metres measured from any point of the building to the original natural ground level directly below that point.</li> <li>3 Accommodation for motor vehicles to be provided on Lot as per Clause 6.4.</li> <li>4 Provision is to be made for landscaping and maintaining the grounds to the satisfaction of the Board, and not less than 25% of the site shall be set aside and maintained as a garden and play area, which must be kept free of parking space and driveways.</li> <li>5 Subject to the provision of a sewage disposal system to the satisfaction of a Board.</li> <li>6 Where the lot is used exclusively for Medium Density Housing, the density shall be limited to 30 dwelling units per hectare, the maximum coverage may be increased to 35% and the requirements of Clause 4.7 shall apply.</li> </ol>	Medium Brown (58)

**UMDLOTI BEACH : TABLE D : DENSITY**

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. , COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Intermediate Residential	N.A. : 30 : 3	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2(1)(iv).</li> <li>2 Accommodation for motor vehicles to be provided on lot as per Clause 6.4.</li> <li>3 Subject to the provision of a sewage disposal system to the satisfaction of the Board.</li> <li>4 The density shall be limited to 20 dwelling units per hectare.</li> </ol>	Light Orange (33)
Limited Commercial	0,50 : 50 : 2	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2(1)(vi) and (vii).</li> <li>2 Accommodation for motor vehicles to be provided on lot as per Clause 6.4.</li> <li>3 Residential use limited to upper floor.</li> <li>4 Subject to the provision of a sewage disposal system to the satisfaction of the Board.</li> </ol>	Light Blue (5)
General Commercial	1,0 : 80 : 5	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2(1)(vi) and (vii).</li> <li>2 Notwithstanding any other controls in Table D, within the controlled zone as defined in Clause 1.2(13), no building shall exceed a height of 15 metres measured from a point on the building to the original natural ground level directly below that point.</li> <li>3 Accommodation for motor vehicles to be provided on lot as per Clause 6.4.</li> </ol>	Blue (6)

UMDLOTI BEACH : TABLE D : DENSITY

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. , COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
		<p>4 Where residential use is included in a composite building, the F.A.R. for such residential use shall not exceed 0,35 and the total Coverage for all buildings shall not exceed 50%; provided that where the building is to comprise a Commercial use with one flat (not exceeding 90m<sup>2</sup> in extent) for a manager or caretaker, the maximum coverage of 80% shall continue to apply.</p> <p>5 Where a recreational space, conveniently accessible from all parts of the residential area of the composite building and open to the sky is provided above the ground floor level, the Coverage may be increased above 50% but not exceeding 80%, by an amount equal to the area of such recreational space, provided that such recreational space shall be designed, laid-out, furnished and landscaped to the satisfaction of the Board.</p> <p>6 Subject to the provision of a sewage disposal system to the satisfaction of the Board.</p>	

**UMDLOTI BEACH : TABLE D : DENSITY**

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. , COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Light Industry	0,50 : 50 : 2	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2(1) (viii).</li> <li>2 Accommodation for motor vehicles to be provided on the lot as per Clause 6.4.</li> <li>3 Where a building line is laid down in an Industrial Zone, no building, boundary walls and fences shall be erected between the building line and the street boundary. The area between such building line and street boundary is to be landscaped by the owner or occupier of the lot to the satisfaction of the Board and may not be used for the storage of goods, parking of motor vehicles, depositing of refuse or any other use which, in the opinion of the Board will detract from the visual amenities of the area.</li> <li>4 Notwithstanding the requirements of Table C, one dwelling unit may be permitted on each Industrial site to accommodate a <u>manager</u>, foreman or caretaker.</li> <li>5 When granting special consent for a shop, reference should be made to Annexure E.</li> </ol>	Red Purple (19)



