

MARIENTAL TOWN PLANNING

AMENDMENT

SCHEME NO 7

FEBRUARY 2012

Stubenrauch
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MARIENTAL MUNICIPALITY

MARIENTAL TOWN PLANNING SCHEME

It is hereby certified that the.....as approved by the Minister of Urban and Rural Development in accordance with Section 26(1) of the Town Planning Ordinance (Ordinance 18 of 1954), is correct.


CHIEF: DIVISION PLANNING




DATE

GOVERNMENT GAZETTE

15 DECEMBER 2015

MINISTRY OF URBAN AND RURAL DEVELOPMENT

No. 300

2015

MARIENTAL TOWN PLANNING AMENDMENT SCHEME NO. 7: TOWN PLANNING ORDINANCE, 1954

In terms of section 26(2) of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954), I give notice that i have under subsection (1) of that section read with section 27(1) of that ordinance, approved the Mariental Town Planning Amendment Scheme No. 7 of the Municipality Of Mariental.

S. SHANINGWA
MINISTER OF URBAN AND RURAL DEVELOPMENT

Windhoek, 23 November 2015

PREPARED BY:

PO Box 11869
Windhoek

PREPARED FOR:

Mariental Municipality
PO Box 110
Mariental



Government Notices

MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 298

2015

DECLARATION OF THE ZAMBEZI RIVER SYSTEM AS A FISHERIES RESERVE: INLAND FISHERIES RESOURCES ACT, 2003

In terms of section 22, of the Inland Fisheries Resources Act, 2003 (Act No. 1 of 2003), I, in consultation with the Zambezi Regional Council and the relevant traditional authorities, declare the Zambezi river system shared with Zambia as a fisheries reserve for the period 1 December 2015 to 29 February 2016.

The inland waters of the Zambezi River shared with Zambia shall be closed for all fishing activities except recreational angling fishing.

B. ESAU**MINISTER OF FISHERIES AND MARINE RESOURCES**

Windhoek, 25 November 2015

ZAMBEZI REGIONAL COUNCIL

No. 299

2015

DECLARATION OF KONGOLA TO BE A SETTLEMENT AREA: ZAMBEZI REGION: REGIONAL COUNCILS ACT, 1992

Under section 31(1) of the Regional Councils Act, 1992 (Act No. 22 of 1992) the Regional Council of Zambezi declares the area situated on Farm Kongola Townlands No. 1779, in the Zambezi Region, Registration Division "B", the boundaries of which are represented by cadastral diagram No. A216/2005 to be a settlement area to be known as Kongola Settlement.

S. LAWRENCE**GOVERNOR****BY ORDER OF THE REGIONAL COUNCIL**

Katima Mulilo, 13 November 2015

MINISTRY OF URBAN AND RURAL DEVELOPMENT

No. 300

2015

MARIENTAL TOWN PLANNING AMENDMENT SCHEME NO. 7: TOWN PLANNING ORDINANCE, 1954

In terms of section 26(2) of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954), I give notice that I have under subsection (1) of that section read with section 27(1) of that Ordinance, approved the Mariental Town Planning Amendment Scheme No. 7 of the Municipality of Mariental.

S. SHANINGWA**MINISTER OF URBAN AND RURAL DEVELOPMENT**

Windhoek, 23 November 2015





Republic of Namibia

Ministry of Urban and Rural Development

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Our Ref.: 17/4/1
Your Ref.:

Date: 25 November 2015

Mr. G. Stubenrauch
The Managing Director
Stubenrauch Planning Consultants
P. O. Box 11869
WINDHOEK

Dear Mr. Stubenrauch

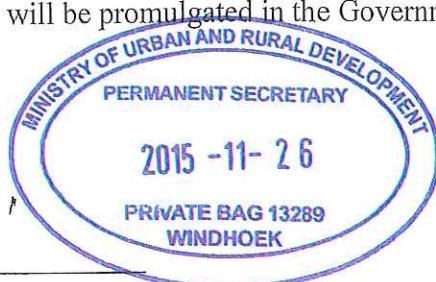
ITEM NO. 21/2013: MARIENTAL – APPROVAL OF THE MARIENTAL TOWN PLANNING AMENDMENT SCHEME NO. 7

With reference to your above-mentioned application you are hereby informed that the Minister of Urban and Rural Development has, on 23 November 2015, approved the Mariental Town Planning Amendment Scheme No. 7 in terms of Section 26(1) of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.

The Government Notice will be promulgated in the Government Gazette on 15 December 2015.

Yours sincerely

Nghidinua Daniel
PERMANENT SECRETARY



**MARIENTAL TOWN PLANNING
AMENDMENT SCHEME NO.7**

November 2012



**MARIENTAL TOWN PLANNING AMENDMENT SCHEME NO.7
REGULATIONS**

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**MARIENTAL TOWN PLANNING AMENDMENT SCHEME NO.7
REGULATIONS**

PART I:

CLAUSE 1: INTERPRETATION OF TERMS

In this scheme the following words and expressions have the respective meanings:

A

"ACCOMMODATION ESTABLISHMENT" means any premises in or on which the business of providing accommodation with or without meals against payment to tourists is or is intended to be conducted within a municipal area as referred to in the definitions of 'accommodation establishment' in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

	TERM (as per the Namibian Tourism Board Act, 2000 (Act 21 of 2000) and its Regulations as promulgated in the Government Gazette of 14 July 2004	NUMBER OF ROOMS
URBAN CONTEXT		
A	Backpackers hotel	At least 2 bedrooms.
B	Bed and breakfast establishment	At least 2, but not more than 5 bedrooms.
C	Guest house (formerly referred to a Pension)	At least 5 but not more than 10 bedrooms.
D	Hotel pension	At least 10 but not more than 20 bedrooms.
E	Hotel	At least 20 bedrooms.
URBAN & TOWNLANDS CONTEXT		
F	Campsite	
G	Camping and caravan park	
H	Rest camp	At least 4 accommodation units.
I	Self-catering accommodation establishment	
TOWNLANDS CONTEXT		
J	Guest farm	At least 5 bedrooms.
K	Lodges	At least 5 bedrooms.
L	Resorts	At least 40 bedrooms.
M	Permanent tented camps and tented lodges	At least 4 accommodation units.

"ADVERTISE/ADVERTISEMENT" refers to the advertisement procedure in terms of Clause 7 of this Scheme with regards to the notification and advertisement of a change of land use, rezoning and consent use.

“ADJACENT ERF OWNER” is the person registered in the Deeds Registry as the owner of the land abutting on or sharing a common point of intersection with a certain property. The registered person also includes the liquidator of a company or legal representative acting with the authority conferred upon him by law.

“AGRICULTURAL USE/ LAND”: Arable, meadow or pasture land, game farms, market gardens, poultry and pig farms, land used for beekeeping, nursery gardens, plantations and orchards, or similar uses, and may include one main dwelling unit and labourer and staff accommodation facilities, but do not include more than five dwellings in total and further do not include:

- (a) land occupied as a park together with a house thereon; or
- (b) land used as a garden other than as aforesaid; or
- (c) land kept or reserved for the purpose of sports, athletics or recreation or used as a racecourse;
- (d) Agricultural Industry and feed, except with consent of Council.

Further provided that on agricultural land larger than 25 hectares activities such as hunting, drilling of boreholes, gathering of firewood and other activities incidental to the normal agricultural practices may be permitted.

“AGRICULTURAL INDUSTRY” means an enterprise or concern for the processing of agricultural products on a farming unit due to the nature, perishableness and fragility of such agricultural product and includes inter alia, farm pack stores, but does not include service trade or the large scale processing of meat or any industry which, in the opinion of Council is a noxious industry.

“AREA OF ERF”: The surveyed area of such erf, farm portion or part of the Townlands, taking into account any prescribed line and resurveyed areas, but excludes the area which;

- (a) has been encroached upon by the public by using such portion as a street or part of a street, and which in the opinion of the Council should continue to be used as a street or part of a street; or
- (b) is reserved for street purposes in terms of any other law; or
- (c) has been expropriated in terms of any law.

“AQUACULTURE” means the farming and ranching of aquatic organisms, including the development of infrastructure and facilities required for the farming and ranching of aquatic organisms for commercial purposes.

B

“BACKPACKERS HOTEL” comprises a dormitory hostel or any other facility in which accommodation is provided primarily to backpackers. In the case of a facility other than a dormitory or hostel it has at least two bedrooms available for accommodation by guests and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

“BASEMENT” means that portion of a building of which the finished floor level is at least two (2) metres below, and the ceiling not more than one (1) metre above, a level

halfway between the highest and lowest natural levels of the ground immediately contiguous to the building.

“BED AND BREAKFAST ESTABLISHMENT” provides accommodation to transient guests either within or on the premises of a private dwelling where the owner or any other person in charge of the establishment lives. It has at least two, but not more than five, bedrooms available for the accommodation of guests and provides at least breakfast to guests either served or on a self-catering basis and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended. The dominant use of the dwelling is to remain single residential of nature.

“BETTERMENT FEE” Betterment is charged by the Council when changes in development potential are granted and an erf's value increases; for instance, when a “Residential” site is granted a rezoning to “Business”.

“BLOCK OF FLATS” means a building containing three or more dwelling units, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible, with the special consent of the Council, in a building approved for other purposes than flats.

“BOUNDARY” in relation to land unit means one of the cadastral lines separating such land unit from another land unit or from a public street or road.

“BOUNDARY WALL” means a wall erected directly on the inside of an erf boundary as indicated on a building plan approved by the Municipal Council of Mariental.

“BOTTLE STORE” means a shop in which mainly alcoholic beverages are sold to the retail trade for off-site consumption and includes an off-sales facility, which is under the same management as a hotel, but does not include a shebeen.

“BUILDING” means, in addition to the meaning assigned thereto in Section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992), any temporary or permanent structure or erection irrespective of its size or appearance, but does not include a caravan, mobile home or any other structure which, in the opinion of the Council may be injurious with respect to the general amenity and appearance of the neighbourhood, or which may be of such nature that it may be of health or personal risk.

“BUILDING LINE”: An imaginary line on a land unit, as prescribed by this scheme usually parallel to and at a specified distance from an erf boundary, and between which boundary and the building line no buildings may be erected without the special consent of the adjacent erf owner and the Council.

“BUILDING RESTRICTED AREA”: An area wherein no building, except that permitted by the scheme, may be erected.

“BUILDING YARD” means any land, together with ancillary and subordinate buildings on the same land, used for the storage of building materials or other similar used goods or preparation for resale of any used material.

“BULK FACTOR”: The relationship between the floor area ratio prescribed for a specific zone in these Regulations and the net area of the site, or the net area of that portion of the site on which the ratio is applicable: Provided that where a site falls in an area where two or more ratios are applicable, the permissible floor area ratio of the whole erf shall be the sum of the floor area ratio for each portion of the site within the specific zone.

“BUSINESS BUILDING”: A building used for business purposes and includes shops, offices, banks, restaurants, professional chambers and buildings designed for similar uses, but do not include a place of assembly, place of amusement, an institution, service station, public garage, industrial building, noxious industry, or vegetable or animal market and pet shop.

“BUSINESS USE” means the use of land or buildings for retail buying or selling of commodities, merchandise, articles, or goods offered or kept for sale at retail or on a rental basis, and includes the storage of limited quantities of merchandise or goods on the premises, sufficient only to service the shop or shopping centre, inclusive of office use, but does not include any wholesale business or business supply use or the manufacturing or packaging of goods or produce.

C

“CAMP SITE” means a property or part of a property, which is utilized for the erection of tents or the parking of caravans for visitors and includes ablution, cooking, barbecue and other facilities, which, together with the amenity of the site, serve as features of attraction and meets the requirements as stipulated' in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

“CAMPING AND CARAVAN PARK” comprises an area of land containing pitches for the parking of caravans, either those of guest or on-site caravans provided by the establishment for hire by guests, or containing pitches as well as camping site for the erection of tents, awnings or other temporary structures for guest camping without a caravan and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

“CAR WASH” means a place where vehicles are washed and cleaned and may include a permanent or temporary structure erected to the satisfaction of Council. The Council may impose conditions to the use, e.g. the drainage of water.

“COMPETENT AUTHORITY” The Minister of Urban and Rural Development

“CONVENTION CENTRE” means a large building or group of buildings designed for conventions, exhibitions, industrial shows and similar activities and can include conference rooms and a restaurant.

“CONSENT USE” means the purposes as specified in Table B shown under Column 4, for which land may be used in addition to the primary rights with the special consent of the Council, subject to the provision of Clause 7 hereof. Should a building be constructed, the building design should be in line with the Primary Use of the specific property.

“CONSERVATION AREA” means an area of natural beauty, importance or sensitivity that in the opinion of the Council or Minister needs to be preserved. (*also see Fish River Conservation Area*)

“CONSTRUCTION AND/OR CONSTRUCT” in respect of a building means:

- (a) the alteration, subdivision, transformation or addition to a building, and
- (b) the reconstruction or reparation of a building which has totally or partially been destroyed or demolished.

“COUNCIL” The Municipal Council of Mariental.

“COVERAGE” The total percentage of the site area that may be covered by:

- (a) a veranda, terrace, stairs or similar structure, and
- (b) buildings measured over the outside wall and covered by a roof or projection, provided that the area covered by a maximum eaves projection of one (1) metre, and a basement where the basement ceiling does not project above ground level, shall be excluded for the purposes of determining the maximum permissible coverage.
- (c) the minimum coverage of a main building constructed on a Residential, General Residential, Office, Local Business or General Business land use zone as further described under Table B must be at least 10% of the total erf size.

“CRÉCHE” means a building or land, excluding a hostel, which is maintained and used, whether for profit or not, for the admittance, protection and temporary or partial care of 15 or more children away from their parents, provided that the services are primarily day-care and educational and not medical, and further provided that such a building is subject to registration in terms of the Child Care Act 74 (1983), as amended.

D

“DATE OF PROCLAMATION”: Date on which the Minister in terms of Section 26(2) of Ordinance 18 of 1954 (as amended) published the proclamation of this scheme in the Government Gazette.

“DAY CARE CENTER” means a building or land, excluding a hostel, which is maintained and used, whether for profit or not, for the admittance, protection and temporary or partial care of 15 or less children away from their parents, provided that the services are primarily day-care centre and educational and not medical, and further provided that such a building is subject to registration in terms of the Child Care Act 74 (1983), as amended.

“DENSITY ZONING” refers to Table E and the Density Map included in this scheme, restricting erven in terms of the minimum erf size permitted or number of dwelling units that may be erected on the erf, provided that on an erf zoned “Residential” or “Informal Residential” the erection of more than one dwelling unit may only be permitted with the consent of the Council and subject to adherence of Clause 7 of the scheme.

“DEVELOPMENT PLAN” A plan drawn to a scale of 1:500 or such other scale as may be approved by Council and which reflects at least the following:

- (a) the positioning, height and coverage of all buildings;
- (b) open spaces, children’s playgrounds, (if included in the proposed development) as well as a site embellishment and landscaping
- (c) entrances and exits from the property and any proposed subdivision thereof;
- (d) subdivision lines if the property is to be subdivided;
- (e) accesses to buildings and parking areas;
- (f) building restriction area (if any), e.g. building lines;
- (g) parking areas and, where required by Council, motor and pedestrian traffic system;
- (h) aesthetic treatment of all elevations;
- (i) any other aspect which is considered necessary by the Council in any particular situation such as sewage plans, water and electricity reticulation;
- (j) the 1:100 year Floodline must be indicated on the Plan (if applicable).

“DRIVE-IN CAFÉ” Any land or building used for café or restaurant from which food and refreshments are served to patrons who remain seated in a motor vehicle parked in the vicinity of such café or restaurant.

“DRY CLEANERS AND LAUNDERETTES AND LAUNDERETTES” means a business being operated for the cleaning, washing and ironing of clothes and fabrics.

“DRIVING SCHOOL” means a registered business enterprise where learners are trained and equipped with the skills required to obtain a license permitting a person to drive a motorcycle or motor vehicle.

“DUPLEX FLATS” A suite of rooms forming a complete dwelling unit situated on two floors, having an internal staircase giving access to each upper floor, designed in a group of two or more such units, each having direct access to its own adjoining garden at ground level, with a vertical dividing line between dwelling units with a maximum height of two storeys.

“DWELLING UNIT” means a dwelling consisting of one primary unit with or without an outbuilding or an entertainment area, where the primary unit consists of mutually adjacent interleading rooms with not more than one kitchen and with at least a bathroom with toilet facilities and where the primary unit is designed for occupation by a single household, and may, subject to the provisions of this scheme or any law or regulation, be with or without a supplementary dwelling unit. Not more than one building together with such outbuildings as are ordinarily used in connection therewith, shall be erected on any erf zoned “Residential” without the consent of the Council and further provided that the density zoning as referred to in Table E be adhered to, the Council may with special consent allow the erection of more than one dwelling unit per residential erf.

Provided that in this context:

an **“Outbuilding”** means, rooms with a floor area not exceeding 120 m² being separated or detached from the main building (or primary unit) and designed or destined to be used for one or more of the following purposes:

- a) parking place (a maximum of four independent covered parking places to 80m² maximum);
- b) servant's room (maximum 20m²);
- c) a servant's bathroom;
- d) a store for use in reasonable connection with the dwelling (limited to a maximum floor area of 25m²).

Such outbuilding being owned together with the said primary unit as a single indivisible property unit and which shall for the purpose of the scheme be considered an integral part of the dwelling unit with which it is owned.

An **"ENTERTAINMENT AREA"** means a covered or roofed area which may be adjacent to the main building but without an internal connection (door) or physically detached from the main building with a total floor area not exceeding 60 m² and designed or destined to be used for entertainment purposes only, and may include one toilet;

A **"SUPPLEMENTARY DWELLING UNIT"** means a dwelling, designed for occupation by a single household, which shall not exceed half of the floor area of the main building (primary unit) or 100m², whichever is the lesser, which is auxiliary to the said primary unit and is owned therewith as a single indivisible property unit by one and the same owner and which shall, for the purpose of the scheme, be considered an integral part of the dwelling unit with which it is owned.

E

"ENGINEERING REPORT" as compiled by a professional and Namibian registered structural engineer on infrastructure for the provision of water, electricity, sewerage, stormwater disposal, streets, roads and pedestrian walkways, or any other engineering issues as may be required by Council , further provided that such report certifies that the foundations and structure to be erected are suitable and sound and that the natural storm water run-off is not obstructed in any way which may be detrimental to the surrounding properties.

"ENDOWMENT" An endowment is charged to distribute in a fair manner, costs for the future provision of communal and bulk services over the various properties that stand to gain the benefit as per Section 19(5) of the Township and Division of Land Ordinance (Ordinance 11 of 1963) as amended. An endowment can be in the form of land, money or structures. Endowments can be charged for any public service, but are usually important for things such as roads, parks, institutional sites (schools, cemeteries, etc.), government offices, and service corridors.

"ENVIRONMENTAL IMPACT ASSESSMENT" means a report drawn up in line with the Environmental Management Act, 2007 (Act No 7 of 2007) and approved by the Ministry of Environment and Tourism, further required that such report is required in connection with an activity which:

- (a) Can adversely affect groundwater means a report covering at least the following; a geotechnical survey, a geo-hydrological survey including a record of boreholes or wells within 500 metres radius, the identification of faults or

dykes, and a description of the main hydrological features of the development,

- (b) Can adversely affect the natural fauna and flora, and
- (c) Can adversely affect the urban environment when considering any new township developments, establishment of noxious industries or any other development where the Council may deem it necessary to have an Environmental Impact Assessment done prior to Council approving such development.

“ERECTION” In relation to a building also includes:

- (a) the erection of a new building, boundary wall or fence,
- (b) the alteration, subdivision or conversion of, or addition to a building, and
- (c) the re-erection or repair of a building, which has been completely or partially destroyed or demolished, and “erect” has a corresponding meaning.

“ERF” Every piece of land in an approved township.

“EXISTING BUILDING” A building erected before the material date (see “Date of Proclamation”) and also a building:

- (a) erected in accordance with a contract concluded before the said date, or
- (b) the erection of which was commenced before but completed after the said date in accordance with an approved plan, or
- (c) erected, in accordance with any consent granted by the Council before the material date.