**UMDLOTI BEACH : TABLE D : DENSITY**

DENSITY ZONE	MAXIMUM PERMITTED F.A.R , COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Service Industry	0,50 : 50 : 2	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2(1) (viii).</li> <li>2 Accommodation for motor vehicles to be provided on lot as per Clause 6.4.</li> <li>3 Where a building line is laid down in the Industrial Zone no building, boundary walls and fences shall be erected between the building line and the street boundary. The area between such building line and the street boundary is to be landscaped by the owner or occupier of the lot to the satisfaction of the Board and may not be used for the storage of goods, parking of motor vehicles, depositing of refuse or any other use, which in the opinion of the local authority will detract from the visual amenities of the area.</li> <li>4 Notwithstanding the requirements of Table C, one dwelling unit may be permitted on each Industrial site to accommodate a manager, foreman, or caretaker.</li> <li>5 When granting special consent for a shop, reference should be made to Annexure E.</li> </ol>	Light Purple (17)

**UMDLOTI BEACH : TABLE D : DENSITY**

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. , COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Worship	0,50 : 30 : No Limit	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2(1)(xiii).</li> <li>2 Accommodation for motor vehicles to be provided on lot as per Clause 6.4.</li> <li>3 Side and rear space provisions as for residential building.</li> </ol>	Orange (36) with letter W
Agriculture	0,125 : 12,5% : 2	Minimum lot area as per Clause 5.2(1)(ix).	Green Brown (50)
Caravan Park	0,20 : 25 : 2	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2(1)(xi)</li> <li>2 Maximum floor area of Shop and Restaurant 150m<sup>2</sup>.</li> <li>3 Subject to the provision of a sewage disposal system to the satisfaction of the Board.</li> </ol>	Light Orange with stipple (W)

**UMDLOTI BEACH : TABLE D : DENSITY**

DENSITY ZONE	MAXIMUM PERMITTED F.A.R. , COVERAGE AND HEIGHT	ADDITIONAL CONTROLS	COLOUR NOTATION ON SCHEME MAP
Garage and Service Station	0,40 : 60 : 2	<ol style="list-style-type: none"> <li>1 Minimum lot area as per Clause 5.2(1)(xii).</li> <li>2 Accommodation for motor vehicles to be provided on lot as per Clause 6.4.</li> <li>3 In addition to the general requirements of the Scheme special attention is drawn to Clause 4.8.</li> </ol>	<p>Blue Purple (61)</p> <p>Blue Purple (61) with letters P.F.S. inscribed</p>
Private Open Space	0,15 : 15 : 2		Yellow Green (15) with Green Border (16)
Special Zone 2	0,6 : 30% : 5 storeys	Additional Controls to be as for General Residential (ii)	Medium Brown (58) with a broken blade border and the number (ii) inscribed thereon (12/05/1993)

ANNEXURE ATOWN PLANNING ORDINANCE NO. 27 OF 1949 (AS AMENDED)SECTION 47 bis

In terms of Proclamation No. 101 of 1978, which was published in the Official Gazette of Natal dated 3 August 1978, the above Ordinance has been further amended. The Ordinance now stipulates that with effect from the above date, the procedure to be carried out by any local authority or joint committee for adopting, altering, rescinding or amending provisions of a Town Planning Scheme in the course of preparation shall be as follows:

**LOCAL AUTHORITY:**

- |  |   |
|--|---|
| Action (1)<br>Section 47 <u>bis</u> (1)(a) | Resolves to amend schemes and advertises at its own cost as shown hereunder and if necessary sends copy of notice to any affected contiguous Local Authority.   |
| Action (2)<br>Section 47 <u>bis</u> (1)(b) | <ul style="list-style-type: none"> <li>(1) Publish during the same week in both official languages in the Provincial Gazette and in newspapers.</li> <li>(ii) Publish in the same newspapers during succeeding week.</li> <li>(iii) Post on the public notice board etc. from date of first publication until closing date of objections.</li> <li>(iv) Objectors must be given <u>not less than</u> 21 days from the date of publication of the notice in the Gazette to lodge objections and a CLOSING DATE for objections MUST BE SPECIFIED (late objections etc. may be condoned by the Local Authority if received before matter has been considered by the Local Authority).</li> </ul> |
| Action (3)<br>Section 47 <u>bis</u> (2)(a) | (a) Within 12 weeks of closing date of objections (or such further period as the Commission may determine) Local Authority must decide whether or not to proceed with the amendment (with or without modification).   |
| Action (4)<br>Section 47 <u>bis</u> (2)(b) | <ul style="list-style-type: none"> <li>(b) If the Local Authority decides to proceed it must <u>forthwith</u> notify the Commission and must send the following documents: <ul style="list-style-type: none"> <li>(I) A certified copy of the resolution.</li> <li>(ii) A copy of the notice and proof of publication.</li> <li>(iii) Copies of objections and representations if any, and comments on these.</li> </ul> </li> </ul>  |

- (iv) Explanation as to why amendment necessary (fully motivated).
- (v) Any relevant plans and documents.