“EXISTING USE” In relation to any building or land, a continuous use of the building or land for any lawful purpose for which it was being used at the material date or, in the case of a new building erected before such date, and which was not being used at that date, a continuous use of such building for any purpose for which it was designed, or where after the material date the Council has authorized the use of a building or land for any purpose, a continued use of that building or land for the purpose authorized: Provided that the interruption of such existing use of a building or land for a period of eighteen consecutive months, after material date shall be deemed a cessation of the continuous use.

F

“FARM STALL” means a building or structure, which does not exceed 100 m² in floor space, including storage facilities, where a farmer sells products produced and processed on his property.

“FISH RIVER CONSERVATION AREA” means the conservation area as further described under Clause 34 of this scheme.

“FLOODLINE” means the 1:100 year floodline of 2006 as determined in 2008 and as further indicated on the Zoning Map within this scheme; provided that:

- (a) No obstruction in the form of a temporary or permanent building, the

construction of a boundary wall or fence or the addition to an existing building shall be erected within the 1:100 floodline area without written approval of the Council, further provided that:

- No basement may be erected within the floodline area,
 - Any new buildings or alteration of buildings must have a ground floor level exceeding the height of the level of the 2006 flood.
- (b) The natural flow of water within the 1:100 floodline area may not be disturbed in any way other than if duly authorized by Council.
- (c) Should the construction of a temporary or permanent building, the construction of a boundary wall or fence or the addition to an existing building within the 1:100 year floodline area be permitted by the Council a detailed and professional engineering report must be furnished for approval by Council prior to any construction may commence.
- (d) Save the above no subdivisions, consolidations, increase in density or rezoning shall be approved by the Council on erven or land portions falling within the 1:100 year floodline unless substantiated proof can be provided by the applicant and the property owner that such doing will not obstruct the natural storm water run-off and documented evidence can be given to the Council that the Council will not be liable for any latent damages caused during flood events.**
- (e) Building plans will only be approved by Council after Council is satisfied that the building plans submitted are in compliance with (a) to (e) of this Clause.**

“FLOOR AREA” The total floor area of all the floors and basements of all the buildings erected on an erf, measured across the external walls and may in no instance exceed the floor area ratio as defined in this scheme: Provided that;

- (a) any floor area, which included the basement floor area, used by the residents of the residential accommodation for purpose of parking shall be excluded for the purpose of determining the maximum floor area of the building, and
- (b) the area of all balconies, verandas or staircases above the ground floor, whether it is covered by a roof, slab or any other covering shall be included: Provided that where such balconies or verandas are provided for the benefit of all the occupants of the building, the area shall be excluded.

“FLOOR AREA RATIO” See Bulk Factor.

“FEEDLOT” a management system in which naturally grazing animals are confined to a small area which produces no feed and are fed on stored feeds.

“FUNERAL PARLOUR AND CHAPEL” A building designed for the reception of human corpses prior to burial or cremation and may include a chapel, but excludes a workshop for the manufacture of coffins and fittings.

G

"GAMBLING HOUSE" A building or room which is exclusively used for entertainment and gambling purposes and which is registered in terms of the Gambling Act, Act 12/1985, as proclaimed in Government Gazette issue No. 1118 and includes a casino or gambling house.

"GARAGE" means a building which is exclusively used for the storage of motor vehicles and is excluded from the definition of a main building or an outbuilding, and where no business, trade or service, whether for payment or not, is conducted.

"GENERAL INDUSTRIAL" means a building or land used where any person or persons perform work in connection with:

- (a) the large scale manufacturing of any article or part of any article;
- (b) the altering, repairing, renovating, testing, ornamenting, painting, spraying, finishing, cleaning, dyeing, washing or breaking up of any article;
- (c) the sorting, assembling or packing (including washing or filling bottles or other containers) of articles;
- (d) the construction, reconstruction, assembling, repairing or breaking up of vehicles or part thereof (but excluding premises used for the purpose of housing vehicles where only minor adjustments are carried out);
- (e) the production and storage of gas in a holder of more than five hundred cubic meter storage capacity.

"GOVERNMENT" refers to the Government of the Republic of Namibia at the given time as elected by the people of Namibia according to the Constitution of Namibia and includes uses such as military training centres, police stations, correctional institutions, jails, road camps, etc.

"GROUND FLOOR" The lowest floor of a building not being a basement.

"GUEST HOUSE" provides accommodation and at least breakfast facilities to guests. It comprises at least five bedrooms for accommodation by guests and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

"GUEST FARM" means an establishment located on a farm or other rural area and within a natural environment where the owner or other person in control lives and comprises of at least 5 bedrooms for accommodation by guests and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000).

H

"HEIGHT" The height of a building measured from the mean natural ground level of the land on the erf or from above the basement floor level to the highest point of the roof.

"HERITAGE BUILDING" means a building included in Table D and which, in the opinion of the Council, is worth preserving in whole or in part.

"HERITAGE CONSENT" means the entering into of an agreement between the Council and the owner of a "Heritage building" in terms of which agreement the owner undertakes to preserve the building or certain specified features of the building to the satisfaction of Council as quid pro quo for the granting of permission by Council to use such building and ground for a "Office" or "Business building", provided that Council shall not enter into such agreement where it is expected that the use will have a detrimental effect on the neighbourhood.

"HOLIDAY ACCOMMODATION" means a harmoniously designed and built holiday development in a unique natural environment with an informal clustered layout which may include the provision of a caravan park, mobile homes or dwelling units, whether in private or public ownership, which comprises a single enterprise and shall only be marketed by means of short term rental or time sharing, and may include a refreshment kiosk, but does not include a hotel.

"HOLIDAY HOUSING" means a harmoniously designed and build holiday development and may include more than one dwelling unit, and where the housing may be rented out or separately alienated by means of time sharing, sectional title division or selling of block shares on condition that separate erven without residential structures may not be sold and may include a refreshment kiosk, but does not include a hotel.

"HOME BASED SHOP" means a shop, practiced from a dwelling unit (which is still primarily being used as a dwelling unit) by one or more occupants of the dwelling unit concerned within normal trading hours, of which the floor area is not more than 30 m² but excludes a shebeen or gambling house; further provided that the visual signs of trading, including advertisement signs are kept at a minimum, to the satisfaction of the Council. The consent will be given as per Clause 7 of the scheme, to the owner of the property and will lapse if the property exchanges ownership.

"HOSPITALITY" refers to the zoning in which a licensed hotel, holiday accommodation, tourist facilities and accommodation establishments, as defined in this scheme, is permitted outside the proclaimed town but inside the scheme area.

"HOTEL PENSION" A building designed and/or used as an accommodation establishment comprising at least 10, but not more than 20 bedrooms for accommodation of guests and complying with the requirements of the Advisory Board, as constituted by the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

"HOTEL" means a building designed and/or used for the business of providing accommodation and meals for reward to transient guests and which complies with the provisions of the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended and licensed under the Liquor Act, 1998 (Act No. 6 of 1998), as amended.

I

"INDUSTRIAL BUILDING" means a building or land used where any person or persons perform work in connection with:

- (a) the large scale manufacturing of any article or part of any article,
- (b) the altering, repairing, renovating, testing, ornamenting, painting, spraying,

- (c) polishing, finishing, cleaning, dyeing, washing, or breaking up of any article, the sorting, assembling or packing (including washing or filling bottles or other containers) of articles,
- (d) 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),
- (e) distribution centres, wholesale trade, storage packaging, warehouses, cartage and transport services and laboratories, offices ancillary to "Industrial" as main use.
- (f) scrap yards and recycling facilities, the production and storage of gas in a holder of more than five hundred cubic metre (500 m³) storage capacity, or any other noxious industrial use is not included in the definition of a light industrial use:

Further provided that the provision of a caretaker unit/flat not exceeding 80m² and the sale of goods manufactured and produced on site or which are related to the main use may be permitted by the special consent of the Council.

"INSTITUTIONAL BUILDING" A building or portion of a building used or intended to be used as an old age home, crèche, public or private school, community hall, religious or charitable institution and/or the administration thereof, and includes a HIV/AIDS centre, state or private hospital, clinic or dispensary, whether private or public, use in connection therewith, but does not include:

- (a) a sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases; or
- (b) premises for the detention of mentally disordered persons; or a mental hospital; or
- (c) a reform or rehabilitation centre.

The provision of a dwelling unit may be permitted by the special consent of the Council.

"INFORMAL RESIDENTIAL" means any land located within the jurisdiction of the local authority, where special dwelling units or temporary or permanent buildings are erected and occupied by more than one family and where no formal title has been obtained, but excludes any other use zone defined under Column 1 of Table B, inclusive of 'Undetermined' and 'Agricultural' land; further subject to conditions laid down by Council.

K

"KIOSK" means a building or part of a building or a temporary structure, approved by Council, which will not exceed 100 m² in floor space, including storage, and which can be located within a holiday accommodation, tourist facility, camping and caravan park or truck port development, where prepared meals or foodstuffs are sold to the public.

L

"LAND" Includes land covered by water and any right in or on the land. Any reference to land is restricted to land within the area of jurisdiction of this Town Planning Scheme.

“LAND UNIT” means a portion of land registered or capable of being registered in a deeds registry and may include a servitude right or lease.

“LIGHT INDUSTRIAL” The use of land or a building designed or used for such purposes as distribution centres, wholesale trade, storage, computer centres, warehouses, cartage and transport services and laboratories and may also include offices such as are usually ancillary to or reasonably necessary in connection with the main use. The provision of a dwelling unit and the sale of goods manufactured and produced on site or which are related to the main use may be permitted by the special consent of the Council.

“LOCAL AUTHORITY” The Town Council of Mariental and includes the Management Committee of that Council, or any official who is in the service of the Council and acting by virtue of any authority conferred on him by the Council in connection with this Town Planning Scheme and which was delegated to him in terms of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.

“LOCAL AUTHORITY PURPOSES / USE” refers to those purposes that the Council can and should give effect to in terms of Local Authorities Act, 1992 (Act 23 of 1992), as amended, or any other legislation, which empowers the Council to act, and includes structures and land required to provide municipal services or the provision of market or SME structures, sewerage works, waste sites etc.

“LOCAL BUSINESS” means the use of land or building primarily for small scale retail buying or selling of goods, groceries, everyday items and may include offices or dwelling units but shall not include the office of a veterinarian, the manufacturing, repairing or assembly of goods, funeral parlours or any place of entertainment or a gambling house.

“LODGE” means an establishment other than tented lodges which is located in a rural area or other area within a natural environment where recreation facilities are offered and comprise of at least 5 bedrooms for accommodation of guests and has a dining room or restaurant for the serving of meals to guest and must comply with the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

M

“MAIN BUILDING” The building erected on the site for the specific purpose for which the erf has been zoned on the map.

“MAP” A Scheme Map as mentioned in Regulation 4 of the Town Planning Regulations, 1974, as amended by any approved amendment scheme.

“MATERIAL DATE” see Date of Proclamation.

“MAXIMUM FLOOR AREA RATIO” See Bulk Factor.

“METRE” Is the standard international metre.

“MINIMUM BUILDING VALUE” unless otherwise so stated by Council the minimum building value will be in line with Clause 33 of this scheme.

“MINIMUM ERF SIZE” refers to an area indicated on the Density Map designating a portion of land for the purpose of indicating the restrictions imposed by this scheme on the erection of residential buildings and the use of land in terms of restrictions relating to density as per Table E. The minimum erf sizes for other land uses are regulated by the Control Measures under Part IV of this scheme.

“MINING” means an enterprise, which practices the extraction of raw materials, whether by means of surface, or underground methods, and includes the removal of stone, sand, clay, kaolin, ores, minerals, semi or precious stones.

“MINISTER” The Minister of Urban and Rural Development

“MOTOR VEHICLE” Any vehicle designed or intended for propulsion by other than human or animal power and includes a motorcycle and a trailer or caravan but does not include a vehicle moving exclusively on rails.

N

“NATURAL GROUND LEVEL” means a level halfway between the highest and lowest point of the natural land unit.

“NATURE RESERVE” means a national park, or some other nature park or conservancy, which consists of an area, utilized as a game park or reserve for fauna and flora in their natural habitat and can include holiday accommodation and a tourist facility with the special consent of the Council further provided that the minimum property size of a Nature Reserve shall be 1 hectare.

“NOXIOUS INDUSTRY” means a building designed and/or used for the purpose of carrying on any noxious or offensive trade occupation and, without prejudice to the generality of the foregoing, includes the following: chemical works, paint works, breweries and distilleries, sugar mills and sugar refineries, manure-, superphosphate- or fertilizer works, or premises used for the storing or mixing of manure, superphosphate or fertilizers, or the premises for the storing, drying, preserving or other treatments of bones, horns or hoofs, or premises used for the storing, sorting or treatment of hides and skins, other than in a dry and inoffensive condition, abattoirs, glue or size factories, entrails scraping and tripe boiling works, soap candle works, fat dripping work and any other similar works where meat, bones, blood, offal or other animal organic matter is handled or processed, wool scouring or wool washing works, rock lobster or fish processing works, fish picking or rock lobster and fish canning trades, premises or trades used for the storing handling and processing of material originating from fish, whales and seals, paper-mills or paper factories, charcoal manufacturing plant, wattle bark grinding or extract factories, destructors, depositing sites or other sites for the disposal processing of domestic refuse, trade refuse, street refuse, sewage or night-soil, lead melting works, oil refineries and other trades in connection with processing of by-products or petroleum refining, paint and varnish works, quarries, asbestos-, cement-, bricks- and lime-works, metallurgical works, reduction and repossessing works or any other works or trade which the Competent



Authority may declare as such by notice in the Government Gazette: Provided that upon production of a certificate by the Medical Officer of Health, in consultation with the Inspector of Factories, that the process to be used in the conduct of any of the said industries or factories listed above will eliminate nuisance or danger to health in neighbouring premises arising from:

- (a) vapour of effluvia
- (b) liquid waste matter discharging from the premises, and if land treatment of such matters is proposed, the natural slope and area of the land and its position in relation to buildings used for human habitation, streams or water courses;
- (c) solid waste matters;

Provided that any activity as listed by the Environmental Management Act (Act 7 of 2007) and its regulations should first obtain environmental clearance from the Ministry of Environment and Tourism before the activity may commence. **Further provided that:** the Council may consent to the erection and use of buildings for such industries in accordance with Table B, Zone J in the "Industrial" zone provided that the Occupational Health and Safety regulations are adhered to (i.e. noise, pollution, safety etc.)

O

"OCCUPANT" In relation to any building, structure or land, means and includes: any person occupying such building, structure or land legally entitled to occupy it, and includes any person having the charge or management thereof, or the agent of any person absent from the area or whose whereabouts are unknown.

"OFFICES" A building, room or suite of rooms used for administrative work and planning and may include a place for related subordinate draughting work, clerical or professional purposes and may include a post office, magistrate's office, a bank, a building society and an insurance society, medical consulting rooms, dentistry.

"OLD AGE HOME" means group housing in a residential complex catering for the welfare and housing of the elderly and includes the health care and recreational facilities normally associated with caring for the elderly.

"ORDINANCE" The Town Planning Ordinance, 1954 (Ordinance 18 of 1954) with any amendments thereof and including the regulations and schedules framed there under.

"OUTBUILDING": see definition of dwelling unit.

"OWNER" The person registered in the Deeds Registry as the owner of the land or holder of a registered servitude right or lease, or any other successor in title, and includes the liquidator of a company or a legal representative acting with the authority conferred upon him by law.

"OWNER CONSENT" means a consent given by Council in terms of Table B, Column 5, of this scheme, to the applicant and /or owner of a property, for the use of that property or part of it for a specific purpose: provided that when the said applicant or owner sells the property, move away or cease to perform the use allowed in terms of the Council consent, the consent will not be transferable to the next owner or occupant

of the specific property and therefore cease to exist with immediate effect; furthermore will such a consent to owner not be regarded as a land use right, but as an owner use right. Council must review this consent on demand or by complaint from the neighbour(s). Such consent must comply with Clause 7.

P

“PANEL BEATING” See “Noxious Industry”.

“PARASTATAL ORGANISATIONS” mean any organization instituted by law of the government, the purpose of which is to provide a service to the public, and can include transport and communication services, electricity and water supply authorities and other similar parastatal organisations, who will furthermore be obliged to submit building plans to the Council, for any new development or extensions to these services.

“PARKING GARAGE OR PARKING BAY” means a building or any land designed of adapted to be used for the purpose of parking, but does not include a building, any part of which is designed or adapted for use as a workshop for repair of motor.

“PERMANENT TENTED CAMPS AND TENTED LODGES” means an accommodation establishment which is located in a rural area or other area within a natural environment. It provides accommodation in permanent tents or other structures with walls of canvas or wood, reeds, grass or other natural material, and may include, in combination therewith, accommodation facilities in the form of camping sites or caravan pitches and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

“PLACE OF AMUSEMENT” means any building or land where persons congregate for amusement or for social, recreational or sporting purposes and where an admission fee is generally levied and includes a night club and restaurant where entertainment is provided.

“PLACE OF INSTRUCTION”: A crèche school, college, technical institute, academic lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally handicapped children.

“PLACE OF WORSHIP” A church, synagogue, chapel, or other place of public devotion, and includes any building incidental thereto but excludes funeral parlours, a cemetery or a crematorium, together with any chapel forming part thereof.

“PLACE OF ASSEMBLY” means any building or land where persons congregate for amusement for social, recreational or sporting purposes and includes:

- (a) a public hall, social hall, theatre, cinema, music hall, concert hall, dance hall, exhibition hall;
- (b) a sport ground or amusement park, a billiard saloon sport arena or skating rink or similar amenities open to the public;
- (c) a non-residential club and

- (d) any other place or assembly whether used for purposes of gain or not, which does not fall within the scope of the definitions of Place of Worship, place of instruction, or institutional building.

“PRIMARY USE” means the purposes for which land may be used and buildings may be erected and used for, in accordance with Table B of this scheme and with the consent of the Council.

“PRIVATE OPEN SPACE” Any land reserved in terms of this scheme for use as private grounds for the pursuit of sport, games, rest and recreation or as an ornamental garden or recreational resort to which the general public has no right of access and can include a kiosk.

“PUBLIC GARAGE/SERVICE STATION” means a business or concern where motor vehicles or motor cycles are provided with fuel for payment and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhauling of motor vehicles or motor cycles, a car wash facility, a restaurant or café, but excludes, spray painting, panel beating, black smithery or body work.

“PUBLIC OPEN SPACE” means any land used or reserved in this scheme for use by the public as an open space, park, garden, playground, recreation ground or square and may, in agreement with Council, be subject to long term lease and maintenance agreements, inclusive of access control, further provided that the use and development of Public Open Space be subject to the provisions of the Local Authorities Act 1992 (Act 23 of 1992).

R

“REAR BOUNDARY” of site or erf means every boundary thereof (other than a street or side boundary), which does not intersect with a street boundary or does not border on an open space, provided that in the case of panhandle erven, Council shall determine which boundary is the rear boundary.

“REGULATIONS” The regulations promulgated by the Minister in terms of Section 49 of the Ordinance (18/1954), as amended.

“RESIDENT OCCUPATION” means the practising of an occupation, a professional practice or trade from a residential premise, with consent of Council as per Clause 7 and with regards to specifications of Clause 6.6 of this Scheme, by a person in his/her home of which the dominant use of the dwelling will remain residential of nature.

“RESIDENTIAL BUILDING” A building (other than a dwelling unit, block of flats or licensed hotel) used for human habitation, together with such outbuildings as are ordinarily used in connection therewith and includes tenements, residential clubs, and hostels, but does not include any building mentioned whether by way of inclusion in the definitions of “Place of instruction” and “Institutional building”

“RESIDENTIAL ESTATE” means lands under private ownership managed by a home owners association and includes a Wildlife Estate, Residential Estate, Equestrian Estate and Golf Estate and Retirement Village, with a density restriction for each estate

as also prescribed under Table E and can, with special consent of Council include a Resort. Further provided that:

- a) Nature Estate means nature estate as defined above of which the primary lifestyle theme is related to the conservation and utilisation of the natural environment and may include activities based on and land uses incidental to the primary theme, with a density of 1 unit per 3 ha.
- b) Equestrian Estate means a nature estate as defined above of which the primary lifestyle theme is related to the keeping and riding of horses and may include activities and land uses based on and land uses incidental to the primary theme, with a density of 1 unit per 5 ha.
- c) Golf Estate means a nature estate as defined above of which the primary lifestyle theme is related to the playing of golf and may include activities and land uses incidental to the primary theme, with a density of 1 unit per 3 ha.
- d) Wildlife Estate means a nature estate as defined above of which the primary lifestyle theme is related to wildlife and may include activities and land uses incidental to the primary theme, with a density of 1 unit per 10 ha.
- e) Retirement Village means a residential estate as defined above of which the primary lifestyle theme is related to the housing of the elderly and may include activities and land uses incidental to the primary theme, with a density of 1:600m² and a minimum erf size of 1 ha.