**NOTE: IF LOCAL AUTHORITY DECIDES NOT TO PROCEED, THE COMMISSION IS NOT ADVISED.**

**COMMISSION:**

**Action (1)** Grant extension of time to Local Authority to deal with amendment (if Section 47 Bis (2) (a) requested to do so by Local Authority).

**Action (2)** (1) Within 8 weeks of receipt of notification of the amendment from Section 47 bis (3) the Local Authority, Commission must consider matter and advise Local Authority.

**OR**

**Action (3)** (ii) (a) Commission may extend period within which to consider the matter for a further 4 weeks beyond statutory period.  
(b) Local Authority must be advised of this extension.

**OR**

**Action (4)** (iii) Further extension may be taken but only with the Administrator's consent.  
(a) Commission must approve further extensions.  
(b) Local Authority must be advised that Administrator's consent is being sought.  
(c) Seek Administrator's consent (delegated authority).

**OR/AND**

**Action (5)** (iv) Exercise any of the powers conferred upon it by sub-section (6).  
(v) COMMISSION MUST ADVISE LOCAL AUTHORITY OF ITS OPINION BEFORE THE EXPIRATION OF ANY OF THE PERIODS REFERRED TO ABOVE.



**LOCAL AUTHORITY:**

- Action (5)                      Considers objections etc. and Commission's opinion and resolves:
- Section 47 bis (4) (a) (a)      to adopt said                      -                      without modification
- provisions or                      -                      with modifications
- amendment                      -                      contrary to Commission's opinion

If modifications are not considered by the Local Authority to be trivial, then they should proceed afresh in usual way.

OR

- Action (6)                      (b)      to abandon.
- Section 47 bis (4)(b)

**IN ANY ACTION REFERRED TO ABOVE THE LOCAL AUTHORITY MUST NOTIFY THE COMMISSION WITHIN 3 WEEKS OF THEIR DECISION.**

**COMMISSION:**

- Section 47 bis (5)(a)      If resolution adopted by the Local Authority is not in accordance with Commission's opinion it shall not become effective until Commission resolves that it does not intend to exercise the powers conferred upon it by section 48(1), or until the Administrator has upheld any appeal lodged in terms of that section.

- Action (6)                      (1)      Commission must decide on the matter within 2 months from date of receipt of Local Authority's notification re adoption etc.

OR

- Action (7)                      (ii)      (a)      Within such other period NOT exceeding 4 months as the Commission may determine.
- (b)      Local Authority to be advised of this extension within 2 weeks of decision but in any event before the expiration of the period of ineffectiveness referred to in (i)

OR

- Action (8)                      (iii)      (a)      Within such other longer period than 4 months (this to be with the Administrator's consent).

- (b) Local Authority to be advised of this extension and that Administrator's consent is being sought (within 2 weeks of decision) or in any event before the expiration of the period of ineffectiveness referred to in (ii)(a).
  - (c) Seek administrator's consent (delegated authority).
- Action (9) (iv) Commission must advise Local Authority of its decision in terms of Section 47 bis (5)(a) before the expiration of the period of ineffectiveness referred to in any of the subparagraphs (i), (ii) or (iii) above.

#### LOCAL AUTHORITY:

Action (7) read with Action (5)  
 Section 47 bis (5)(b) If some items or parts of an amendment are not contrary to Commission's opinion, and others are contrary, the Local Authority may (with the consent of the Commission) adopt those items or parts which are not contrary and the period of ineffectiveness in 5(a) above shall not apply to those parts.