“RESORT” means an establishment that offers tourism incorporating accommodation, food and beverage services and recreational facilities, and is located in a rural area or other area within a natural environment. Such an establishment can comprise of a combination of at least three classes of accommodation establishments, at least one of which must meet the requirements prescribed for a hotel, a hotel pension, a lodge or tented lodge, as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

“RESTAURANT” means any building or premises on which hot or cold meals on seated accommodation are provided to the public during the course of the day or evening, or in the case of a rest camp, caravan park, accommodation establishment, are provided to guests when lodging overnight at such undertakings.

“REST CAMP” provides accommodation to guests primarily in rooms, rondavels, bungalows or other accommodation units, and may include in combination therewith, accommodation facilities in the form of camping sites or caravan pitches and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

“RETAIL TRADE” The sale of goods or merchandise in relative small quantities to the public and includes trade other than the “Wholesale Trade”, as defined in this scheme.

“ROAD”: See “Street”.

“RURAL RESIDENTIAL” means a dwelling unit erected on an area of agricultural land, where a minimum residential density of 1 unit per 1 ha will apply, where the owner or

occupant may conduct small scale agriculture and may include such outbuildings and ancillary buildings as are ordinarily used for such small scale agriculture, and can, with special consent of Council include a Resort.

S

“SCHEME” means Amendment Scheme of the Mariental Town Planning Scheme adopted by the Council in terms of Section 16 of Ordinance No. 18 of 1954, and as amended from time to time.

“SCRAP YARD” Any land or building which is used for the stacking and storage of used cars or car parts, parts of used machinery, scrap metals, used pipes or other similar used goods, the storage or stacking of used building materials or for the packing, storage or preparation for re-sale or re-cycling of any used material.

“SELF CATERING ACCOMMODATION ESTABLISHMENT” means accommodation that is provided on a self-catering basis in an accommodation unit being a house, flat, chalet or other residential unit and meets the requirements as stipulated in the Namibian Tourism Board Act, 2000 (Act 21 of 2000), as amended.

“SERVICE INDUSTRY” The use of land or a building which in the opinion of the Council is a small-scale industry incidental to the needs of the local community and the retail trade and which in the opinion of the Council will not interfere with the amenities of the surrounding properties or be of nuisance value by virtue of noise, appearance, smell or activities or for any other reason whatsoever but excludes a public garage, abattoir, service station, sewerage works, a resort or accommodation for the public. This use also provides for one dwelling and can include staff accommodation with Council approval, further provided that it:

- (a) is primarily geared towards service to the local community and the retail trade;
- (b) may have a staff of maximum fifteen (15) persons;
- (c) includes, as a guideline, one of the following related trades namely dry cleaner; launderette; upholstery; plumber; electrical reparations; medical and dental laboratory; installation of tyres, number plates, name plates, exhaust systems, tow bars and other vehicle appliances; photographic studio for the printing and development of photos; confectioner and catering service.

“SERVICE STATION” A building or part of a building used or designed or adapted for the sale of petrol, oil and other fuels and lubricants and accessories used in connection with motor vehicles, a car wash and includes an office and storeroom for use in connection therewith, together with facilities for other qualified artisans, a kiosk and restaurant with rest rooms for both sexes, but does not include spray painting, panel beating, body works, etc.

“SHEBEEN” means a tavern or bar operated with consent from Council, as per Clause 7, and which has been licensed in accordance with the provisions of the Liquor Act (No 6 of 1998, as amended) on a residential property, the license holder residing on the

same property. This consent does not include an accommodation establishment, restaurant or club or any enterprise or undertaking referred to in Section 7(1) of the Liquor Act of 1998. Refer to Clause 6.7 for conditions on Shebeens.

“SHOP” A building in or from which goods are sold by retail or displayed for sale to the public and includes a hair-dresser or tailor or depot for the reception of goods to be washed, cleaned, altered or repaired, as well as a service industry which is incidental or ancillary to the primary retail function, but does not include a noxious industry, service station, public garage, warehouse, residential building, bottle store or licensed hotel.

“SIDE BOUNDARY” of a site or erf means a boundary other than a street boundary or a rear boundary and intersects with at least one street boundary.

“SIDE WALK” means that portion of the road reserve adjoining the street boundary of an erf that is not usually used for vehicular traffic, but is designed for pedestrian use.

“SITE AREA” means the surveyed area of the erf, which includes any prescribed line or resurveyed area of an erf, but does not include that portion of the erf –

- (a) on which the public have encroached by using that portion as a street or portion of a street in which according to Council should continue to be used as a street or portion of a street;
- (b) which is reserved as a street in terms of any other law; or
- (c) which has been expropriated in terms of any other law.

“SMALL-SCALE AGRICULTURE” means any agriculture which is practiced on a small scale on a small area of land and includes such buildings which are necessary for small scale agriculture such as keeping of livestock on a subsistence basis; growing of small scale subsistence crop cultivation; bee-keeping; growing of fruit orchards, prickly pears and olive trees.

“SME” means any land, building or structure used as a Small Medium Enterprise as defined by Government policy on Small and Medium Enterprises, named “Namibia: Policy and Programmes on Small Business Development” published in 1997, and can, with Council approval, include an informal market.

“SOCIAL HALL” The use of land or a building designed for use as or used for social assemblies, gatherings, meetings and recreational purposes.

“SPECIAL CONSENT” The Council’s written consent with regards to an application made in terms of Clause 6 (Table C) and requiring the procedure laid down in Clause 7 of this scheme.

“SPECIAL DWELLING UNIT” means a structure, located within the “Informal Residential” zone, built from whatever materials, which does not comply with the standards for durability as prescribed by the Municipal Building Regulations, but which could be provided with water, sewerage and electricity services and which is designed for the accommodation of one or more families and may include group saving housing schemes, e.g. Shack Dwellers Federation.

“SPECIAL USE” means a use which is of such nature, or in respect of which the land use restrictions are such, that it cannot be included in any other zone in these regulations, and in respect of which the land use parameters are stipulated in detail by means of conditions of approval or by means of conditions applicable to the special zone, and where each special zone should be separately numbered within Table C and indicated on the Scheme Map and includes a conservation use, a mental hospital, an institution for the physically handicapped, a reformatory or noxious industry and may Council require an environmental assessment to be done as part of the conditions of approval.

“STOREY” In relation to the height of buildings as defined in this Scheme, the number of floors, where the ground floor (or storey) is included. A permissible height of three storeys would mean the ground floor and two additional floors above ground floor: Provided that a basement is excluded as a storey when calculating the height of buildings provided further that the maximum height of a storey shall be four (4) metre. Any storey exceeding four (4) metres in height shall be regarded as a pro-rata plurality of storeys.

“STREET” Includes the whole or any portion of any street, road, bridge, subway, avenue, lane, sanitary lane, thoroughfare or the right of way registered in favour of the general public, shown on the general plan of the township, agricultural holding or other division of land, in respect of which the public has a right-of-way by prescription or any other means and includes a road reserve and private road and subject to the regulations of the Road Traffic and Transport Act 22 of 1999.

“STREET BOUNDARY” The boundary of an erf or site which forms the boundary of a street, provided that where a portion of an erf or site is reserved in terms of the scheme or any law for use as a new street or street widening, the street boundary is the boundary of such proposed new street or proposed street widening.

“STREET VENDOR” means a person practicing small scale retail trade with Council approval from a designated place on a sidewalk or public open space, and includes a person who trades in the street from a stall, caravan, trailer or motor vehicle.

“SUBDIVIDE” means to divide by means of a survey for registration of title or of a survey for registration of a lease as per the Township and Division of Land Ordinance 11 of 1963.

T

“TOURISM” means the provision of recreational activities and includes the business of providing services for people on holiday, but excluding a restaurant, casino, gambling house or hotel.

“TOURIST FACILITY” means any building or land which is used for recreational activities and includes the business of providing services for people on holiday, amenities for tourists such as lecture rooms, restaurants, gift shops and restrooms permitted by Council as a consent use, but does not include accommodation establishments.

“TOWNHOUSE” Two or more residential units with a maximum height of two (2) storeys which form part of a townhouse scheme, designed and built as a harmonious architectural entity, of which every dwelling unit has a ground floor.

“TRUCK PORT” A truck port which will mainly be used by heavy vehicles, must provide amongst others the following facilities safe and secure parking areas for heavy vehicles, toilet and ablution blocks, food preparation areas (fire places) for the drivers, public telephone facilities, overnight facilities, workshop for light maintenance work on heavy vehicles, a fuel point, a wash bay for heavy vehicles and a refreshment kiosk.

U

“UNAUTHORISED USE OR UNAUTHORISED BUILDING” The use of any land or building or the erection of a building which is contrary to the provisions of Ordinance 18 of 1954, as amended, or the provisions of this scheme.

“UNDETERMINED USE” means land reserved for future urban development, further provided that any consent, inclusive of uses by Council and the Competent Authority, on an erf shall be subject to the regulations of Clause 7 of this scheme.

W

“WAREHOUSE” A building for the storage and distribution of goods and may include the transaction of wholesale business related to such goods.

“WHOLESALE TRADE” Trade which is restricted to the sale of goods or produce to retailers.

“WORKSHOP” means a site or a building where manual or mechanical work, farming related works (such as repairing of machines, pumps, windmills), or handicrafts are done and can include uses such as spray painting, panel beating, tyre repairs etc.

Z

“ZONE” when used as a noun, means a set of provisions which, in the first place stipulates the purpose for which land can be used and in the second place the land use restrictions applicable to the specific land use or to the use of buildings; and the terms "Density zone", "Use zone" and "Floor Area Ratio zone" mean zones indicating restrictions applicable to density, use and Bulk (Floor Area Ratio) factor of buildings respectively.

“ZONING MAP” means the maps forming part of this scheme which reflect the "Primary Use" allocated to each land unit falling within the jurisdiction of this Town Planning Scheme.



PART II

CLAUSE 2: AREA AND PURPOSE OF SCHEME

“Area of Scheme”: The area to which the Town Planning Scheme is applicable is the area as indicated on the Scheme Map.

“Purpose of Scheme”: The general purpose of the scheme is to create an environment to better the socio-economic standard of residents and promote the co-ordinated and harmonious development of the area of Mariental including where necessary the redevelopment of any part thereof which has already been subdivided and built upon, in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare as well as efficiency and economy and conservation of the existing character of the town, in the process of such development.

“Existing Approvals”: Notwithstanding the provisions of this scheme, all approvals with regards to land use rights and land use restrictions or departures thereof, which have been imposed in terms of any applicable legislation, are considered to be in force, in so far as it is more restrictive as the provisions of this scheme.

CLAUSE 3: CONFLICT OF LAWS AND EVASION OF THE PURPOSE OF THE SCHEME

1. Nothing in the scheme or in terms thereof shall be deemed to detract from any rights the Council possesses by virtue of any servitude, contract or agreement.
2. Except where the contrary is specifically stated in the scheme, nothing in any provision of the scheme shall be deemed to override or absolve compliance with any other provisions of the scheme.
3. The Council shall not consent to anything, which in its opinion constitutes or facilitates an evasion of the intent and purpose of the scheme or of any of its provisions.
- (4) No approval in terms of this scheme shall constitute a warranty of any kind that the building to be erected or land involved will withstand or not be affected by floods or not be damaged as a result of floods.

CLAUSE 4: RESERVATION OF LAND

1. The several pieces of land specified in Column (1) of Table "A" are reserved for the respective purpose indicated in Column (2) of the Table "A" and except as hereinafter provided, shall not be used for any other purpose whatsoever.

TABLE "A": Reserved Land

	1	2
	MAP REFERENCE	USE FOR WHICH LAND IS RESERVED
a.	Red fill	New streets, proposed street widening
b.	Red hatch (45° left)	Street closures
c.	Pink fill	Government
d.	Brown fill	Local Authority
e.	White (Not coloured in)	Existing streets
f.	Dark blue fill	Educational purposes
g.	Purple broken line	Fish River Conservation Area

2. (a) Save with the special consent of the Council no person shall erect a building or execute works or make excavations on land reserved under Clause 4.1 hereof other than buildings, works, or excavations required for or incidental to the purpose for which the land is reserved, provided that nothing therein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's Regulations.
- (b) Save as provided in sub-clause 2(a) above no person shall spoil or waste the surface of land reserved in terms of Clause 4.1 hereof so as to destroy or impair its use for the purpose for which it is reserved: Provided that the Council may consent to the deposit on such land of waste materials or refuse.
- (c) Land reserved in terms of Clause 4.1 may continue to be used for the purposes for which it was used on the date of proclamation until such time as the Council has in terms of the Ordinance or any legislation required the owner to use or set aside such land for the purpose for which it is reserved or until the land has been transferred to the Council or to the authority for whose purpose it has been reserved.
- (d) Subject to the provisions of any other law, nothing in this Clause shall be construed as prohibiting the reasonable fencing of the land.
- (e) Any building erected on land reserved under Column (2) of Table "A" shall comply in all respects with the provision of the scheme relating to that type of building.
- (f) Where any piece of land which was previously a street or public space vested in or owned by the Council is closed and transferred to an abutting owner by means of consolidation, such piece of land shall be deemed to fall into the same use zone and sub-zone as those into which the abutting land owned by such owner falls. Provided that compliance has been met in terms of the closure of a street or public place in terms of the Local

Authorities Act, 1992 (Act 23 of 1992), as amended. Further provided that in such case it is not necessary to apply for rezoning in terms of Clause 7 of this scheme.

- (g) In giving its consent under this clause the Council may impose such conditions as it deems fit.
3. The new streets specified in Table A shall not be deemed to be public streets until they or any portion of them fall within any township which may be established on the land traversed by such streets, or they are proclaimed as public roads, or become vested in the Council for the purpose under any law.
 4. Where the Council has acquired, either by agreement or expropriation, any such land (together with buildings, structures or any erections thereon) reserved under Clause 4 hereof, it may execute thereon such works as in the opinion of the Council may be required for, or be incidental to, the purpose for which the land is reserved, or for municipal purposes.
 5. Where any land is reserved for a new street or a street widening in terms of Clause 4 of this scheme, the building line shall be determined as if such street or street widening was in fact an existing street.
 6. Except with the consent of the Council, people may only be buried in an area reserved as a Cemetery.

PART III

CLAUSE 5: ERECTION AND USE OF BUILDINGS AND USE OF LAND

1. The purposes for which land may be used and buildings may be erected or used for are shown in Column 3 (Primary Use) of Table B. Column 4 (Consent Use) shows what land may be used or buildings may be erected and/or used with the special consent of the Council only in each of the zones specified in Table "B". Column 5 shows consent uses a property owner may obtain and is only related to the owner of the property and not the land itself. Any use not reflected in Columns (3) and (4) may not be permitted in the relative zone.

No land may be used for a purpose for which a building may not be erected or used on such land, provided that where a building may be erected and used for a particular purpose on land with the special consent of the Council, such land may be used for such purpose with such special consent.

2. No approval in terms of this scheme shall constitute a warranty of any kind that the building to be erected or land involved will withstand or not be affected by floods or not be damaged as a result of floods.

Table B: Land Use Table

	1	2	3	4	5
	ZONE	MAP REFERENC E	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
A	Informal Residential	Light orange hatch (45° left)	Special dwelling unit, Dwelling unit	Shop, Place of assembly, Place of Worship, Day care centre.	Shebeen, Resident Occupation, Home Based Shop.
B	Residential	Yellow fill	Dwelling unit/s (see Table E),	Place of Worship, Bed and Breakfast, Guest House, Day Care Centre, Backpackers Hotel.	Resident Occupation, Shebeen, Home Based Shop.
C	General Residential	Orange fill	Dwelling unit/s (see Table E), Block of Flats, Duplex Flats, Town Houses, Residential Buildings, Backpackers Hotel,	Place of Instruction, Place of Worship, Institutional Buildings, Day Care Centre, Self-Catering Accommodation Establishment , Hotel	Resident occupation, Home Based Shop.

1	2	3	4	5	
ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)	
		Bed and Breakfast, Guest House, Hotel Pension, Old Age Home.			
D	Rural Residential	black hatch (45° left) with yellow fill	Dwelling unit, Small Scale Agriculture.	Farm stall, Kiosk, Nursery, Holiday Accommodation, Workshop, Resort, Lodge, Guest Farm, Permanent Tented Camp and Lodges	Home Based Shop, Resident occupation.
E	Residential Estate	Green hatch (45° right)	Residential Estate (Residential, Equestrian Golf and Wildlife Estates) and Retirement Village.	Nature Reserve, Resort.	None
F	Office	Light blue fill	Offices	Dwelling unit, Flat, Place of Worship, Place of Instruction, Day Care Centre, Restaurant, Hotel Pension, Guest House, Funeral Parlour and Chapel, Tourist Facility, Driving School.	None
G	Local Business	Blue hatch (45° left)	Shops, Office, Driving School.	Business Buildings, Drive-in Cafés, Block of Flats, Residential Buildings, Dwelling Unit/s or flats on first floor.	Resident Occupation, Home Based Shop.
H	Business	Blue fill	Shops, Offices, Business Buildings, Drive-in Cafés, Hotels, Hotel Pension, Driving School, Bottle Store, Backpackers Hotel.	Public Garages, Service Station, Service Industries, Launderettes and Dry Cleaners and Launderettes, Place of Assembly, Place of Amusement, Place of Instruction, Place of Worship, Institutional Buildings, Funeral Parlours and Chapels, Parking	None

	1	2	3	4	5
	ZONE	MAP REFERENC E	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
				Garage, Gambling House, Casino, Hospices, Warehouses, Block of Flats, Residential Buildings, Car wash	
I	Light Industrial	Purple hatch (45° left)	Light Industry, Service Industry, Warehouses, Car wash, Public Garage, SME, Service Stations, Dry Cleaner, Launderette, Driving School.	Place of Assembly, Public Garage, Funeral Parlour, Place of Instruction, Shop, Business Building, Gambling House, Place of Amusement.	None
J	Industrial	Purple fill	Industrial Buildings, Car Wash, Service Stations, Scrap Yard, Warehouses, Public Garage, SME, Dry Cleaner, Launderette, Driving School.	Business Buildings, Place of Instruction, Panel Beating, Noxious Industry, Place of Assembly, Gambling House.	None
K	Institutional	Dark brown shape fill	Institutional Building, Place of Instruction, Place of Worship.	Place of Assembly, Dwelling unit.	None
L	Parastatal	Grey fill	Parastatal, Offices	SME	None
M	Undetermined	Beige	None	Any other use which is not otherwise defined in this scheme and which the Council may permit	None
N	Agricultural	Light Green fill	Agricultural Building, Dwelling Unit	Second dwelling, Tourist Facility, Farm Stall, Guest Farm, Lodge, Resort, Permanent Tented Camps and Tented Lodges, Rural Residence, Driving School, Aquaculture, Agricultural Industry, Service Industry, Feedlot.	Resident Occupation, Home Based Shop.

	1	2	3	4	5
	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
O	Nature Reserve	Light green fill with dark green cross hatch	Nature Reserve	Dwelling Unit, Tourist Facility, Private Open Space, Waterfront, Retirement village, Old Age Home, Lodges, Holiday Accommodation/ Housing	None
P	Private Open Space	Dark green hatch (45° right)	Private open space, Restaurant, Ornamental Gardens, Recreational Resort.	Place of Assembly, Camp Site, Tourist Facility, Kiosk, Camping and Caravan Park.	None
Q	Special	Black hatch (45° left)	Special use (See Table C)	Any use specified by Council (See Table C)	None
R	Hospitality	Blue cross hatch	Hotel, Guest Farm, Lodge, Resort, Permanent Tented camps and Tented Lodges, Dwelling Unit, Camping and Caravan Park, Rest Camp, Camp Site, Holiday Housing, Holiday Accommodation, Self-catering Accommodation Establishment	Tourist Facility, Convention Centre	None
S	Public Open Space	Dark Green Fill	Public Open Space; Park; Garden; Playground; Recreation Ground and Public Square	Portable toilet	None
T	Cemetery	Black hatch (crosses)	Cemetery	Crematorium; Place of Worship; funeral parlour	None

3. Subject to the provision of Clause 7 hereof where any application is made to the Council for its consent to use land or the erection and use of a building in a zone in which a use of the kind proposed may be exercised only with the Council's special consent, the Council may give or withhold its consent and shall in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building or use of land. In considering such applications

regard shall be given to the question **whether existing services can accommodate the proposed use and whether the use of the land or the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood** for instance in the case of an industrial building, injury due to the emission of smoke or fumes or dust, noise or smell.

4. Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's Regulations.
5. (i) Any existing consent use, which has not been exercised on any land or buildings, which is in conflict with the provisions of these regulations lapsed on the material date.
- (ii) The continued use of any land or building, which is in conflict with the conditions of the Town Planning Scheme shall, subject to the conditions in sub-clause (iii), lapse without the payment of compensation upon the termination of a period of fifteen (15) years from the date of proclamation of the scheme in terms of Section 26(2) of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.
- (iii) The Council may, after receiving a written application from the owner, before the expiry of the period mentioned in sub-clause (ii) above, consider that extension for a further period or periods of five (5) years with a maximum of fifteen (15) years: Provided that after the expiry of the period mentioned in sub-clause (ii) above, the Council may issue a written notice requesting the owner/occupier of the land or building to bring the use into compliance with the Town Planning Scheme without compensation.
- (iv) An applicant who is aggrieved by the Council's decision has the right to appeal to the Minister
6. The special consent granted by the Council for the use of land or erection of a building, shall lapse if such use or erections are not proceeded with within a period of **one** year from the date of the Council's special consent: Provided that in the case of the erection of a building being delayed as a result of any Government policy or legislation in respect of building control, the consent use shall not lapse and the Council may then extend the term at will.
7. A building, the use of which is in conflict with the provisions of the scheme, may be expanded with the permission of the Council, provided that any rebuilding of or addition to a building shall further be in accordance with the provisions of the scheme for that type of building.
8. Where an erf is subdivided and consolidated with an adjacent erf with a different zoning, such a consolidation is only permitted subject to the provision of Clause 7 hereof, provided that:
 - (a) The subdivided portion is used for the same purpose than the erf with which the subdivided portion is to be consolidated with.
 - (b) The area of the subdivided portion to be consolidated is less than 20% on the area of the erf with which it is to be consolidated.

- (c) The zoning of the erf to be subdivided allows the use of the erf to which the portion of the subdivided erf is to be consolidated with. It thus means that the consolidation of an erf with an adjoining portion is only permitted if the specific use is permitted in either Columns 3 or 4 of Table B.
9. No erf or portion may be subdivided into smaller portions as specified in the Density Map and Table E.



CLAUSE 6: SPECIAL PROVISIONS

6.1 SPECIAL PROVISIONS

1. Without prejudice to any powers of the Council derived from any other law, ordinance or regulation, nothing in this scheme shall be construed as prohibiting or restricting or enabling the Council to prohibit or restrict:
 - (a) The recovery of minerals by underground or surface mining on any land which is not included in a proclaimed township;
 - (b) The letting, subject to the Council's Regulations relating to lodging and boarding-houses, of any part of a dwelling unit otherwise than as a tenement to a maximum of four persons;
 - (c) The occasional use of a Place of Worship, place of instruction or institution or institutional building as a place of assembly;
 - (d) The use, subject to the Council's consent, of a dwelling unit by the occupier for the purposes of carrying on his profession or occupation which does not include the following:
 - (i) the use of the building as a shop or as a building for an industrial undertaking;
 - (i) the display of goods to the public whether in a display window or otherwise displayed;
 - (ii) the display of any advertisement board or sign other than a board which includes the profession of the occupier;
 - (iv) any use detracting from the amenities of the neighbourhood.
 - (e) Notwithstanding the conditions in sub-paragraph (d) (i) to (iv) the Council may permit resident occupations within zones as determined in Table B.

2. No building/s in the "Residential" zone shall be erected so that the number of dwelling units on an erf exceeds the number specified in Table E for the density zone in which the erf is situated.

3. Where an existing dwelling unit has been built in the "Residential" zone and it appears to the Council, with due consideration to the nature of the vicinity, that the dwelling is too extensive for further occupation by a single family only, the Council may consent to the modification of the dwelling unit into not more than two dwelling units, on condition that the consent may not be issued unless:
 - (a) The dwelling unit was erected before the coming into operation of the scheme.
 - (b) Provision can be made on the erf for the parking of at least two (2) motor vehicles for each dwelling unit.

4. The Council may permit any one or more of the following shops or activities *viz to be established*:
 - Hairdressing saloon
 - Bookshop or newsagent
 - Florist
 - Curio shop

- Theatre booking agent
 - Travel agency and motorcar rental service
 - Pharmacy
- (a) in any hotel which has been classified and graded under Ordinance 20 of 1973, as amended, and
- (b) by special consent in any hotel or accommodation establishment other than those referred to in sub-paragraph (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.
5. Notwithstanding any other provisions of this scheme the occupier and/or owner of a dwelling unit, block of flats or residential building may not park on the site of such dwelling unit, block of flats or residential building more than one public vehicle used for business purposes for financial gain: Provided that public vehicles may be parked for the purposes of loading or off-loading goods normally required for attendance to be a dwelling unit, block of flats or residential building.
6. In the “Residential” zone, after the Council has taken into account the character of the neighbourhood and the health requirement, where an existing outbuilding is no longer required for the purpose for which it was designed, the Council may give its consent for the conversion of such outbuilding into one separate unit of accommodation: Provided that the floor area of such unit shall not exceed 60 m².
7. Except where specified elsewhere in the scheme, when a building is to be erected on a site the owner thereof shall construct and maintain, at his own expense and to the satisfaction of the Council, parking spaces on the site as set out in Table F.
8. With the consent of the Council or the Competent Authority a building (with opening windows overlooking the neighbouring property) can be erected on a common border with a Public Open Space.
9. In accordance with Part IV of the Forestry Act, 2001 (Act No. 12 of 2001), no person shall:
- (a) On **any** land within the Town Planning Scheme boundary, **other than a proclaimed erf**, cut, destroy or remove any living tree, bush or shrub without a license; river courses included.
- (b) Clear the vegetation on more than 15 hectare on any piece of land, which is predominantly woody vegetation; or cut or remove more than 500 cubic metres of forest produce from any piece of land in a period of one year without the approval from the Director of Forestry.

6.2 SPECIAL USES

Table C records all “Special” land uses as permitted by Council on land where conditions on land or buildings otherwise not defined within this scheme have been approved by Council. Any request for amendments to the permitted land use on a “Special” zoned

land use shall only be permitted by the Council after Clause 7 of this scheme has been adhered to.

The following erven designated in Column (1) of Table C shall only be used for the purposes as indicated under Column (2). Every use designated under column (2) is subject to the special consent of the Council and the condition they may impose.

TABLE C: Special Uses

1	2
No. on map	Number of erf zoned "Special"
1	Uses permitted with the special consent of the Council
1	Portion 49 of Portion C of Koichas No 89
2	Portion 47 of Portion C of Koichas No 89
3	Remainder of Portion 5 of Keikanachab Ost No 90
4	Remainder of Portion 54 of Koichas No 89
5	Portion 110 of Koichas No 89
6	Portion 100 of Portion 54 of Koichas No 89
7	Portion 55 of Koichas No 89
8	Remainder of Portion 108 of Koichas No 89
9	Portion 6/5/Keikanachab No. 90

6.3 HERITAGE BUILDING

Table D records a "Heritage Building/s" which in the opinion of the Council is worth preserving in whole or in part; or a building, structure or place which has been recorded as a national monument by the National Heritage Council of Namibia. Any amendments to the exterior façade or the building, place or monument as recorded under Table D may only be undertaken with written approval from the National Heritage Council of Namibia and with special consent of Council.

TABLE D: List of Heritage Buildings

1	2	3	4
Erf	Street	Type	Present Use
R/133 Mariental	Van Rensburg	NG Kerk	Church
675 Aimablaagte		Lutheran Church	Church

6.4 MINIMUM ERF SIZES

Table E records the restrictive residential densities included in this scheme on erven zoned under the use zone as defined by Table E in terms of the minimum erf size permitted or the number of dwelling units that may be permitted by Council on any of the erven, further provided that the development of more than one dwelling unit must comply with Clause 7. Any request for amendments to the residential density on any piece of land as indicated on the Residential Density Map shall only be permitted by Council after Clause 7 of this scheme has been adhered to.

The erven designated in Column (1) of Table E and further indicated on the residential Density Map of this scheme shall only be used for the residential density as indicated under Column (2). Every use designated under column (3) is further subject to the specific restrictions of the use zone, further provided that:

- (a) No consolidation or subdivision of land shall be made without the consent of the Council and the Competent Authority if the Density Zoning does not permit the subdivision of erven (into erven smaller than the allocated density) or if the density of the erven to be consolidated is not the same.
- (b) Not more than one dwelling unit or residential building may be erected on erf zoned other than "General Residential" or "General Business" without the consent of the Council.

TABLE E: Density Zoning

1	2	3
DENSITY ZONE	DENSITY	USE ZONE
1:100	One dwelling unit per 100m ²	Informal Residential & General Residential
1:150	One dwelling unit per 150m ²	Informal Residential & General Residential
1:250	One dwelling unit per 250m ²	Informal Residential & General Residential
1:300	One dwelling unit per 300m ²	Informal Residential, Residential & General Residential
1:500	One dwelling unit per 500m ²	Residential & General Residential
1:600	One dwelling unit per 600m ²	Residential & General Residential
1:750	One dwelling unit per 750m ²	Residential & General Residential
1:900	One dwelling unit per 900m ²	Residential & General Residential
1:1000	One dwelling per 1000 m ²	Residential
1 per erf	One dwelling unit per erf	Residential & General Residential
1:1 ha	One dwelling unit per 1 ha	Rural Residential & Nature Estate
1:3 ha	One dwelling unit per 3 ha	Residential Estate & Golf Estate
1:5 ha	One dwelling unit per 5 ha	Equestrian Estate
1:10 ha	One dwelling unit per 10 ha	Wildlife Estate

6.5 MINIMUM PARKING REQUIREMENTS

Table F records the minimum number of parking spaces to be provided. The parking requirements are further subjected to Clause 8 (Control Measures) of this scheme.

TABLE F: Parking Requirements

USE	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED
All uses not listed below	As determined by Council
Dwelling Unit	2 bays per unit plus 1 guest parking bay per 3 units
Additional Dwelling Unit	1 bay/dwelling
Block of flats/ townhouses/ retirement	1.75 bays per dwelling unit plus 0.25 bays per dwelling unit for visitors
Place of Worship	1 bay per 10 seats or 10 members with a minimum of 8 bays
Place of Instruction	1 bay per classroom/office plus 1 bay per 6 students / children
Bed and Breakfast/ Guesthouse	1 bay per room plus 1 guest parking bay per 3 rooms
Day Care Centre / Crèche	1 bay per 6 children plus a stop and drop facility and 1 bay per employee
Other Residential buildings	1 bay per unit plus 5 bays per 10 units for visitors
Hotel and other Accommodation Establishment	1 bay per room plus 1 visitors parking bay per 4 rooms
Offices	1 bay per 50m ² of floor area
Shops/ Business buildings	1 bay per 25 m ² of floor area
Institutional buildings/ Old Age Home	1 bay per bed plus 1 visitor bay per 3 beds plus 1 bay per 3 staff members
Clinic/ Medical consulting rooms	4 bays per consulting room
Service Stations	Minimum of 8 bays plus 1 bay per 35m ²
Hospitality	1 bay per room plus 1 visitors bay per 3 rooms
SME	1 bay per SME unit or wash bay
Restaurant	1 bay per table with a minimum of 10 parking bays
Sport Arena/ Field	1 bay per 8 seats or persons
Funeral Parlour and Chapel	Minimum of 15 bays per chapel
Conference Facility	8 bays per 10 seats
Place of Assembly	1 bay per 4 seats
Workshop or Store room	1 bay per 100m ² of workshop / store room space
Warehouse / Storage	1 bay per 25m ²

Provided that:

- i. The Council may relax or restrict the provisions of this Clause further, if deemed necessary.

- ii. The leasing of parking spaces shall not be deemed to be a business for the purpose of this scheme.
- iii. The access to and the position and dimensions of a parking place shall conform to the requirements of the Council.
- iv. The parking requirements, subject to the specified use zoning, shall be calculated as set out in Column (3) of Table F and the number of parking bays thus obtained shall be rounded off to the nearest integer.
- v. The Council may withhold or withdraw any approval for resident occupations at any erf if parking requirements set are not adhered to.

Notwithstanding the provisions of sub-paragraphs (i) to (v) hereof, the Council may relax the provision of Table F and enter into a written agreement with the owner of the site concerned whereby the owner shall:

- (a) pay an amount to the Council which in the opinion of the Council is sufficient to enable it to provide and maintain the same number of parking spaces within reasonable walking distance from the erf as are required in terms of Table F; or
- (b) transfer a suitable site to the Council and pay an amount to the Council which will in the opinion of the Council be sufficient to enable it to construct and maintain the number of parking spaces required in terms of Table F on the said site; or
- (c) construct and maintain the number of parking spaces required in terms of Table F on any other property, which is considered to be suitable by the Council.

6.6 RESIDENT OCCUPATION

Resident Occupation means the practising of an occupation, a professional practice or trade from a residential premise, with consent of Council in terms of Clause 7, by a person in his/her home of which the dominant use of the dwelling will remain residential of nature, subject to the following:

- a) Comments from the adjacent erf owners and owners across the street must be obtained prior to submission to Council;
- b) A maximum of 30% of available floor area may be used for the 'resident occupation', provided that the area used shall not exceed 70m², except with Council's consent;
- c) A maximum of 2 employees (excluding the owner) may be employed on the premises;
- d) The nature of the activities shall be such that they do not adversely interfere with the amenities of the neighbourhood;
- e) The nature of activities shall be such that they are clearly incidental and secondary to the residential use of the dwelling and therefore not alter the essential nature of the existing use of the erf;
- f) No interference with the amenities of the surrounding properties, or be a nuisance to the area in terms of noise, appearance, smell or activities;
- g) The residential character and appearance of the dwelling and the property on which the resident occupation is to be located shall not be changed in any visible manner;

- h) Only advertisement boards not exceeding 1m² indicating the name and profession or occupation of the resident may be displayed;
- i) Consent can be withdrawn at any time by the Council if valid objections/complaints are received against the resident occupation;
- j) This resident occupation consent shall be an "owner consent" use granted to the owner of the property and will lapse if the property is sold or if valid complaints are received against the use.

6.7 SHEBEENS

Any owner of land wishing to establish a shebeen must apply for:

- a) Consent to operate a shebeen from the Town Council in terms of Clause 7 of this Scheme; and for
- b) Shebeen Liquor License in terms of Section 27 of the Liquor Act to the relevant authority.

Furthermore:

- i. Before applying to the Council for owner's consent the owner of the property must advertise in terms of Clause 7 of this scheme as well as obtain written consent from all neighbours within a 100m radius of the said property.
- ii. Liquor may only be sold to the public for on-site consumption, provided that the operating hours shall not exceed 22:00 hours and commence before 10:00 hours, except when the following day is a Saturday, a Sunday or a public holiday in which cases operating hours may extend until 23:00 hours.
- iii. Normal coverage for residential erven of 50% must not be exceeded and the dominant use of the dwelling house shall remain single dwelling of nature.
- iv. Compliance with the Fourth Schedule as set out in the Liquor Act must be followed.

In evaluation of the application for owner's consent for a shebeen the Council must take into consideration the nature of the business in relation to the existing neighbourhood amenities taking into account the proximity of churches, schools, day care centres, crèches, old age homes and residential areas before allocating such shebeen owner consent.

CLAUSE 7: ADVERTISEMENT AND APPEAL IN CERTAIN CASES

7.1 Council or any person intending to make an application to the Council for its:

- (a) Special consent to the erection and use of a building or to the use of land in Zone (A) to (T) in Table "B", Columns 4 and 5, whether wholly or partially for any purpose requiring the Council's special consent;
- (b) Special consent for relaxation of building lines and height restrictions, with the exception of the "Informal Residential" use zones;
- (c) Special consent to develop more than one dwelling unit on a residential land falling under Table E;

shall before making such application, publish at his own expense once a week for two consecutive weeks in two local newspapers circulating in the area, a notice of his intention to make such application, and shall post and maintain conspicuously for twenty-eight (28) days such notice on some part of the building or land visible to the public, and on the public notice board of the local authority, and shall with such application lodge with the Council proof of such publication and posting. The notice shall state that any person having any objections to the erection and use of the proposed building or to the proposed use of the land may lodge such objection with the Council and also with the applicant in writing within fourteen (14) days after the date of the last advertisement, and shall further state where the plans, if any, may be inspected.

7.2 The Council shall take into consideration all objections received within a period of sixty (60) days and shall notify the applicant and the person from whom the objections were received of the Council's decision.

7.3 Any decision of the Council given in terms of this section shall be by special resolution of the Council, further provided that:

- (a) If an application made in terms of Clause 7 is turned down by the Council an applicant may re-apply for consent use with Council after a period of twelve (12) calendar months has lapsed on condition that the application is re-submitted in totality in terms of Clause 7 of this scheme.
- (b) Any consent use not taken up after a period of twelve (12) calendar months after date of Council approval, the approval is deemed as null-and-void, provided that Council can extend the consent in terms of Clause 5.6.

7.4 Notwithstanding any conditions in sub-clause 7.1 to 7.3 above, the Council may re-advertise any application and recover the cost of such advertisement from the applicant.

7.5 Appeal against Council decision:

- (a) Any objector and/or applicant that feels aggrieved by the decision of the Council, has the right to appeal to the Competent Authority within a period

of thirty (30) days after having been notified in writing of the decision taken by the Councils.

- (b) If the decision is one of which the Council is required to give upon the application of any person or upon the submission by any person of plans or proposals, an appeal shall, in addition, lie against a refusal of the Council to give, or unreasonable delay on its part in giving a decision, as if it were an appeal against a decision of the Council.
- (c) Written notice of an appeal shall be given to the Competent Authority and to Council. If the appeal is against the decision of the Council, the notice shall be given within thirty (30) days from the service of the notice of the Council decision on the appellant.
- (d) The Competent Authority may, on the application of any person desiring to appeal, extend by not more than thirty (30) days the time for making the appeal specified in the last preceding paragraph, whether or not the time specified for making the appeal has expired.

7.6 Building Line and Height Relaxation:

In the case of all applications for relaxation of building lines and height relaxation Council shall take the following into account, further provided that Council may require the building line relaxation in the "Informal Residential" and "Residential" use zones to be advertised in accordance with Clause 7.1.

- (i) The location of the erf concerned in relation to streets and other erven in the immediate vicinity.
- (ii) The shape or size of the erf and the sitting of existing buildings on or in the vicinity of the erf.
- (iii) Whether the written comments of the adjacent and affected property owners has been obtained by the applicant prior to the submission for building line and height relaxation is made with Council, and if any objections are obtained the nature and extent of such objection.
- (iv) The possible acquisition of a portion of the erf by the Council for street improvements.
- (v) Whether the development of a particular property or portion thereof in accordance with the building line requirements of this Clause would be unreasonably difficult or would be less harmonious or uniform with the adjoining properties, than would be the case if the building line is relaxed.
- (vi) No outdoors or windows shall be permitted in any wall of building structures being closer than 1.5 metres to any property boundary and as per Clause 6.1.8 of the scheme.
- (vii) Provision of an access way, other than through a building and at least 1 metre wide, from a street to every vacant portion of the land unit concerned, other than a court yard is made.
- (viii) Building plans indicating the intended encroachment of the building lines, signed by the abutting land owner, shall be submitted prior to consent being granted by Council.

PART IV

CLAUSE 8: CONTROL MEASURES

The following restrictions shall apply in the relative zones:

8.1: INFORMAL RESIDENTIAL

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and use with the special consent of the Council only)	OWNER CONSENT
A	Informal Residential	Light orange hatch (45° left)	Special dwelling unit, Dwelling unit	Shop, Place of Assembly, Place of Worship, Day Care Centre.	Shebeen, Resident Occupation, Home Based Shop.