#### GENERAL:

- Section 47 bis (6)(a) (1)-(iv) and (vi) Allows Commission to direct Local Authority to take certain actions re extra publicity etc.
- Section 47 bis (6)(a) (v) Allows Commission to direct Local Authority to act in terms of sub-section (4), forthwith or within a specified period (i.e. adopt, abandon, etc.)
- Section 47 bis (6)(a) (Vii) Allows Commission to exempt a Local Authority from provisions of Section 47 bis if amendments are of a minor or inconsequential nature - Local Authority to supply all relevant details and motivation when applying to Commission for this exemption.
- Section 47 bis (6)(b) Allows Local Authority to appeal to the Administrator against any of Commission's directions in terms of sub-section (6)(a) - Appeal to be lodged within six weeks from the date of notification of any such order or direction.

#### SECTION 47 bis A

- Section 47 bis A(1) Makes provision for the owner etc. to pay a fee and request the Local Authority to rezone his land.
- Section 47 bis A(2) After considering the application the Local Authority may decline or agree to proceed with the proposed rezoning,

- (a) if the Local Authority agrees all expenses of advertising are to be borne by the applicant.

However, the Local Authority may bear expenses itself and refund fee if application has given rise to a general rezoning of the surrounding area.

- (b) if the Local Authority declines to proceed with the rezoning its decision shall be final.

(These notes are for guidance only and may not be construed as a legal interpretation of the relevant sections of Ordinance No. 27 of 1949, as amended).

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ANNEXURE BSECTION 67 ter

- (a) Any applicant or any person who has objected in terms of Section 67 bis to an application who feels aggrieved by any decision or order of the local authority given under Section 67 may, within twenty-one days of being notified of such decision to appeal to the Appeals Board. This notice must set out the grounds of appeal.
- (b) Within twenty-one days of giving such notice, the person concerned must lodge with the Secretary of the Appeals Board, a memorandum setting forth his grounds of appeal. The appeal shall lapse upon failure to submit such memorandum, provided that the Appeals Board may condone such failure. In the case of an applicant appealing, the Appeals Board may condone the late giving of such notice if it deems it proper to do so in any case.
- (c) At the hearing of an appeal by the Appeals Board, the applicant and any person who has objected in terms of Section 67 bis shall be entitled to be present and to be represented.
- (d) Where the local authority has granted its authority in respect of an application and where objections have been received in terms of Section 67 bis, the applicant is not entitled to act upon such authority until :
  - (I) any appeal which may be noted against the grant of authority has been disposed of, or
  - (ii) if no appeal has been lodged, until the period within which an appeal may be noted in terms of this section, has expired.
- (e) Any person giving notice of his intention to appeal in terms of this section shall at the time :
  - (I) if he is an applicant, notify any person who is an objector in terms of Section 67 bis, or
  - (ii) if he is such an objector, notify the applicant and any other such objector (if any),
 in writing by registered post of the fact of such notice.

The foregoing should be read in conjunction with the Regulations Relating to the Appeals Board and the Hearing of Appeals.

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ANNEXURE C

For convenience, an extract from Section 3 of the Factories, Machinery and Building Work Act No. 22 of 1941 is appended herewith.

Extract from Section 3 of the Factories,  
Machinery and Building Work Act, 1941

3. (1) Subject to provisions of this Section, "factory" means:
- (a) Any premises on which any person performs work in connection with any business, undertaking or institution, whether an employer or employee, pupil or inmate of an institution or otherwise, in any one or more of the following activities:
- (1) the making of any articles or part of any article;
  - (ii) the altering, repairing, renovating, ornamenting, painting, spraying, polishing, finishing, cleaning, dyeing, washing or breaking up of any article;
  - (iii) the adaption for sale or use of any article;
  - (iv) the sorting, assembling or packing (including washing or filling bottles or other containers) of any articles;
  - (v) the construction, reconstruction, assembling, repairing or breaking up of vehicles or parts thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);
  - (vi) printing or letterpress, lithography, photogravure or other similar process, including any activity associated with the printing industry;
  - (vii) the production and storage of gas in a holder of more than five thousand cubic feet (141,6 cu. Metres) storage capacity;
  - (viii) the freezing, chilling or storage in cold storage of any article;
  - (ix) the slaughtering of livestock;
  - (x) the generation of electricity;
  - (xi) photographic work;
  - (xii) any other activity added in terms of subsection (4);