8.1.1 Land Use Restriction:

- a) **Coverage:** 70%
- b) **Building Height:** No building may exceed two habitable storeys
- c) **Building Lines:**
 - Street boundary: 3 metres parallel to any street boundary
 - Rear boundary: 1.5 metres parallel to any rear boundary
 - Side boundary: 1.5 metres parallel to any side boundary

8.1.2 Building Line Relaxation:

Council shall not consent to the relaxation of the building lines if any building or part thereof exceeds a height of one storey.

8.1.3 Parking:

As determined by Table F

8.1.4 Density Zoning:

As determined by Table E

8.1.5 Minimum Erf Size:

As determined by Table E

8.2: RESIDENTIAL ZONE

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and use with the special consent of the Council only)	Owner consent
B	Residential	Yellow fill	Dwelling unit/s (see Table E),	Place of Worship, Bed and Breakfast, Guest House, Day Care Centre, Backpackers Hotel.	Resident Occupation, Shebeen, Home Based Shop.

8.2.1 Land Use Restriction:**Dwelling Unit:**

- a) **Coverage:** All uses 60%
- b) **Building Height:** No building may exceed 2 storeys

An outbuilding may, with the consent of the Council, be two (2) storeys high provided that the second storey is more than three (3) metres or half the height of the building from any boundary, whichever is the most restrictive.

- c) **Building Lines:**
- | | |
|--|------------|
| Street boundary: | 3 metres |
| Rear boundary: | 1.5 metres |
| Side boundary: | 1.5 metres |
| In case of a garage from any street boundary | 5 metres |

Provided that:

- (i) An outbuilding including a garage may be erected within a distance of 5 metres measured on a rear boundary at right angles from the rear boundary of such erf;
- (ii) In the case of a corner erf an outbuilding (including garages) may be erected within 5 metres from the side boundaries of the erf and for a distance equal to half the particular side boundary measured from the point of intersection of such side boundary and any other boundary, except a street boundary;
- (iii) On a corner erf with three street frontages an outbuilding may be erected within the 5m street building lines of the opposite street; provided that if no solution seems possible to the Council, the Council may, subject to the conditions of paragraph 1(d), approve that garages on one side boundary be erected, subject to the stipulations of paragraph 8.2.1(c)(iv); provided further that a building may only be erected on any such side and/or rear boundary if no windows or doors are incorporated in the walls on such boundary. A garage and/or any other building may further be built with the special consent of the adjacent erf owners and the

Council on a rear or side boundary and also be connected to the main building provided that the building lines on other boundaries are adhered to.

- (iv) No garage entrance or vehicular entry to a property shall be closer than 4 metre from any cadastral street corner of any street boundary so to ensure safety of vehicular movement.
- (d) The Council may relax the requirements of sub-clause (a) and (b) if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the scheme, will result and taking into account:
 - (i) the location of the subdivision or site concerned in relation to streets and other subdivision or sites in the immediate vicinity or
 - (ii) the height of a subdivision or erf on the adjoining land or
 - (iii) the shape or size of the subdivision or site or
 - (iv) the position of existing buildings on or in the vicinity of the subdivision or site or
 - (v) the acquisition of a portion or the subdivision or site by the Council for street improvements.

The development of a particular property or portion thereof in accordance with the building line requirements of this clause would be unreasonably difficult or would be less harmonious or uniform with the adjoining properties, than would be the case if the building line was relaxed.

8.2.2 Building Line Relaxation:

- (a) The Council may relax the requirements of the building lines if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result and taking into account clause 7.6 and complying with Clause 7 of the scheme.
- (b) In the case of erven in Aimablaagte and Empelheim smaller than four hundred square metres (400 m²), the Council may permit a general relaxation of building lines in the "Residential" zone.

8.2.3 Parking:

The parking to be provided will be in accordance with the requirements as set out in Table F further provided that:

- (a) The maximum number of garages are restricted to four (4) with a total floor area of 80 m².
- (b) Further the area of such outbuilding, garages included, may not exceed 35% of the main building and may be erected separately from the main building: Provided that where an outbuilding excluding a garage exceeds 35% of the main building the outbuilding shall form part of the main building.
- (c) The provisions relating to minimum parking for places of public worship in the "General Business" zone shall be applicable in this zone.

8.2.4 Density Zoning:

Density should be in accordance with Table E and the Density Map.

8.3: GENERAL RESIDENTIAL ZONE

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and use with the special consent of the Council only)	Owner consent
C	General Residential	Orange fill	Dwelling unit/s (see Table E), Block of Flats, Duplex Flats, Town Houses, Residential Buildings, Backpackers Hotel, Bed and Breakfast, Guest House, Hotel Pension, Old Age Home.	Place of Instruction, Place of Worship, Institutional Buildings, Day Care Centre, Self-Catering Accommodation Establishment , Hotel	Resident Occupation, Shebeen, Home Based Shop.

Dwelling units, Townhouses, Blocks of flats, Hotels, Residential buildings and Institutional buildings

The restrictions applying to dwelling units, townhouses, blocks of flats, hotels, residential buildings and institutional buildings in this zone are as follows:

8.3.1 Land Use Restriction:

a) Coverage:

Block of Flats:	60%
Hotel:	60%
Residential building, Institutions and Townhouses	60%

Minimum Size Site:

Block of Flats	1500 m ²
Hotel	1500 m ²
Residential building, Institutions and Townhouses	1 000 m ²

Maximum Floor Area Ratio: (sliding scale)

Erf 1500 m ²	Bulk 1.0
Erf 1000 m ²	Bulk 1.0

With regard to Dwelling units, Townhouses and Blocks of flats, the number of dwelling units may not exceed the maximum density as reflected on the Density Map and Table E.

b) Height Control:

- (i) No building in this use zone shall be erected to exceed a height of 3 habitable storeys or 10 metres, whichever is more restrictive.

- (ii) Notwithstanding any provisions applicable to this zone in respect of maximum height, no portion of any building or structure shall extend above or beyond a line drawn at 45° to the horizontal towards the site on which the building is located from any point on the street boundary opposite the street boundary or the building under consideration and such line shall be directed at right angles to the street boundary of the erf under consideration.
- (iii) Where an erf fronts onto streets having varying widths, the height as calculated for the wider of the two streets shall apply for a distance of 15 metres from the corner along the narrower street.

c) Building Lines:

Main roads:	8 metres
Street boundary:	5 metres
Side and Rear boundary:	5 metres or half the height of the building, whichever is the greatest.

8.3.2 Outbuilding:

With the consent of the Council an outbuilding may be erected not nearer than three (3) metres from the side and rear boundary, subject to the condition that no outbuilding will be erected nearer than ten (10) metres from the street boundary. In addition to the area of the outbuildings (excluding garages) such shall not exceed 35% of the area of the main structure and may be erected separate from the main structure.

8.3.3 Building Line Relaxation:

The Council may relax the provisions of building lines, provided they comply with the conditions mentioned in Clause 7.

8.3.4 Parking:

Parking should be provided in accordance with Table F, further provided that:

- (a) The requirements in respect of minimum on-site parking prescribed for flats, hotels and residential buildings in the "Business" zone, shall be complied with in all respects.
- (b) The requirements prescribed for dwelling units and places of instructions and public worship in a "Residential" zone, including the provision of on-site parking, shall apply to such building in this zone.
- (c) Parking may be provided in basements and/or on certain floors in blocks of flats and is **excluded from the maximum permissible floor area**.

8.4. RURAL RESIDENTIAL

	ZONE	MAP REFERENCE	PRIMARY USE (purpose for which land may be used)	SPECIAL USE (purpose for which land may be erected and use with the special consent of the council only, as per Clause 7 of the Scheme)	OWNER CONSENT
D	Rural Residential	Grey hatch(cross hatch) with yellow fill	Dwelling unit, Small Scale Agriculture.	Farm Stall, Kiosk, Nursery, Holiday Accommodation, Workshop, Resort, Lodge, Guest Farm, Permanent Tented Camp. and Lodge	Home Based Shop, Resident occupation.

8.4.1 Land Use Restriction:

- a) **Coverage:** At least 150m² but not more than 20%
- b) **Building Height:** No building may exceed two storeys
- c) **Building Lines:**
- Trunk/Main Road: 100 m from centre line of Main Road
- District Road: 60 m from centre line of District Road
- Side boundary: 5m from any other boundary

8.4.2 Parking:

As per Table F or at least two parking bays per dwelling unit.

8.4.3 Workshop

A workshop in the Rural Residence zone may not exceed 150m² and must mainly be used for activities incidental in nature to a rural residence zone and may not include activities such as blacksmithery, spray-painting, panel beating and overhauling of vehicles on a commercial basis and transport oriented activities.

8.5: RESIDENTIAL ESTATE

	ZONE	MAP REFERENCE	PRIMARY USE (purpose for which land may be used)	SPECIAL USE (purpose for which land may be used and building may be erected and use with the special consent of the Council only, as per Clause 7 of the Scheme)	OWNER CONSENT
E	Residential Estate	Green hatch (45 °right)	Residential Estate (Residential, Equestrian Golf and Wildlife Estates) and Retirement Village.	Nature Reserve, Resort.	None

8.5.1 Land Use Restriction:

- a) **Coverage:** At least 150m² but not more than 20% of land area
- b) **Building Height:** No building may exceed two storeys
- c) **Building Lines:**
 Trunk/Main Road: 100 m from centre line of Main Road
 District Road: 60 m from centre line of District Road
 Side boundary: 15m from any other boundary

8.5.2 Parking:

As per Table F or at least two parking bays per dwelling unit.

8.5.3 Densities

Retirement Village:	1:600m ²
Golf Estate:	1 unit per 3 ha
Nature Estate:	1 unit per 3 ha
Equestrian Estate:	1 unit per 5 ha
Wildlife Estate:	1 unit per 10 ha

8.5.4 Density, Size and Development Approval:

When the Council give its consent for a development, land use restrictions should be laid down as part of the consent approval, with regard to density, layout, landscaping, building design, height and coverage, and a detailed layout plan, home owner's association and constitution (where applicable) and impact assessment (where applicable) shall be provided by the applicant and filed with the Local Authority, clearly indicating the position of all structures, stands and internal roads.



8.6: OFFICE

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and use with the special consent of the Council only)	Owner consent
F	Office	Light blue fill	Offices	Dwelling unit, Flat, Place of Worship, Place of Instruction, Day care Centre, Restaurant, Hotel Pension, Guest House, Funeral Parlour and chapel, Tourist Facility, Driving School.	None

8.6.1 Land Use Restriction:

- a) **Coverage:** 70%
- b) **Building height:** No building may exceed three storeys
- c) **Floor Area Ratio:** 1.5
- d) **Building Lines:**
 Street boundary: 3 metres
 Rear boundary: 3 metres
 Side boundary: 3 metres
- e) **Minimum Erf Size:** 450 m²

8.6.2 Building Line Relaxation:

- (a) In addition to Clause 7 Council shall not consent to the relaxation of the building lines if any building, or part thereof falling into the building line areas as indicated under 8.6.1 exceeds a height of one storey.
- (b) Projections, excluding advertising boards or signs approved by Council over building lines and street shall be limited to minor architectural features. Cantilevered projections shall be at least 3 m in height and shall not be within 0.5 m of the pavement edge.

8.6.3 Parking:

- a) At least one on-site parking bay per 50 m² of the total floor space and 1.5 on-site parking bays per dwelling unit or flat.
- b) At least five additional on-site parking bays are to be provided for a place of instruction or place of assembly.
- c) At least four on-site parking bays are to be provided for a day care centre.

8.7: LOCAL BUSINESS ZONE

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
G	Local Business	Blue hatch (45° left)	Shops, Office, Driving School.	Business Buildings, Drive-in Cafés, Block of Flats, Residential Buildings, Dwelling Unit/s or flats on first floor.	Resident Occupation, Home Based Shop.

8.7.1 Coverage

In this zone the area at the respective floor levels of all buildings on any erf in relation to the erf area shall not exceed or be less than the following percentages:

Land Use	Coverage %	Bulk/Floor Area
Bed and Breakfast / Guest House	60	0.4
Shops, Offices	70	0.4
Business buildings	80	1
Any other uses	75	1.0

(a) **Height Control:** 3 storeys or 10 metres whichever is more restrictive

(b) **Building Lines for all other uses:**

Street boundary: 0 metres

Side boundary: 5 metres

Rear boundary: 5 metres

In the event of the common boundary between two erven forming the boundary between this zone and a residential zone, the side or rear spaces as the case may be applicable to the latter zone, shall apply on both sides of the boundary in so far as it is more restrictive.

8.7.2 Building Line and Height Relaxation

a) In addition to Clause 9, the Council shall not consent to the relaxation of the building lines if any building, or part thereof falling into the building line areas as indicated under 8.7.1(d) exceeds a height of two storeys whereafter a setback of 3 meters per storey will be applicable for rear and side boundaries.

- b) The Council may relax the requirements of the building lines and height if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the scheme, will result and taking into account Clause 9 of this scheme.
- c) Also further provided that written comments must be obtained from surrounding property owners before submitting an application for the relaxation of building lines and height to Council.

8.7.3 Projections

Projections, excluding advertising boards or signs approved by Council over building lines and street shall be limited to minor architectural features. Cantilevered projections shall be at least 3 m in height and shall not be within 0.5 m of the pavement edge.

8.7.4 Provisions for on-site parking

Parking should be provided in accordance with Table F.

8.7.5 Outbuildings

The area of outbuilding is to be included in the bulk and coverage.

8.7.6 Minimum Erf Size:

None

8.8 GENERAL BUSINESS

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
H	Business	Blue fill	Shops, Offices, Business Buildings, Drive-in Cafés, Hotels, Hotel Pension, Driving School, Bottle Store, Backpackers Hotel.	Public Garages, Service Station, Service Industries, Launderettes and Dry Cleaners and Launderettes, Place of Assembly, Place of Amusement, Place of Instruction, Place of Worship, Institutional Buildings, Funeral Parlours and Chapels, Parking Garage, Gambling House, Casino, Hospices, Warehouses, Block of Flats, Residential Buildings, Car wash,	None

8.8.1 Coverage:

In this zone the area at the respective floor levels of all buildings on any erf in relation to the erf area shall not exceed the following percentages:

Use	Coverage
Blocks of flats above the ground floor	70%
Shops, Offices	85%
Hotel, and Residential buildings	70%
Business buildings	85%
Places of instruction, Places of public worship and Places of Assembly	70%
Institutional buildings	70%
Public garages, Service stations, Service industries and Warehouses	70%
Any other uses	70%

8.8.2 Floor Area Ratio:

No building shall be erected, altered or extended so as to exceed the floor area ratio applicable for that type of building provided that the maximum floor area ratio shall not **exceed 2.0**

Use	Ratio
Blocks of flats above the ground floor	1.2
Shops, Offices	2.0
Hotel, and Residential buildings	1.2
Business buildings	2.0
Places of instruction, Places of public worship and Places of Assembly	1.0
Institutional buildings	1.0
Public garages, Service stations, Service industries and Warehouses	1.0
Any other uses	1.0

8.8.3 Height Control:

- (i) No building in this use zone shall be erected to exceed a height of three (3) storeys or (10) metres, whichever is the most restrictive.
- (ii) Notwithstanding any provisions applicable to this zone in respect of maximum height, no portion of any building or structure shall extend above or beyond a line drawn at 45° to the horizontal towards the site on which the building is located from any point on the street boundary opposite the street boundary or the building under consideration and such line shall be directed at right angles to the street boundary of the erf under consideration.
- (iii) Where an erf fronts onto streets of varying widths, the height calculated for the wider of the two streets shall apply for a distance of fifteen (15) metres from the corner along the narrower street

8.8.4 Building Lines:

(a) Street boundary

- (i) With Council approval shops, business buildings, hotels and offices may be erected on the street boundary except service stations.
- (ii) All other buildings must be set back five metres (5m) from the street boundary.

(b) Side boundary

Buildings may be erected on the side boundary at a distance of thirteen (13) metres back from the street building line, and thereafter shall be set back a distance of five metres (5 m) or half the height of the building, which-ever is the greater: Provided that a building comprising shops and/or business buildings may be erected on the side boundary for the first two storeys.

(c) Rear boundaries

- (i) Buildings on the ground floor may not be erected nearer than five metres (5 m) to the rear boundary. Provided that the first two storeys of a building comprising shops, offices and/or business buildings, warehouses may be erected on the rear boundary.
- (ii) Buildings above the ground floor or in the case of shops and business buildings above the first floor, buildings shall not be erected closer than five metres (5 m) or half the height or the building whichever is the greater from the rear boundary.

In the event of the common boundary between two erven forming the boundary between this zone and a residential zone, the side or rear spaces as the case may be applicable to the latter zone, shall apply on both sides of the boundary in so far as it is more restrictive.

Notwithstanding the provisions of sub-paragraph (b) and (c) above, the Council may prescribe side or rear building lines as it may deem fit if the building forms part of an extensive building project.

8.8.5 Basements:

The building line requirements need not be complied with in so far as basements are concerned.

8.8.6 Projections:

In this zone projections over streets and building lines, excluding advertising signs approved by the Council in accordance with the provisions of any other law, shall be limited to minor architectural features and one cantilevered open canopy which may be erected to within 0.5 metres of the pavement edge or 2,5 metres from the front the building whichever dimension is the lesser, provided that no portion of any projection shall be less than 2,5 metres above the pavement level and there shall be no access from the building to the canopy.

The following conditions, excluding advertising signs approved by the Council in accordance with the provisions of any other law, shall apply to all other projections over building lines applicable in this zone:

- (i) Projections shall not protrude more than one (1) metre over the street building line;
- (ii) Balconies may extend in length up to 60% of the length of the façade (per floor) from which they project if no other projections are planned for that façade;
- (iii) Each separate bay window shall not exceed 3 metres in length;
- (iv) Balconies shall only be enclosed by a dwarf wall, railing or similar structure not exceeding 1, 5 metres in height above the floor level of the balcony, and

- (v) Any projection, roof or hood over the balcony shall be cantilevered.

8.8.7 Provisions for on-site parking:

Parking should be provided in accordance with Table F, provided that:

In this zone minimum provision shall be made on the site for parking and garaging of vehicles on the following basis:

(a) Public Garages and Service Stations:

An area of 120m² parking, excluding show rooms or workshops, should be provided for every grease bay or wash bay.

(b) General Provisions:

- (i) No parking area in the case of the "General Residential" zones where this restriction also applies by reason of Clause 8.3.4 shall be laid out within two (2) metres of any street boundary.
- (ii) Parking facilities including ingress and egress to the site shall be situated, designed constructed, marked and maintained to the satisfaction of the Council. Provided that in the case of public garages and service stations the provisions of Clause 10 shall apply.
- (iii) The manner in which it is intended that vehicles shall park on such areas and the means of gaining ingress and egress shall be shown on the plan to be submitted to the Council who may approve or impose such conditions as it may deem fit.
- (iv) The site to be provided for parking in terms of this Clause shall not be used for the purpose of exhibition, sale, repair or maintenance of vehicles or for any purpose other than the parking of vehicles.

8.8.8 Non-Conforming Uses on Premises:

Before a registration certificate or license of the Council is issued in respect of any premises for which there is no current license at the date of coming into force of these provisions, or when additions or alternations are made to any building in this zone all the buildings on the site shall be made to comply with the provisions of this scheme, the regulations of the Council and any other law as which may be applicable.

8.8.9 Combined Buildings:

In the case of multiple uses, the provisions shall be calculated in respect of each floor for the uses to which such floor is to be put, and the sum of the provision so arrived at applied to the whole building. Where it is intended to use any one floor of the building for more than one use, the more restrictive provisions shall apply.

8.8.10 Erection of Blocks of Flats and Residential Buildings:

- a) Except with the approval of the Council blocks of flats and residential buildings other than a hotel in this zone may only be erected above the ground floor.
- b) No shop, business building, public garages, service station or place of assembly shall be erected on any street unless a building line of eight (8) metres from the centre line of such street is adhered to.

8.8.11 Minimum Erf Sizes:

Business erven in Mariental will not be less than 600 m² in extent, whilst business erven in Aimablaagte and Empelheim will be at least 450 m² in extent.