- (xiii) any activity that is necessarily or ordinarily incidental to any activity referred to in subparagraphs (I) to (xii), inclusive, if the premises on which it is carried on or form part of or are adjacent to the premises on which the activity to which it is so incidental is carried on; and
  - (b) any premises on which bookkeeping, typewriting or any other clerical work incidental to any activity referred to in paragraph (a) is performed, if such premises form part of or are adjacent to the premises in which the said activity is carried on.
- (2) Notwithstanding the provisions of sub-section (1) "factory" shall not include :
- (a) any premises on which fewer than three persons perform work in any activity referred to in sub-section (1) unless :
    - (1) mechanical power (other than for ordinarily lighting purposes) is used in the activity conducted on such premises, whether such power is derived from steam, electricity, gas, liquid or from any other source;
    - (ii) such premises have been registered as a factory under section thirteen;
  - (b) premises on which any activity referred to in sub-paragraph (iv) or (viii) of paragraph (a) of sub-section (1) is only incidental to the conduct of a business engaged mainly in the sale of goods by retail;
  - bis (b) premises on which any activity referred to in sub-paragraph (iv) of paragraph (a) of sub-section (1) is only incidental to the conduct of a business engaged mainly in the sale of goods by wholesale;
  - (c) any mine or works as defined in Section two of the Mines and Works Act, 1911 (Act No. 12 of 1911); or subsequent valid legislation that may become law from time to time;
  - (d) private houses, hotels, boarding houses, restaurants, refreshment or tea rooms or eating houses in respect of any activity referred to in sub-section (1) which is ordinarily and necessary incidental to the conduct of such establishment.
  - (e) premises used temporarily and exclusively for the carrying on of any activity connected with the construction, alteration, renovation, repair or demolition of any building, bridge, road or irrigation work, or any other similar works;

- (f) premises (on a farm) on which a farmer, including a partnership or group of persons, other than a company performs work in any activity referred to in paragraph (a) of sub-section (1) solely in connection with products which he has produced on a farm occupied by him, or solely in connection with his farming operations; or
  - (g) a workroom in connection with a prescribed class of institution;
  - (h) the danger area of an explosives factory as described in the regulations made under the Explosives Act, 1956 (Act No. 26 of 1956)
- (3) For the purpose of this section, "power" does not include hand or foot power used to operate any mechanical appliance or power derived from machinery that is rated to develop not more than 0,7457 kw machine power.

(Extracted : 19.1.78)

ANNEXURE D**POLICY OF THE NATAL PROVINCIAL ADMINISTRATION IN REGARD  
TO PLANNING STANDARDS FOR CONTROL OF TRAFFIC-GENERATING SITES**

- (1) The term "road" shall mean for the purpose of this policy, a way intended, prepared, or used for foot-passengers, riders and vehicles to travel on, inclusive of the full extent of its width notwithstanding that only a portion thereof may be in actual use for traffic purposes, and shall include a street. It shall not include an alley, land or passage used solely by foot-passengers.

The terms "traffic generator" or "traffic-generating site" shall mean a site, business or activity whereon, or by reason whereof, a larger number of motor vehicles are required to leave or enter a public street or roadway, and shall include, but not be confined to, sites whereon petrol filling stations, parking garages, parking lots, churches, sports stadia, blocks of flats or shopping centres are established.

- (2) No vehicular entrance to, or exit from, a traffic generator should be permitted in the immediate vicinity of a road intersection, junction or interchange. In the case of an intersection or junction at grade, under rural conditions the distance from such entrance or exit to any intersection as defined in section 1 of the Road Traffic Ordinance No. 21 of 1966, measured parallel to the direction of travel along the road to which entrance or from which exit is afforded should not be less than 150 metres. Under urban conditions (as defined in the Advertising on Roads and Rinnon Development Act No. 21 of 1940) this distance may be reduced, in which case the desirable minimum should be 20metres from an intersection with a minor street or 60 metres from an intersection with a major street. No such entrance or exit should be permitted within a distance of 150 metres from the limits of an interchange, which limits should be determined by the road authority. Any unavoidable reduction of these minimum distances should be regarded as justified only by exceptional circumstances, and as requiring safeguards such as the imposition and enforcement of special speed limits, acceleration and deceleration lanes or other traffic controls.
- (3) Direct vehicular or pedestrian entrance to or exit from a traffic generator, from or to important Provincial main roads should not be permitted, nor should such entrance or exit be permitted from or to freeways, expressways or heavily-trafficked through arterial main roads in urban areas. Attention is drawn to the provisions of the Roads Ordinance No. 10 of 1968.
- (4) No commercial premises with direct access to a flanking service road should be permitted unless direct pedestrian access from the main carriageway to such service road has been rendered impracticable.
- (5) No traffic generator should be permitted upon any site which, by reason of its proximity to and situation in relation to schools, churches, cinemas, bus depots, railway stations, major recreation grounds, beaches or other similar places which generate heavy pedestrian movements at certain times, is likely to create conflict between the vehicular traffic and the pedestrian traffic.

- (6) In considering applications for the establishment of petrol filling stations the need within the area of such stations having regard to the location of other existing stations and the existing and/or contemplated development of the area should be taken into account. Any argument, based on this solo-site system, that all brands of petrol should be available within any particular area should not be taken into account.
- (7) The following standard should be adopted in considering the establishment of traffic generators:-
- (a) Where separate entrance and exit are provided they should be placed at or near either end of a frontage of not less than 36 metres. The site should be of sufficient depth for the whole activity to be carried on clear of the street, and should in no case be less than 15 metres in depth. It should be in such area and so laid out that a waiting area is provided near the entrance large enough to accommodate vehicles awaiting service so that these do not queue in the public road.
  - (b) The minimum sight distance along the road should be 120 metres. Sight distance shall be measured from the entrance or exit as the case may be, height of eye being 1,37 metres, to an object 1,37 metres high.
  - (c) No traffic generator should be permitted with entrance from or exit to a street whose gradient is steeper than 1 in 8, and no access ramp should be steeper than 1 in 10.
  - (d) Outside an urban area as defined in the Advertising on Roads and ribbon Development Act No. 21 of 1940, buildings should be sited at least 36 metres from the nearest point of the road reserve of any main road.
  - (e) Pump islands in petrol filling stations should not be less than 5 metres from the property boundary.

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ANNEXURE E**POLICY OF THE TOWN AND REGIONAL PLANNING COMMISSION WITH  
REGARDS TO ADMISSION OF RETAIL USES INTO INDUSTRIAL ZONES**

1. Certain categories of retail outlets should be admitted to industrial zones by special consent and the remaining categories only by rezoning.
2. The categories of retail outlets which should be admitted to industrial zones by special consent are as follows:
  - (a) Low order convenience goods and service shops catering for the immediate day-to-day needs of people working within the industrial area concerned; provided that the total floor area of any shop or contiguous set of shops (including a set of shops separated by a road or pedestrian route) should in no case exceed 300m<sup>2</sup>.
  - (b) Shops which are incompatible with the vast majority of the types of shops normally found in commercial zones but which fit in well in industrial areas (e.g. builders' supplies dealers; firms dealing in wire, gates and fences; timber merchants; firms dealing in agricultural implements).
  - (c) Shops which deal largely with other firms normally located in industrial areas such as service stations, specialist industrial concerns in the motor trade (like panel beaters and auto electrical specialists), builders and engineering firms (e.g. paint shops; firms dealing in engineering supplies; motor spares shops).
  - (d) Shops which -
    - (1) are situated on the same sites as the industrial activities concerned;
    - (ii) retail only products of the industrial concerns to which they relate or directly associated products;
    - (iii) have floor areas not exceeding 10% of the total floor area of all buildings on the site or 150m<sup>2</sup> whichever is the lesser;

provided that there shall be only one shop for each industrial undertaking on the site.