8.9: LIGHT INDUSTRIAL AND INDUSTRIAL ZONES

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
I	Light Industrial	Purple hatch (45° left)	Light Industry, Service Industry, Warehouses, Car wash, Public Garage, SME, Service Stations, Dry Cleaner, Launderette, Driving School.	Place of Assembly, Public Garage, Funeral Parlour, Place of Instruction, Shop, Business Building, Gambling House, Place of Amusement.	None
J	Industrial	Purple fill	Industrial Buildings, Car Wash, Service Stations, Scrap Yard, Warehouses, Public Garage, SME, Dry Cleaner, Launderette, Driving School.	Business Buildings, Place of Instruction, Panel Beating, Noxious Industry, Place of Assembly, Gambling House.	None

8.9.1 Land Use Restriction:

a) Coverage:

Use	Coverage
Industrial buildings	80%
Public garages and Warehouses in the "Industrial" zones	80%
Industrial buildings, including Warehouses, Public garages, Scrap yards and Light industrial uses	80%
Any other use as determined by Council, but not exceeding	80%

b) Building Height:

With the exception of silos, no building in the "Industrial" zone may exceed a height of three (3) storeys: Provided that the Council may, subject to the provisions of Clause 7, relax this restriction.

c) Building Lines:

- (i) All street boundary walls or fences of the site shall be erected at a distance of not less than eight (8) metres from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary shall be made up as part of such street.
- (ii) No building or any portion thereof except boundary walls and fences shall be erected nearer than five (5) metres from any street boundary of the site or the new street boundary as defined in the preceding sub-clause (a), whichever is the more restrictive on the site and
- (iii) No building or any portion thereof except boundary walls and fences shall be erected nearer than three (3) metres from any side or rear boundary. Provided that the Council may relax provision (b) and (c) and allow buildings up to the boundary after taking into account the nature of the building/s if any on the adjoining site and after taking further account of the full utilization of coverage, no other solution is possible. In such a case the boundary and/or division walls must comply with the provision of Chapter 14 of the Standard Building Regulations or any other regulation in connection with fire protection in connection to fuel or gas depots or any storage of flammable or explosive material or liquids. Such relaxation should in no way hinder the opportune development of the adjoining erf and this is also applicable in connection with spaces between buildings. In addition such relaxation shall also depend on the provision of Clause 7 of these scheme regulations.

Where the boundary of a site forms the common boundary between this zone and any residential or business zone, the respective building lines applicable in such residential or business zone shall apply on both sides of such common boundary.

8.9.2 Building Line Relaxation:

The council may, subject to the provisions of Clause 7, relax this restriction.

8.9.3 Parking:

- (a) Parking is to be provided in accordance with Table F.
- (b) Parking spaces provided in accordance with sub-clause shall not be used for the display, sale, repair or maintenance of motor vehicles or any other purposes whatsoever except for the parking of motor vehicles.
- (c) The parking facilities and garages must be located in such a way that no direct access or egress from or to such parking space or garages is provided onto any street.

8.9.4 Loading and Unloading:

For the purpose of loading or off-loading of vehicles provision shall be made on the following basis:

Area of building	No. off-loading bays required
0 – 499	1
500 – 1499	2
1 500 -	3 + 1 bay for every additional 1000 m ² of floor area

The loading bays shall be laid out to the satisfaction of the Council, each bay having a minimum width of five (5) metres.

8.9.5 General Amenity:

- (a) Except if provision is made in Table B of Clause 5 of these Regulations, no industry which can be classified as an offensive trade nor any industry which is likely to cause smoke, smell, fumes, noise or dust in any quantity, nor any industry whose effluent the Council will not accept in its sewers, shall be permitted.
- (b) Only electricity, gas, coal, solar, wind or oil shall be used for power.
- (c) Any scrap yard or other uses of land or buildings which would in the opinion of the Council distract from the visual character of the area shall be screened by the provision of a wall having a minimum height of three (3) metres and constructed to the satisfaction of the Council.

8.9.5 Minimum Erf Sizes:

- (a) Light Industrial erven will be at least 800m² in extent.
- (b) Industrial erven will be at least 1000 m² in extent.

8.10: INSTITUTIONAL ZONE

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
K	Institutional	Dark brown shape fill	Institutional Building, Place of Instruction, Place of Worship.	Place of Assembly, Dwelling unit.	None

The provisions applying to places of public worship and places of instruction in the "Residential" and "General Residential" zone shall apply in this zone.

The provisions in respect of institutional buildings in the "Business" zone shall also apply in this zone.

Parking requirements for the purpose for which the land may be used (Table B) must be in accordance with Table F.

8.11: PARASTATAL

	ZONE	MAP REFERENCE	PRIMARY USE <i>(purposes for which land may be used)</i>	CONSENT USE <i>(purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)</i>	OWNER CONSENT <i>(a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)</i>
L	Parastatal	Grey fill	Parastatal, Offices	SME	None

8.11.1 Land use restriction:

- a) **Coverage:** 70%
- b) **Building height:** Except for water and telecommunication towers, no building may exceed three storeys or 10 meters, whichever is most restrictive.
- c) **Floor Area Ratio:** Minimum 0.2 maximum 2.0
- d) **Building Lines:**
- | | |
|------------------|--|
| Street boundary: | 3 metres parallel to any street boundary |
| Rear boundary: | 3 metres parallel to any rear boundary |
| Side boundary: | 1.5 metres parallel to any side boundary |

8.11.2 Building Line Relaxation:

In addition to Clause 7 Council may consent to the relaxation of a building line if any building, or part thereof falling into the side or rear building line areas provided that an alley of at least 4 m provided access to any internal yard used for parking or storage, except a court yard. A setback of 5 metres will be applicable for rear and 1.5 metres for side boundaries for any part of a building exceeding one storey.

Projections, excluding advertising boards or signs approved by Council over building lines and street shall be limited to minor architectural features. Cantilevered projections shall be at least 3 m in height and shall not be within 0.5 m of the pavement edge.

8.11.3 Parking:

At least 3 on-site parking bay per 100 m² of floor area for office purposes, further provided that 1 on-site parking bay per 100 m² of workshop and store room space to be provided. In addition, 1 on-site parking bay is to be provided for each SME unit or wash bay to be provided. Depending on the nature of the building Council can determine the number and

length of off-loading parking to be provided.

8.11.4 Outbuildings:

The area of outbuildings is to be included in the "Floor Area Ratio" and coverage.

8.11.5 Minimum Erf Size:

None

A handwritten signature in black ink, appearing to be 'JON', is located in the bottom right corner of the page.

8.12: UNDETERMINED

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the Scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
M	Undetermined	Beige	None	Any other use which is not otherwise defined in this scheme and which the Council may permit	None

8.12.1 Except with the special consent of the Council no building in this zone shall be erected or used or land used for a purpose other than the purpose for which it was being used on the material date. Similarly no building shall be altered or extended without such special consent of the Council.

8.12.2 Further provided that, except for township establishment procedure, the change in land use and the erection and use of a building on an "Undetermined" land is to be advertised for public inputs in terms of Clause 7 of this scheme.

Further provided that where a part of Undetermined land is consolidated with an adjacent erf, such piece of "Undetermined" land shall be deemed to fall into the same use zone and sub-zone as those into which the abutting land owned by such owner falls as long as the subdivided part of "Undetermined" land makes up not more than 30% of the abutting erf.

8.13: AGRICULTURAL ZONE

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the Scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
N	Agricultural	Light Green fill	Agricultural Building, Dwelling Unit	Second dwelling, Tourist Facility, Farm Stall, Guest Farm, Lodge, Resort, Permanent Tented Camps and Tented Lodges, Rural Residence, Driving School, Aquaculture, Agricultural Industry, Service Industry, Feedlot.	Resident Occupation, Home Based Shop.

In this zone, except with the special consent of the Council, only one dwelling unit together with such agricultural or tourism buildings which are normally associated with such land use may be erected on each farm portion or agricultural holding.

8.13.1 Building Lines:

No building may be erected nearer than:

- (a) 10 metres from any street boundary, including a right of way
- (b) 15 metres from any other boundary

No building for agricultural purposes may be erected within a distance of ten (10) metres from any dwelling unit, except with consent of the Council.

8.14. NATURE RESERVE

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the Scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
O	Nature Reserve	Light green fill with dark green cross hatch	Nature Reserve	Dwelling Unit, Tourist Facility, Private Open Space, Waterfront, Retirement Village, Lodges, Holiday Accommodation/ Housing	None

- 8.14.1 Within an area zoned "Nature Reserve", the protection of fauna and flora in their natural habitat are priority.
- 8.14.2 In order to obtain a Consent Use from Council, Council may request that an Environmental Impact Assessment is done in accordance with the Environmental Management Act and imposes certain conditions to ensure the protection of the natural environment.
- 8.14.3 Where, to the opinion of the Council, extensive improvements or alterations are done to existing structures, which were not included in an Environmental Impact Assessment, the Council may request the owner to conduct an Environmental Impact Assessment, before building plans are approved.
- 8.14.4 In accordance with Part IV of the Forestry Act No 12 of 2001, no person shall:
- (a) On any land, other than a proclaimed erf, within an area zoned "Nature Reserve" cut, destroy or remove any living tree, bush or shrub growing within 100 metres of a river, stream or watercourse without a license.
 - (b) Clear the vegetation on more than 15 hectares on any piece of land, which is predominantly woody vegetation; or cut or remove more than 500 cubic metres of forest produce from any piece of land in a period of one year.
- 8.14.5 **Height**
- (a) No building in this zone shall be erected so as to exceed the following height:

Dwelling unit:	maximum of two (2) storeys
Tourist facilities:	maximum of two (2) storeys

Holiday accommodation/
Holiday housing: maximum of two (2) storeys

- (b) Subject to provision of Clause 7, Council may give consent to relax the height restrictions included in paragraph (a) above to a maximum of (3) storeys or 10 metres, whichever is the most restrictive.

8.14.6 Parking:

Parking should be provided in accordance with Table F.

8.14.7 Density, Size and Development Approval:

When the Council give its consent for a development, land use restrictions should be laid down as part of the consent approval, with regard to density, layout, landscaping, building design, height and coverage, and a detailed layout plan, home owner's association and constitution (where applicable) and impact assessment (where applicable) shall be provided by the applicant and filed with the Local Authority, clearly indicating the position of all structures, stands and internal roads.

8.15. PRIVATE OPEN SPACE

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the Scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
P	Private Open Space	Dark green hatch (45° right)	Private open space, Restaurant, Ornamental Gardens, Recreational Resort.	Place of Assembly, Camp Site, Tourist Facility, Kiosk, Camping and Caravan Park.	None

- 8.15.1 The land use restrictions will be determined by Council and will be in accordance with the definition of "Private Open Space" and "Nature Reserve".
- 8.15.2 When the Council give its consent for a development, land use restrictions should be laid down as part of the consent approval, with regard to density, layout, landscaping, building design, height and coverage, and a layout plan shall be provided by the applicant and filed with the Council, clearly indicating the position of all structures, stands and internal roads.

8.16. SPECIAL

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the Scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
Q	Special	Black hatch (45° left)	Special use (See Table C)	Any use specified by Council (See Table C)	None

- 8.16.1 In addition to the uses indicated under Table C the Council may impose any conditions it may deem necessary in terms of Clause 6 of this scheme on any land to be zoned special.
- 8.16.2 Any amendments to be introduced to the approved conditions must be advertised in accordance with Clause 7 and be approved by the competent authority.

8.17. HOSPITALITY

	ZONE	MAP REFERENCE	PRIMARY USE (purposes for which land may be used)	CONSENT USE (purpose for which land may be used and building may be erected and used with the special consent of the Council after compliance of Clause 7 of the scheme)	OWNER CONSENT (a consent use only applies to owner of a property and approved by Council with special consent after compliance of Clause 7)
R	Hospitality	Blue cross hatch	Hotel, Guest Farm, Lodge, Resort, Permanent Tented camps and Tented Lodges, Dwelling Unit, Camping and Caravan Park, Rest Camp, Camp Site, Holiday Housing, Holiday Accommodation, Self-catering Accommodation Establishment	Tourist Facility, Convention Centre	None

No permanent structures, ground excavations, paths, or walkways may be allowed closer than 100 metres from the riverbank of the Fish River, Aub River or Sandberg River without an Environmental Management Plan (EMP) approved by the Council.

8.17.1 Land Use Restriction:

- a) **Coverage:** 60% or 1000m² whichever is the most restrictive
- b) **Building Height:** No building may exceed two storeys
- c) **Floor Area Ratio:**
- | | |
|---|-----|
| Property smaller than 3 000m ² : | 1.0 |
| Property larger than 3 000m ² : | 0.6 |
- d) **Building Lines:**
- | | |
|------------------|--|
| Street boundary: | 3 metres parallel to any street boundary |
| Rear boundary: | 3 metres parallel to any rear boundary |
| Side boundary: | 3 metres parallel to any side boundary |

8.17.2 Building Line Relaxation:

- (a) In addition to Clause 7 Council shall not consent to the relaxation of the building lines if any building, or part thereof falling into the

building line areas as indicated under 8.17.1 exceeds a height of one storey.

- (b) Projections, excluding advertising boards or signs approved by Council over building lines and street shall be limited to minor architectural features. Cantilevered projections shall be at least 3 m in height and shall not be within 0.5 m of the pavement edge.

8.17.3 **Parking:**

Parking should be provided in accordance with Table F.

8.17.4 **Density:**

When the Council give its consent for a development, land use restrictions should be laid down as part of the consent approval, with regard to density, layout, landscaping, building design, height and coverage, and a detailed layout plan, home owner's association and constitution (where applicable) and impact assessment (where applicable) shall be provided by the applicant and filed with the Local Authority, clearly indicating the position of all structures, stands and internal roads.



8.18. PUBLIC OPEN SPACE

	1	2	3	4
	ZONE	MAP REFERENCE	PRIMARY USE (Purposes for which land may be used)	CONSENT USE (Purposes for which land may be used with consent from Council and subject to Clause 7)
W	Public Open Space	Dark Green Fill	Public Open Space; Park; Garden; Playground; Recreation Ground and Public Square	Portable toilet

- (a) The Council shall determine any control measures applicable to a land unit in accordance with the objective of this zone.
- (b) Where any piece of land which was previously a public space is closed and transferred to an abutting owner, such piece of land shall be deemed to fall into the same use zone and sub-zone as those into which the abutting land owned by such owner falls. Provided that compliance has been met in terms of the closure of a street or public space in terms of the Local Authorities Act, 1992 (Act 23 of 1992), as amended. Further provided that in such case it is not necessary to apply for rezoning in terms of Clause 7 of this scheme. In giving its consent under this clause the Council may impose such conditions as it deems fit.

8.19. CEMETERY

	1	2	3	4
	ZONE	MAP REFERENCE	PRIMARY USE (Purposes for which land may be used)	CONSENT USE (Purposes for which land may be used with consent from Council and subject to Clause 7)
X	Cemetery	Black hatch (crosses)	Cemetery	Crematorium; Place of Worship; funeral parlour

- (a) The Council shall determine any control measures applicable to a land unit in accordance with the objective of this zone
- (b) Except with the consent of the Council, people may only be buried in an area reserved as a Cemetery.

PART V: MICELLANEOUS PROVISIONS

CLAUSE 9: NUMBER OF BUILDINGS PER ERF

- (a) Except in the case of places of instruction and public worship not more than one building together with such outbuildings as are ordinary used in connection therewith, shall be erected on an erf, provided that not more than one building together with such outbuildings as are ordinarily used in connection therewith, shall be erected on any erf falling under Table E without the consent of the Council, and further provided that the density zoning as referred to in Table E be adhered to, and subject to the conditions of Clause 7, the Council may with special consent allow the erection of more than one dwelling unit per residential erf.
- (b) The Council may, with special consent, allow the following on an erf exceeding 1,000m² in extent:
- (i) In the "General Residential" zones more than one building of the type referred to in Column 3 of Table B of the relevant zone, may be erected, and
 - (ii) In the "Business" zone more than one building of the type referred to in Column 3 of Table B of the relevant zone, may be erected.

CLAUSE 10: PUBLIC GARAGES AND SERVICE STATIONS

The following additional provisions shall apply:

1. For the purpose of this Clause, unless out of context-

"INTERSECTION" means the area embraced within the prolongation of the side boundaries of the two public roads, which join each other at, or approximately at right angles, or the area within which traffic travelling on different roads joining at any other angle may come into conflict;

"TRAFFIC ISLAND" means any raised area in a roadway intended for the physical separation of traffic or for the exclusive use of pedestrians or for both.

2. Notwithstanding any other provisions of this scheme no person shall erect a public garage or service station which does not conform to the requirements set forth hereafter, except where the Council on good cause and with the consent of the Minister authorises otherwise.
3. No engineering work which causes objectionable noise or in the course of which object noxious or harmful gasses, fumes or odours are released, no spray painting and no panel-beating shall be carried on at a public garage unless such garage is situated on land which is reserved for industrial purposes.

4. No fuel pump for motor vehicles shall be erected within four (4) metres from the road boundary, measured from the nearest edge of the base or island on which the fuel pump is erected.
5. The vehicular access and exit ways to and from the premises of a public garage or service station shall where they cross the road boundary, be at an angle of 45° and be not more than ten (10) metres wide. A minimum of two access ways are required.
6. In an urban area the vehicular access and exit ways to and from the premises of a public garage, where they cross the road boundary, shall not be less than thirty (30) metres from the nearest point of:
 - (a) the intersection of a declared road, proclaimed road, prospective main road or other main road with any other of like status, and
 - (b) the intersection where traffic is controlled or is proposed that it be controlled by traffic lights or traffic islands.
7. Any part of the premises of public garage or service station which is used for the storage of disused motor vehicles or parts of motor vehicles, any other scrap whatsoever, or empty containers such as oil drums and packing cases, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least three (3) metres high, be enclosed with a wall at least two (2) metres high above street height.
8. At every public garage provision shall be made on the premises for an easily accessible and usable parking area, exclusive of showroom and workshop areas, to the extent of at least 120 m² for every grease bay or wash bay, provided that access to the parking area is restricted to once entrance and one exit and 1 bay per 50m² gross leasable area for spares and sales must also be provided.

CLAUSE 11: DRY CLEANERS AND LAUNDERETTES AND LAUNDERETTES

Dry Cleaners and Launderettes and launderettes may be established in the "Business" zone, provided that they comply with the following provisions:

- (a) The floor area of the shop for receiving and returning clothes, the workshop and a space for clothes racks together shall not exceed 275 m².
- (b) The solution used in the cleaning process shall be non-inflammable, provided that should flammable solutions be used special permission of Council for such use must be obtained and a clearance certificate only be issued by Council if Council is satisfied that the storage and use of such solutions or materials will not cause any health, safety or fire risk.
- (c) Each individual application for the establishment of a launderette or dry cleaner shall be submitted to Council for its special consent and Council may enforce any restrictions or limitations on such operation if it so deems necessary.

CLAUSE 12: FUNERAL PARLOURS WITH CHAPELS

The following additional provisions shall apply:

1. For the purpose of these provisions, "intersection" and "traffic island" shall have the meanings assigned thereto in Clause 10, relating to public garages/service stations.
2. No funeral parlour with a chapel shall be permitted on site abutting a street of less than twelve (12) metres in width.
3. No funeral parlour with a chapel shall be permitted nearer than thirty (30) metres from:
 - the intersection of a declared road, proclaimed road, prospective main road, or any other street;
 - any traffic light whether existing or proposed, and
 - any intersection where traffic is controlled, or is proposed to be controlled by a traffic island in future.

CLAUSE 13: EXTERNAL APPEARANCE OF BUILDINGS

1. Any person intending to erect any building shall furnish the Council for its consideration if it so requires (in addition to any plans and particulars required to be submitted under any of the Council's Regulations) with drawings or other sufficient indication of the external appearance of the proposed building, including such description of the materials to be used for that purpose.
2. The drawings shall be on suitable and durable material to a scale of not less than 1 in 100 except that where the building is so extensive as to render a smaller scale necessary the drawings may be to a scale of not less than 1 in 200. The Council may require such alteration of the external appearance and building material, as it may deem necessary.

CLAUSE 14: GENERAL AMENITY AND APPEARANCE

1. Where the amenity of any vicinity is injured by the conditions of any building, structure, yard or garden in the area the Council may serve a notice to the owner or occupier of the premises on which the injurious conditions exist requiring him within a period, not being less than twenty eight (28) days from the date of service of the notice, or as may be specified in the notice to take such action as may be necessary to abate the injurious conditions, failing which the council may undertake such actions themselves at the cost of the particular owner.
2. Any person on whom a notice was served in terms of this clause may appeal.