April 1978



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	1.2(47)	

	<b>CLAUSE</b>	<b>PAGE</b>
Terrace House .....	1.2(48)	7
Traffic Generating Sites .....	Annexure E	E9
Usable Common Open Space .....	1.2(49)	7
	4.7	15
Utility Area .....	1.2(50)	7
	4.7	15
Use Zones .....	Table C	C4-14
Warehouse .....	A(28)	33
Worship .....	5.2(xiii)	21
	6.4(x)	25
	Table C	C12
	Table D	D21
Zone .....	1.2(51)	7



# LOCALITY PLAN UMDLOTI BEACH

LEGEND

- ☐ GENERAL RESIDENTIAL 1
- ☐ GENERAL RESIDENTIAL 2
- ☐ INTERMEDIATE RESIDENTIAL
- ☐ SPECIAL RESIDENTIAL 1
- ☐ LIMITED COMMERCIAL
- ☐ CONTROLLED AREA



# ANNEXURE 5:

## UMHLANGA ROCKS Umhlanga Town Planning Scheme Map







**TABLE B3 : BEACH AMENITY RESERVE USES**

1. The Grantor shall give, grant and create in favour of the Town Council of the Borough of Umhlang in perpetuity for the use and access to the said area by the public for beach amenity purposes servitude conferring upon the said Council the right to allow the public use and access for beach amenity purposes over:-

**(here describe the property and give its extent)**

such servitude however to be conferred subject to the following terms and conditions:

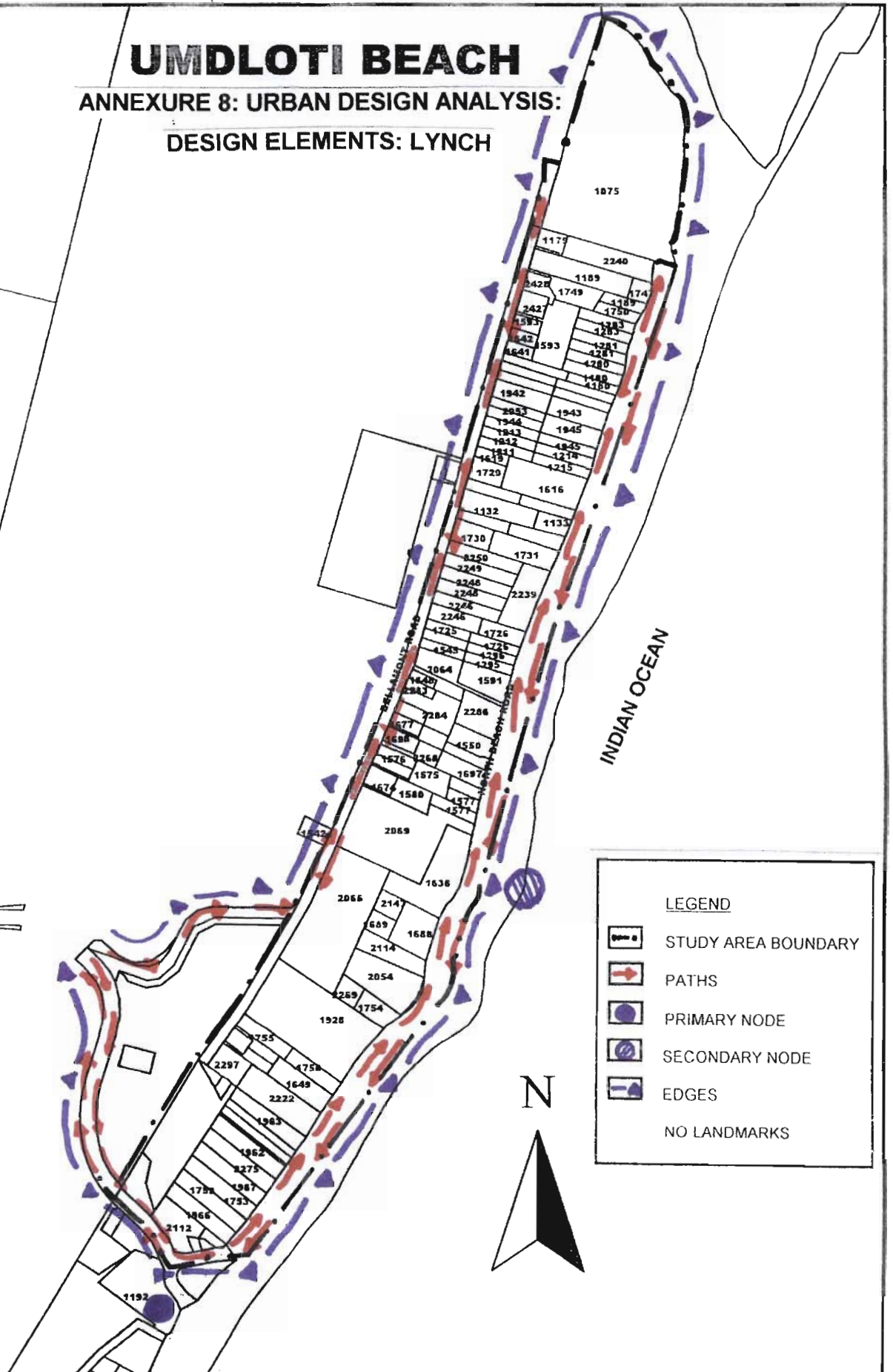
- a) Definition: In this Deed, the word "Grantor" shall mean the owner of the Remainder c  
..... or its successors in title.
  - b) In the event of the said property ceasing to be used for beach amenities then and in such event this servitude may be cancelled at the instance of the Grantor.
  - c) Save and except for such vehicular traffic as may be required due to Circumstances of emergency, and save for such vehicular traffic as may be required by the Council to carry out necessary Municipal Services, no vehicular traffic of any kind shall be allowed upon the property concerned.
  - d) Save for the construction and maintenance of a boulevard for pedestrians, no road shall be built upon the property concerned.
  - e) No trading of any kind shall be carried on upon the property concerned save and except with the consent of the Council, for the hire of beach umbrellas, deck chairs, beach beds and surf-boards, planes, the sale at suitable kiosks approved by the Council, of refreshments for off consumption, tobacco in any form and matches and the carrying on of a cafeteria business from premises approved by the Council. 29.06.199
  - f) No buildings of any kind shall be erected on the property concerned with the exception of buildings for use by Lifesavers in the exercise of their lifesaving function, including Lifesavers' Clubhouse complex, a supervisor's office, storerooms, garaging for vehicles and boats, a cafeteria, kiosks for the purpose set out in Condition (e) above, public changeroom and toilets, public shelters, public seats, steps, and retaining walls provided however, that any such building as may be erected upon the said property shall not exceed 2 storeys in height provided that architectural features may exceed such height restriction and that each storey shall not exceed three (3) metres in height. Any such building as may be erected upon the said property shall be sited in such place as may be approved by the Town Council for the Borough of Umhlanga provided however that before constructing any such building the Council shall first obtain the consent of the Grantor to the siting of the said building and provided further that the Grantor may, if the siting of the said building causes undue hardship to the Grantor, refuse to agree to the proposed siting of the building and provided further that in the event of the Council and the Grantor being unable to come to agreement as to the siting of any such building shall be submitted to arbitration, such arbitration to be governed by the Arbitration Laws of South Africa then in force. 29.06.199
  - g) The property shall at no time be used as a caravan park nor shall tent dwellers be allowed to dwell on the property.
2. "Grantor" means the owner of any portion of any Lot which falls in the Beach Amenity Reserve at the time that the Council makes written request for the grant of the said servitude.
  3. The cost of the servitude shall be borne by the Council.





## ANNEXURE 8: URBAN DESIGN ANALYSIS:

### DESIGN ELEMENTS: LYNCH





## ANNEXURE 9

Erf No.	Height	FAR Intensity	Architecture	Street Furniture	Landscaping	Signage
794	2	M	DERELICT	N	D	Y
1849	10	M	B/T	N	D	Y
1732	1	M	B/T	N	D	Y
1734	1		B/T	N	D	Y
1755	4	M	B/T	N	D	Y
1733	2		B/T	N	D	Y
1756	6	M	B/T	N	D	Y
1675	2	M	B/T	N	D	Y
1956	7	0.3	B/T	N	D	Y
1962	7	M	B/T	N	D	Y
1963	8	M	B/T	N	D	Y
1964	8	M	B/T	N	D	Y
1965/66	8	M	B/T	N	D	Y
1967	9	M	B/T	N	D	Y
1928	3	0.4	B/T	N	D	Y
2112	4	M	B/T	N	D	Y
2113	2	M	B/T	N	D	Y
2222	1	M	B/T	N	D	Y
2257	5	M	B/T	N	D	Y

M = MAXIMISED  
 B/T = BRICK AND TILE  
 Y = YES  
 N = NO  
 D = DUNE