CLAUSE 15: PROVISION FOR LOADING – AND OFF-LOADING SPACES

1. With the exception of the "Industrial" zone, the Council may with the purpose of preventing obstruction of traffic in any street or proposed street onto which a building will front or be erected adjacent to, require from the owner that he submit

proposals for the Council's approval of provision of suitable and adequate space on the site for the loading and off-loading of supply of fuel to vehicles which in all likelihood will have a continuous relation to the use of the building.

2. No owner or utilisation of a building in respect of which such proposals have been required shall undertake or cause or allow the loading, off-loading and refuelling of vehicles contrary to the approved proposals.

CLAUSE 16: EXTENSIVE BUILDING PROJECTS

In the case of extensive building projects within the "Business", "General Residential" or "Industrial" zones, the Council may, subject to the conditions of Clause 7, impose more or less restrictive conditions than those contained in the scheme regulations, provided that it shall rest upon the Council only to decide whether or not a certain project can be considered as an extensive building project. The height restriction will however apply in all instances.

CLAUSE 17: STORAGE OF MATERIAL ON VACANT ERVEN

- (a) The owner of an erf may not store any building material, equipment, tools or vehicle or erect a builders shed on the erf prior to submission and approval of building plans for a main building: Provided that following such approval building material, equipment and tools (or erection of a builders shed) may only be stored on the site for a period not exceeding 30 (thirty) days prior to physical commencement of the erection of the building.
- (b) The Council reserves the right at the expiry of the 30 (thirty) days period to instruct the owner of the erf to remove the material, equipment, tools or builders shed from the site within a specified period failing which the Council shall remove the same at the cost of the owner of the erf.

CLAUSE 18: BOUNDARY WALLS AND FENCES

No boundary wall or fence may be erected in such way that it will obstruct the natural flow of water; further provided that:

- (a) Street boundary walls shall not exceed 1, 8 m height. Material for boundary walls must be to the approval of the Council.
- (b) Side and rear boundary walls shall be of a weather resistant material with the maximum height of 2.25 metres.
- (c) Boundary walls for scrap yards and building yards must be at least 2.1 metres.
- (d) Safety or security fences shall not exceed a height of 2, 5 metres. Material for security fences must be subject to standards set and approved by the Council prior to construction.
- (e) With special approval of Council crime security prevention measures may be affixed to buildings on window sills or walls fronting any public space or street.

CLAUSE 19: OUTDOOR ADVERTISING

1. No outdoor advertising may be erected on any residential or institutional erf without the written consent of Council.

3. No outdoor advertising may be painted or fixed onto any property boundary wall or outside wall of any dwelling or structure erected on a residential or institutional property without the written consent of Council.

CLAUSE 20: GENERAL CONDITIONS

The following additional stipulations will be applicable to all erven:

1. No abattoir, stable, dairy or poultry house may be erected without the special consent of the Council.
2. Except for in an area zoned "Agriculture" or with the special consent of the Council, no cattle, goats, poultry, sheep, draught animals or pigs may be kept.
3. Except with the special consent of the Council and approval from the Ministry of Environment and Tourism, no monkeys, baboons, beasts or prey may be kept.
4. No land in any use zone may be used for the purpose of dumping refuse, sewage disposal, scrap yard, dumping ground or cemetery without the approval of the Council.
5. The display of any advertisement, nameplate, notice or sign must be in accordance with the standards as set in the Advertising Policy, accepted by the Mariental Town Council.
6. Special general conditions on land and buildings on any new township extension after the proclamation of this scheme can be laid down by Council with the establishment of such a township.

CLAUSE 21: PROCEDURE AND VIEWING OF PUBLIC DOCUMENTS

1. Where permission to erect any building or execute any works or to use any building or land for any particular purpose or to do any other act or thing, is granted under this scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of this scheme.
2. The Council shall keep, so as to be available for inspection at all reasonable office times by any persons interested in records of approvals, consents, authorities or permissions granted by it, or an appeal from its decision under any provisions of this scheme, and of any conditions imposed by the Minister or refusals by the Council or the Minister and from or through the applicant in connection therewith.
3. The Council shall permit any person to inspect at/during any reasonable office hours the scheme and map available in the offices of the Council, provided that any information given in regard to the scheme to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Council.

CLAUSE 22: APPROVED TOWNSHIPS

Notwithstanding the foregoing provisions, the conditions relating to use, maximum coverage, height and building lines imposed by the Minister in the approval of townships, shall apply in so far as such conditions are more restrictive than the provisions of this scheme.

More restrictive conditions can be amended to comply with the Scheme Regulations as set out in this document.

CLAUSE 23: CONSERVATION OF NATURAL RESOURCES

- (1) No trees known as Prosopis SPP shall be planted or permitted to grow on an erf or within the local authority area.
- (2) No indigenous trees within the local authority area may be removed without the consent of Council.
- (3) No structures may be erected and no activity may take place which may entail the direct or indirect alteration of the physical, chemical or biological properties of groundwater or pollution of groundwater in any other way so as to make it less fit for any beneficial purpose for which it may reasonably be expected to be used.
- (4) No refuse, rubble or other hazardous substance that may pollute groundwater may be dumped except at a site designated by Council as a waste disposal site.
- (5) Save with the approval of Council:
 - (a) No boreholes or wells may be sunk for the purposes of abstracting groundwater on any land located within the area of this scheme; Existing boreholes and wells may only be repaired, cleaned, deepened or relined with prior written approval from Council.
 - (b) All boreholes, whether private or production, located on private property must be capped and locked when not in use.
 - (c) A 100 m buffer zone must be maintained at all times around production boreholes; No development or construction activities may occur within this buffer zone.
 - (d) No sewer, septic tank, pit latrine, VIP or French drain is allowed within 500 m of any private or production borehole.
 - (e) No stable, feedlot or concentration of livestock may occur within 200 m of a watercourse, production borehole or private borehole.
 - (f) No hazardous substance shall be conveyed from an area outside of the Area of the scheme for purposes of dumping the hazardous substance at a site within the Area of the scheme;

- (g) No topsoil stripping activity shall take place;
 - (h) No sand or gravel may be mined or removed for any purpose from any watercourse.
 - (i) No storage tank or drum in excess of 200 litres or other similar type facility for a hazardous substance shall be installed, upgraded or replaced whether above or below ground;
 - (j) Flat drainage areas with or without discernible gradient that form the source of rivers or groundwater recharge shall not be destroyed, damaged or polluted in any way;
 - (k) All septic tanks, pit latrines or VIPs must be emptied as required, and the waste removed to a municipal wastewater treatment facility.
 - (l) All sewers, septic tanks, pit latrines or VIPs must be inspected when empty for cracks or leaks.
- (6) No hazardous substance may be conveyed in quantities exceeding 200 litres to, from, or within the Area of the Scheme except in accordance with National Regulations and SANS 0228; 2003, SANS 0229: 1996, SANS 0230: 1997 and SANS 0231:2003)
- (7) No shop or building or premises of any sort which supplies fuel and lubrications directly into motor vehicles or any storage of hazardous substances in excess of 200 litres save for a quantity of 1000 litres of fuel specifically and only to cater for on-site standby generator installations, shall be located on land adjacent to the Fish River.
- (8) No watercourse including an "infiltration area" shall be used for any building or covered by an impermeable surface other than temporary buildings used in association with a park, garden or recreational area. The protection afforded by an infiltration area shall be applicable for a watercourse should it be 500 metre or more from its bounding watershed or should special topographical or flow conditions warrant earlier recognition.
- (9) No area within a 1 in 100-year flood line shall be built upon or used for any purpose other than as park, a garden or a recreational area or for municipal services.

PART VI: LAND SUBDIVISIONS AND INFRASTRUCTURE

CLAUSE 24: PERMISSION FOR CONSOLIDATION AND SUBDIVISION

No consolidation of any land shall be made without the consent of the Council and the Competent Authority and no subdivision of any land shall be made without the consent of the Council and the Competent Authority.

No land falling within the 1:100 year floodline area as determined for the 2006 flood may be subdivided or consolidated, further provided that no rezoning or density increase of subject erven shall be considered by the Council or the Competent Authority other than a rezoning and consolidation of such land to a land use to either "Nature Reserve" or "Special" zoning.

CLAUSE 25: ENDOWMENT

Any property owner subdividing land shall pay to the Council an endowment as provided for in the Townships and Division of Land Ordinance No. 11 of 1963, of 7,5% of the value of the new portions being created, on or before registration of the new portions, except as may otherwise be determined by Council.

CLAUSE 26: LAND PROVISIONS

Any property owner subdividing land shall make provision for and transfer, free of all charges, such portions of land required for Municipal services related to and required by that subdivision.

Any property owner subdividing land shall make provision for public services such as schools, crèches, power line reserves, etc. as may be reasonably required by the State or the Council.

CLAUSE 27: MINIMUM SITE REQUIREMENTS

Where, upon the subdivision of an erf, land is given off for a street or for some other public purpose, the area of such land may, with the consent of the Council, be calculated as part of the area of the subdivision for the purpose of Tables E, and F.

The Council shall not, in those areas in which in terms of Table E only one dwelling unit per existing erf is allowed, consent to any subdivision of an existing erf, provided, however, that the Council may consent to such a subdivision if no portion smaller in extent than ninety per cent (90%) of the area of the original erf is used as the site of a dwelling unit and provided further that the permissible coverage is not exceeded.

Without derogating from anything else stated in the scheme, the Council shall not, in those areas in which, in terms of the scheme and particularly Table E, a minimum area of site is required per dwelling unit or residential unit, consent to any subdivision of land whereby any portion which may be used for residential purposes has a size or extent which is less than the said prescribed minimum.

Upon the subdivision of any land where any portion of such land is physically separated by the execution, or proposed execution of public works and provided that such portion does not fall below 75% (seventy five per cent) of the minimum area as laid down by the scheme, such portion may be used for residential purposes.

CLAUSE 28: ACCESS AND STREET NUMBERS

If an erf has more than one street frontage, access to the erf shall be obtained from the street(s) determined by the Council. The determination shall be made before the approval of any building plans showing how access is to be taken.

Street numbers shall be regulated as follows.

- (a) All erven within the municipal area shall be fitted with a conspicuous number plate, showing the erf's street address number, erected on the street boundary from which access is legally taken, within six weeks of submitting a building plan for the main building on that erf, or within six weeks from the date of proclamation hereof.
- (b) No service connection will be given to any erf created by private subdivision or consolidation unless a street number has been allocated and a number plate is displayed.
- (c) No service connection will be given to any unit in a sectional title scheme unless that unit has been numbered and a number plate displayed to the satisfaction of Council.
- (d) In the event of an owner failing to comply with sub-paragraphs (a), (b) and (c), Council shall have the right to, after written notice of its intention to do so, within a specified period, which period may not be less than 21 days, fit such number plate and to recover the cost thereof from the owner as a liquid claim.

CLAUSE 29: DRAINAGE AND STORMWATER

There shall be no obstruction or diversion of natural floodwater courses without the approval of the Council.

The owner of an erf shall, without compensation, be obliged to allow the laying of water pipelines, storm water drains, sewerage mains and overhead and underground electrical supply mains across the erf, if deemed necessary by the Council, and in such a manner and position as may from time to time be agreed upon, and to allow the temporary deposit on the land adjoining such works, of such material as may be excavated during the course of construction, maintenance and removal of any of the aforesaid. This shall include the right of access to the erf at any reasonable time for the aforesaid purpose or other works pertaining thereto, subject thereto that the Council shall compensate for any damage done in execution of any such works.

No storm water drainage pipe, canal, work or obstruction (except storm water drain pipes, canal or works which have been authorized in writing by the Council or which have been or may be build, laid or erected in terms of any law) may be constructed on or over the property or located in such a way that –

- (i) The flow of storm water from higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered;
- (ii) The flow of a natural watercourse (in which the Council allows flood water to run off, be discharged or to be canalised) is or can be changed, canalised or impeded; or
- (iii) The maintenance of such storm water pipe, channel or work shall be the responsibility of the owner of the concerned property.

CLAUSE 30: UNSERVICED ERVEN

Sale or transfer of unserviced erven

No property owner may sell or otherwise give transfer of an erf or farm portion which lacks any of the following:

- (a) Access to a public street constructed and surfaced in accordance with Municipal standards;
- (b) A Municipal water connection or access to a communal water supply point or supply pipeline which has been approved by the Municipality for use by that erf or farm portion;
- (c) A sewer connection or access to a sewage disposal system or sewer which has been approved by the Municipality for use by that erf or farm portion;

except with the consent of Council.

Building plans or building operations on unserviced erven

No person shall submit building plans or commence any building operations on an erf or farm portion which lacks any of the following;

- (a) access to a public street constructed and surfaced in accordance with Municipal standards;
- (b) a Municipal water connection or access to a Municipal communal water supply point or supply pipeline which has been approved by the Municipality for use by that erf or farm portion;
- (c) a sewer connection or access to a sewage disposal system or sewer which has been approved by the Municipality for use by that erf or farm portion; except with the consent of Council.

CLAUSE 31: DRILLING FOR WATER

Except with the consent of the Council and the Water Board it shall not be permitted to drill or excavate for water on any land.

CLAUSE 32: BETTERMENT

Whereby the coming into operation of any provision contained in a scheme, or by the execution by a responsible authority of any work under a scheme, any property is increased in value, the responsible authority, if within twelve months after the date on which the provision came into operation, or within twenty four (24) months of approval being granted by the competent authority, or within twelve months after the completion of the work, as the case may be, it makes a claim in that behalf, may recover from the person whose property is so increased in value an amount not exceeding seventy-five per cent of the amount of that increase, as prescribed in section 34 of the Town Planning Ordinance (Ordinance 18 of 1954), as amended.

CLAUSE 33: MINIMUM BUILDING VALUES

- (1) Unless otherwise determined by Council, the value of buildings, structure and improvements erected on any property shall not be less than the minimum building value specified for that property.
- (2) Minimum building values imposed in terms of this section are applicable to the value of a main building excluding any outbuilding of a single house in the case of a "residential" zoned erf, unless otherwise determined by Council.
- (3) For all new townships proclaimed from date of proclamation, the minimum building value of any erf shall be:
 - (a) Residential: Four times the municipal valuation of the property
 - (b) General Residential: Four times the municipal valuation of the property
 - (c) Office: Four times the municipal valuation of the property.
 - (d) Local Business: Four times the municipal valuation of the property
 - (e) General Business: Four times the municipal valuation of the property.
 - (f) Industrial: Two times the municipal valuation of the property.
 - (g) All other uses: As determined by Council.

CLAUSE 34: FISH RIVER CONSERVATION AREA

The area of the Fish River Conservation Area is the strip of land bordered by the Fish River on the west, and by the main road leading from Windhoek to Keetmanshoop on the east.

- (1) In this area any new portion being created shall have a minimum size of 1 hectare.
- (2) All new buildings or extensions to buildings must be adapted to the adjacent and surrounding buildings as far as height and architectural appearances are concerned. No new building within the Fish River Conservation Area may be erected or existing building being altered, without a report in support of such development has been obtained by a professional structural engineer prior to any building plans being submitted to Council for approval; further provided that the Council may specify any additional restrictions against such development where it feels necessary to do so.
- (3) Any person or authority who intends to erect any new buildings or to alter the existing buildings in this area, shall submit drawings to the Council which

sufficiently indicate the external appearance of the proposed building or extensions to the building including such description of the material which is to be used for the erection thereof. The Council may require such alteration of the external appearance, height or building materials as it may deem necessary.

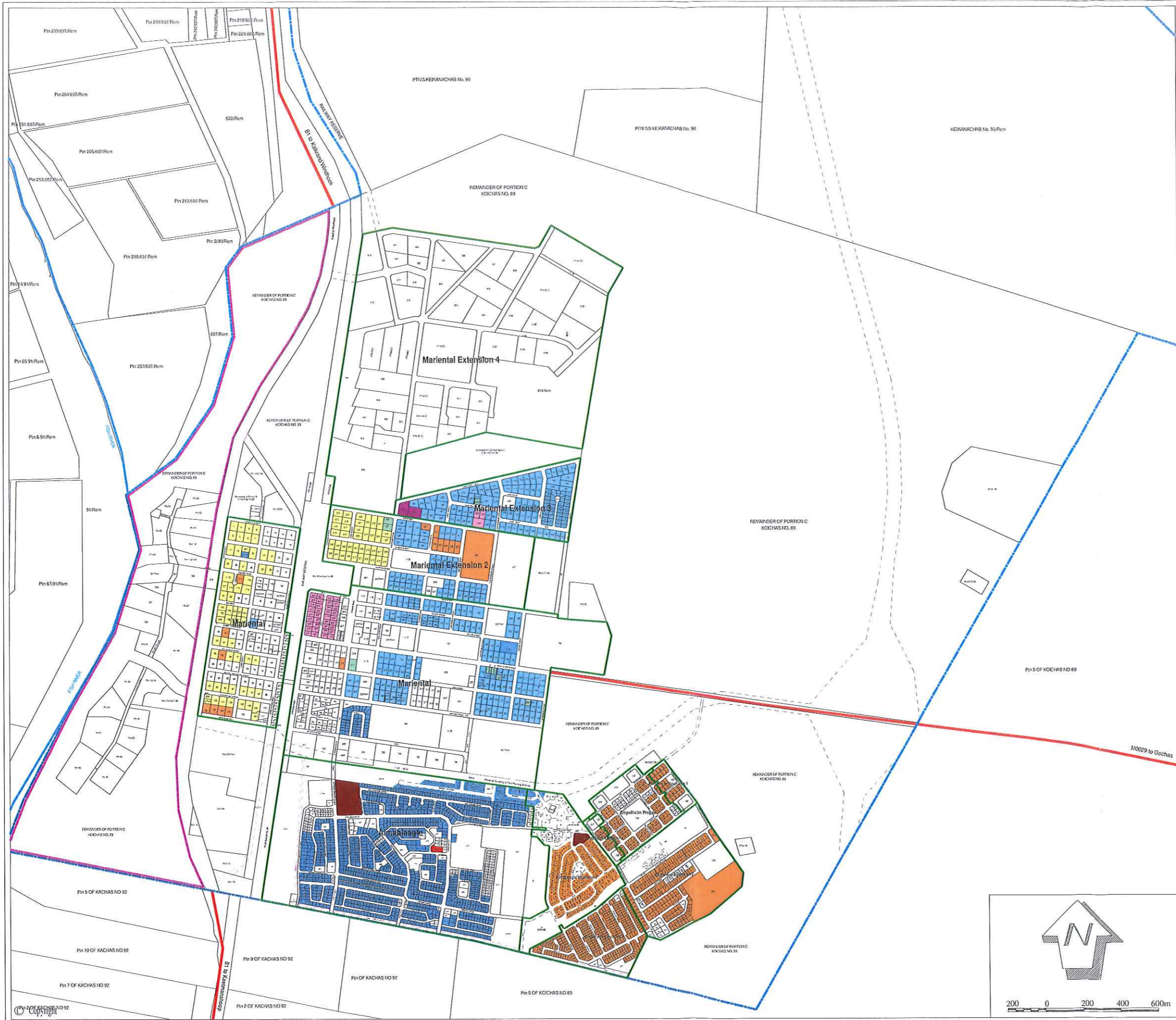
The restrictive conditions of Clause 23 shall apply to all land falling within the 1:100 year floodline of 2006.

CLAUSE 35: CONTRAVENTION OF SCHEME

Any person who violates or deliberately allows the violation of any stipulations of this scheme or conditions of any order or notice issued there under, or conditions laid down by virtue of the stipulation of this scheme, will be considered to be violating the stipulations of this scheme and shall be guilty of an offence and liable on conviction with the penalties prescribed by Section 48 of the Town Planning Ordinance 1954 (Ordinance 18 of 1954), as amended.

CLAUSE 36: SHORT TITLE

This scheme shall be known as the **MARIENTAL TOWN PLANNING AMENDMENT SCHEME NO 7.**



MARIENTAL

- 1: 100
 - 1: 150
 - 1: 250
 - 1: 300
 - 1: 450
 - 1: 600
 - 1: 750
 - 1: 900
 - 1 per Erf
 - 1: 1 ha
 - 1: 3 ha
 - 1: 5 ha
 - 1: 10 ha
 - No densities applicable
- REFERENCE
- Fish River
 - Conservation Area
 - Local Authority/Scheme
 - Boundary
 - Extension Boundary
 - 1:100 Year Floodline (2006)
 - Fish River
 - Roads

Clients approval:

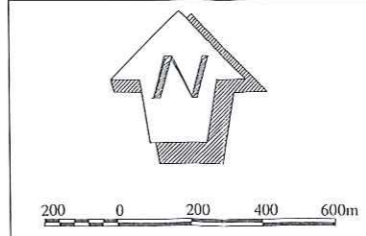
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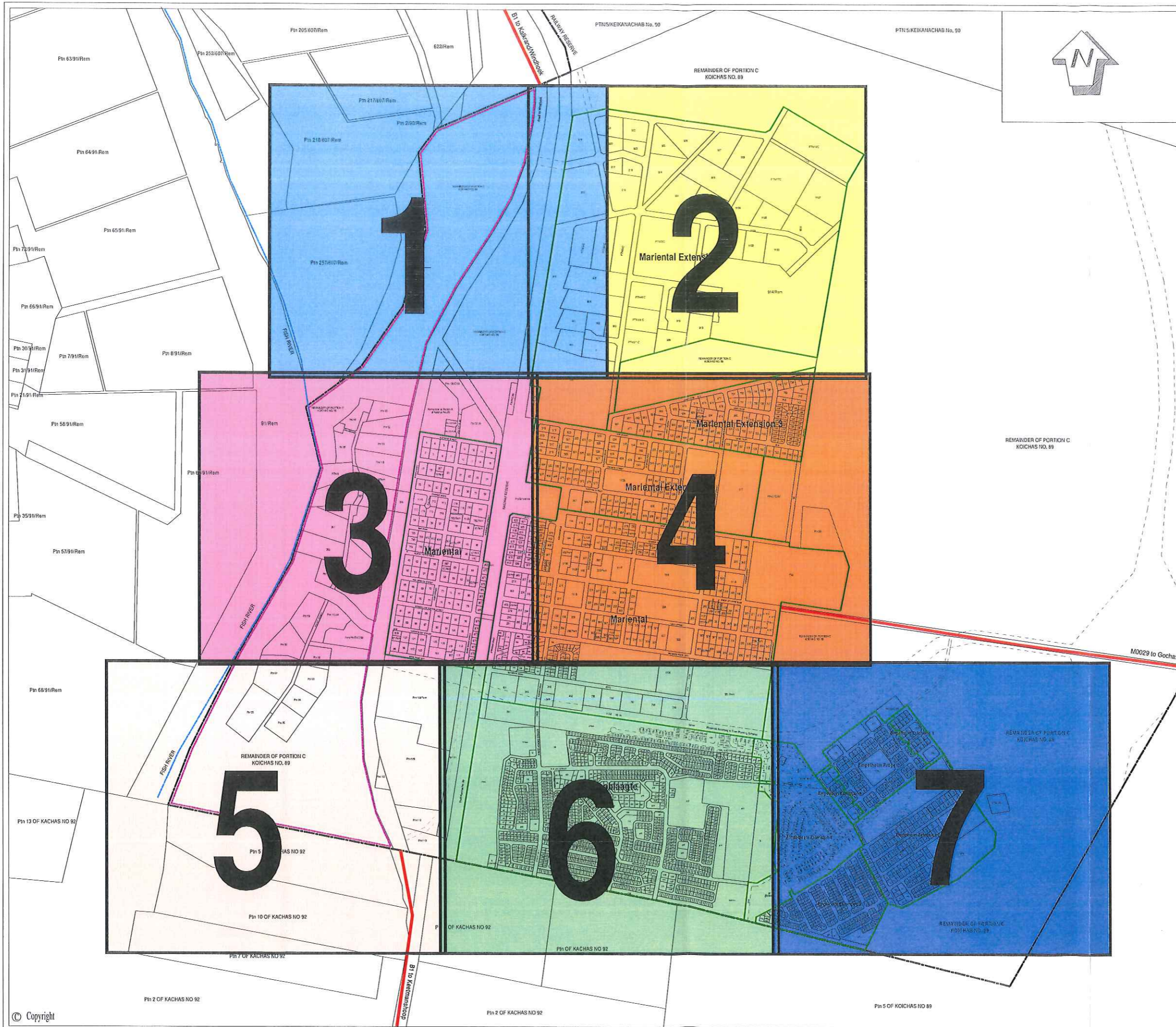
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 windhoek tel: 061-252490
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 e-mail: spc@spc.iway.na

PROJECT TITLE:
MARIENTAL
 DENSITY MAP

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MARIENTAL

- SHEET 1
 - SHEET 2
 - SHEET 3
 - SHEET 4
 - SHEET 5
 - SHEET 6
 - SHEET 7
- REFERENCE
- Fish River Conservation Area
 - Local Authority/Scheme Boundary
 - Extension Boundary
 - 1:100 Year Floodline (2006)
 - Fish River
 - Roads



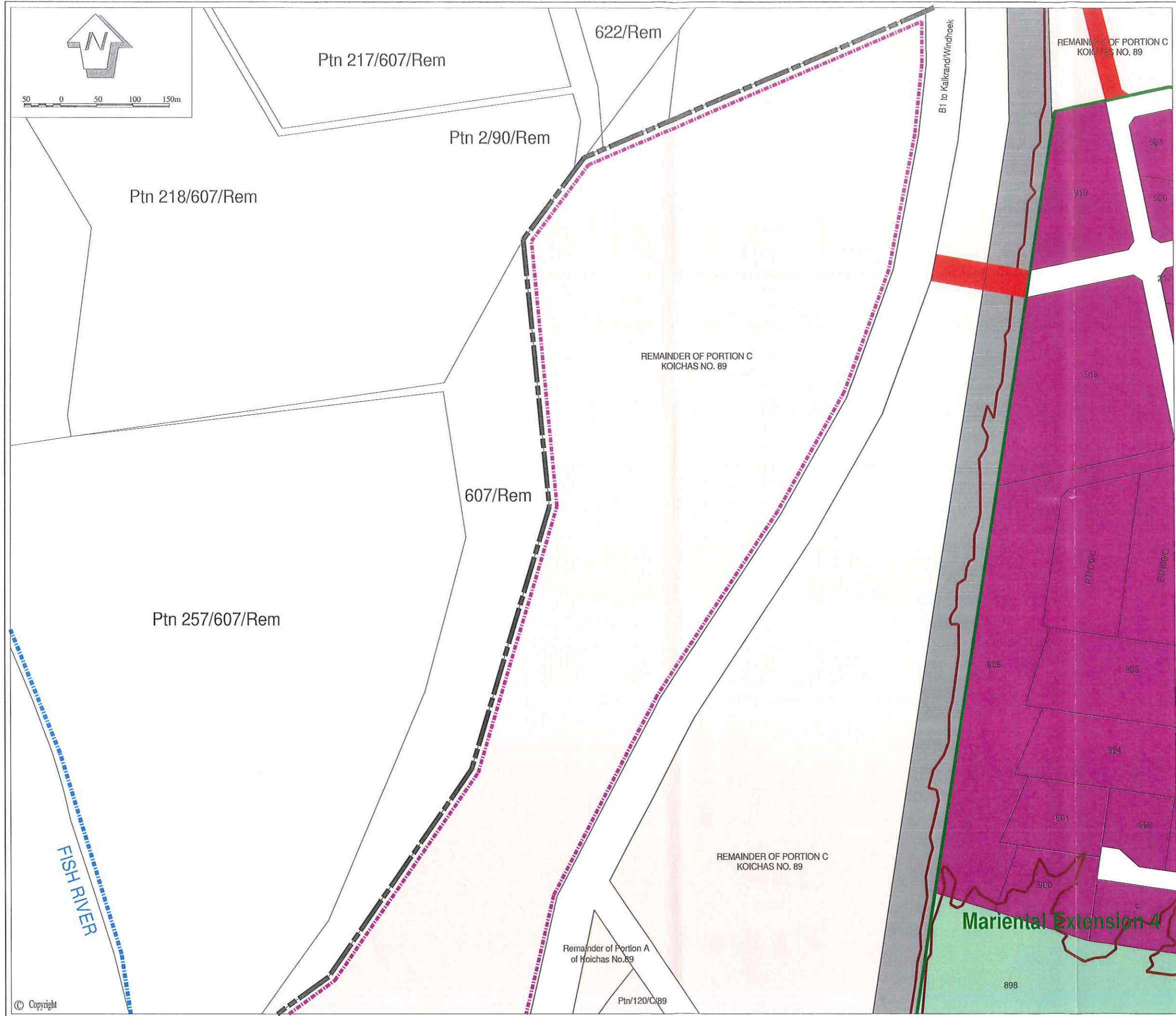
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PROJECT TITLE:
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SCHEME INDEX MAP LAYOUT

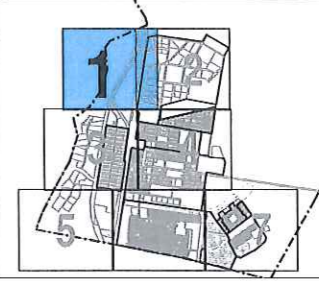
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JON



MARIENTAL

- REFERENCE**
- Informal Residential
 - Residential
 - General Residential
 - Rural Residential
 - Residential Estate
 - Office
 - Local Business
 - Business
 - Light Industrial
 - Industrial
 - Educational
 - Institutional
 - Undetermined
 - Agricultural
 - Special - Refer to Table C
 - Nature Reserve
 - Private Open Space
 - Parastatal
 - Hospitality
- RESERVATION**
- Public Open Space
 - New Streets
 - Street Closures
 - Government
 - Cemetery
 - Local Authority
 - Existing Streets
- REFERENCE**
- Fish River Conservation Area
 - Local Authority Scheme Boundary
 - Extension Boundary
 - 1:100 Year Floodline (2006)
 - Fish River
 - Roads

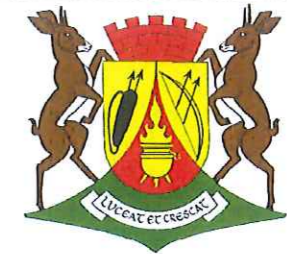
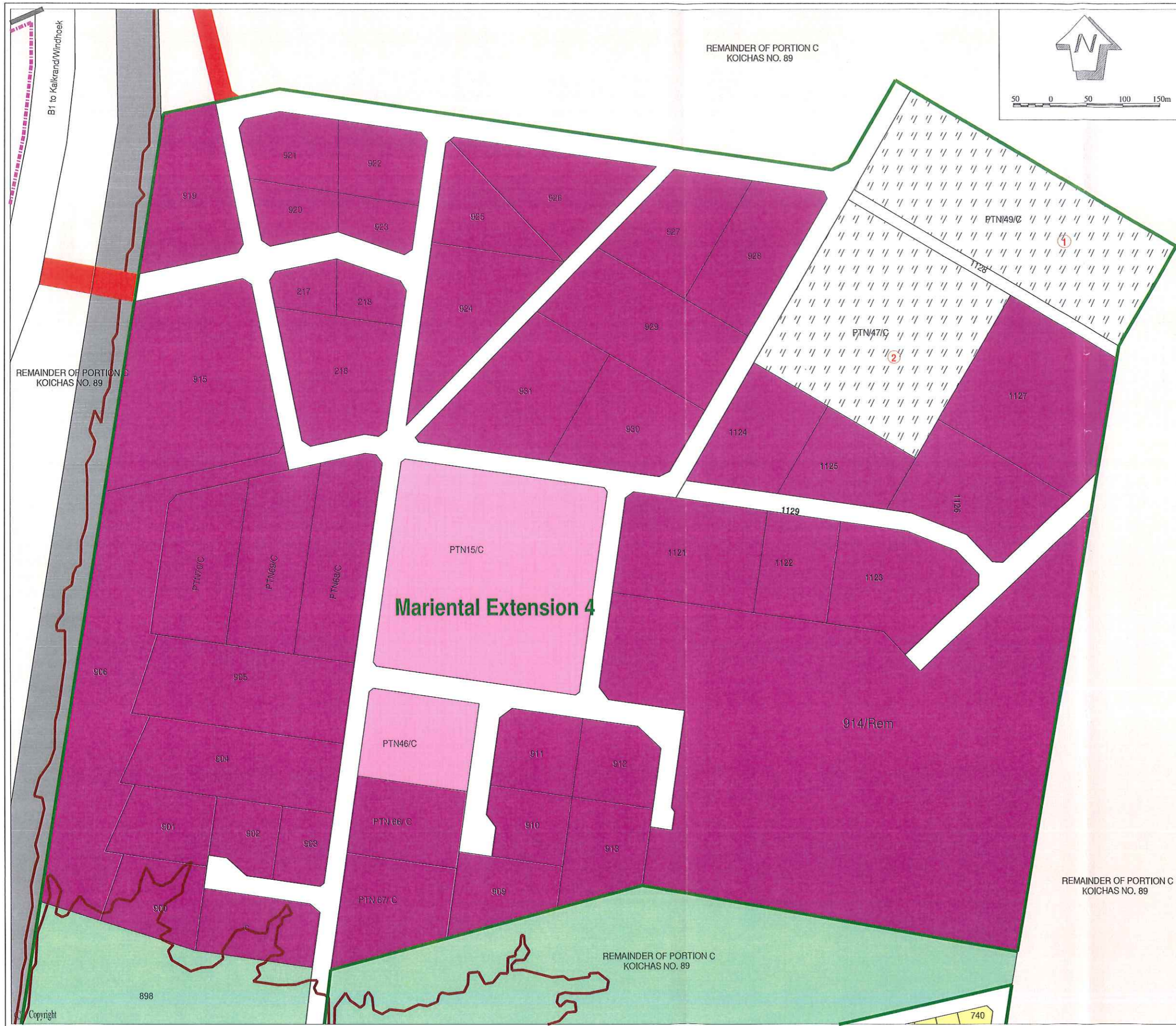


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PROJECT TITLE:
**MARIENTAL
SCHEME INDEX MAP 1**

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SCALE: 1:5 000	DATE: June 2011	



MARIENTAL

REFERENCE

- Informal Residential
 - Residential
 - General Residential
 - Rural Residential
 - Residential Estate
 - Office
 - Local Business
 - Business
 - Light Industrial
 - Industrial
 - Educational
 - Institutional
 - Undetermined
 - Agricultural
 - Special - Refer to Table C
 - Nature Reserve
 - Private Open Space
 - Parastatal
 - Hospitality
- ## RESERVATION
- Public Open Space
 - New Streets
 - Street Closures
 - Government
 - Cemetery
 - Local Authority
 - Existing Streets
- ## REFERENCE
- Fish River Conservation Area
 - Local Authority Scheme Boundary
 - Extension Boundary
 - 1:100 Year Floodline (2006)
 - Fish River
 - Roads

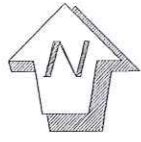


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PROJECT TITLE:
MARIENTAL
 SCHEME INDEX MAP 2

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Tom



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MARIENTAL

REFERENCE

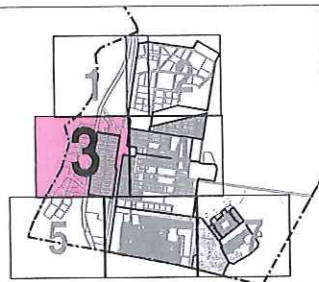
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- Residential
- General Residential
- Rural Residential
- Residential Estate
- Office
- Local Business
- Business
- Light Industrial
- Industrial
- Educational
- Institutional
- Undetermined
- Agricultural
- Special - Refer to Table C
- Nature Reserve
- Private Open Space
- Parastatals
- Hospitality

RESERVATION

- Public Open Space
- New Streets
- Street Closures
- Government
- Cemetery
- Local Authority
- Existing Streets

REFERENCE

- Fish River Conservation Area
- Local Authority Scheme
- Boundary
- Extension Boundary
- 1:100 Year Floodline (2006)
- Fish River
- Roads

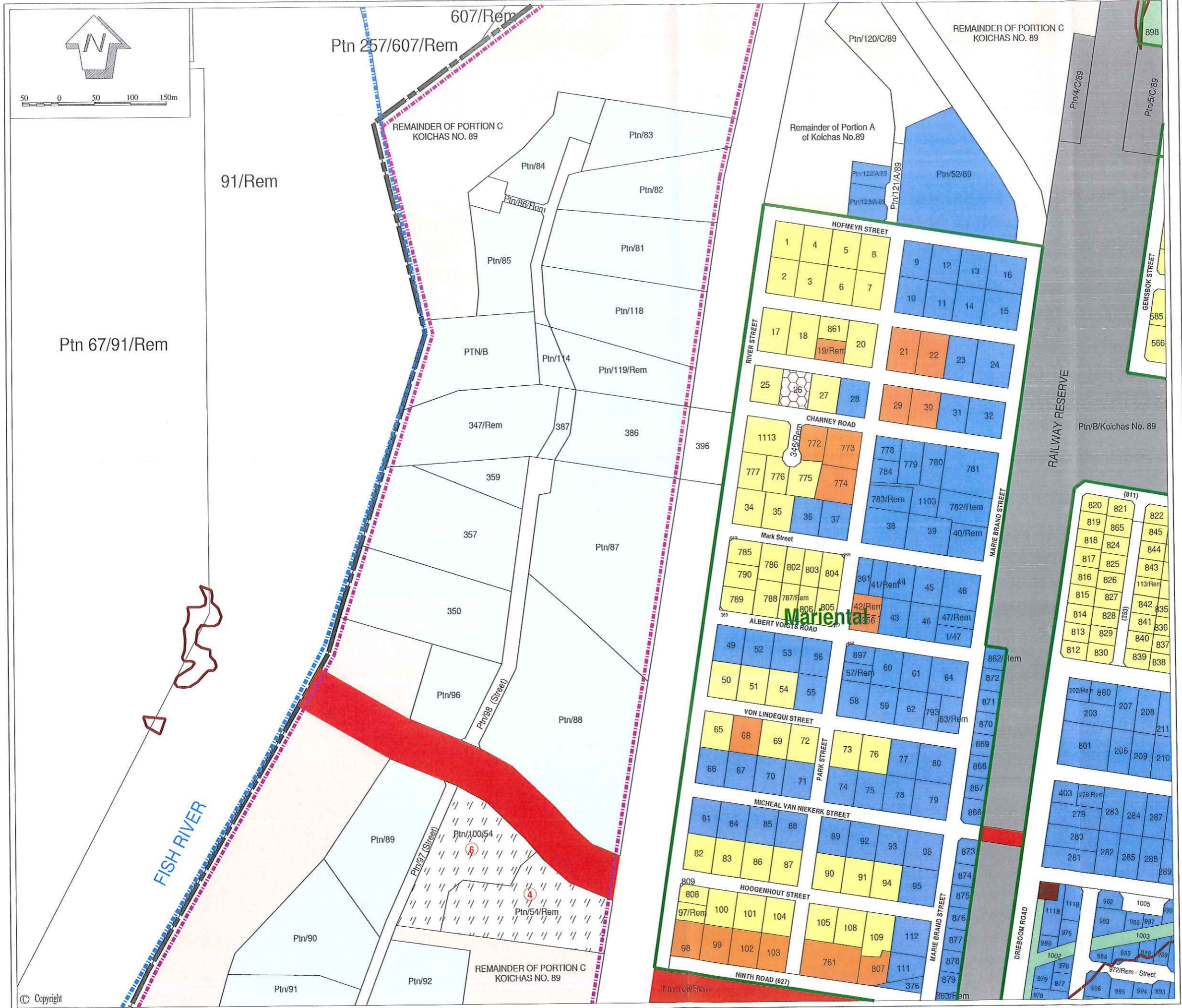


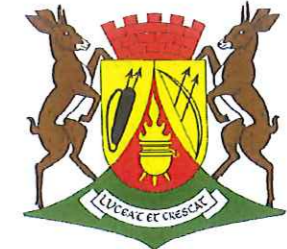
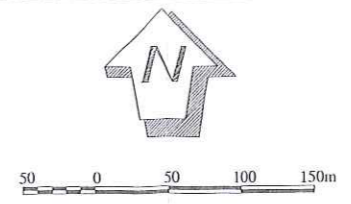
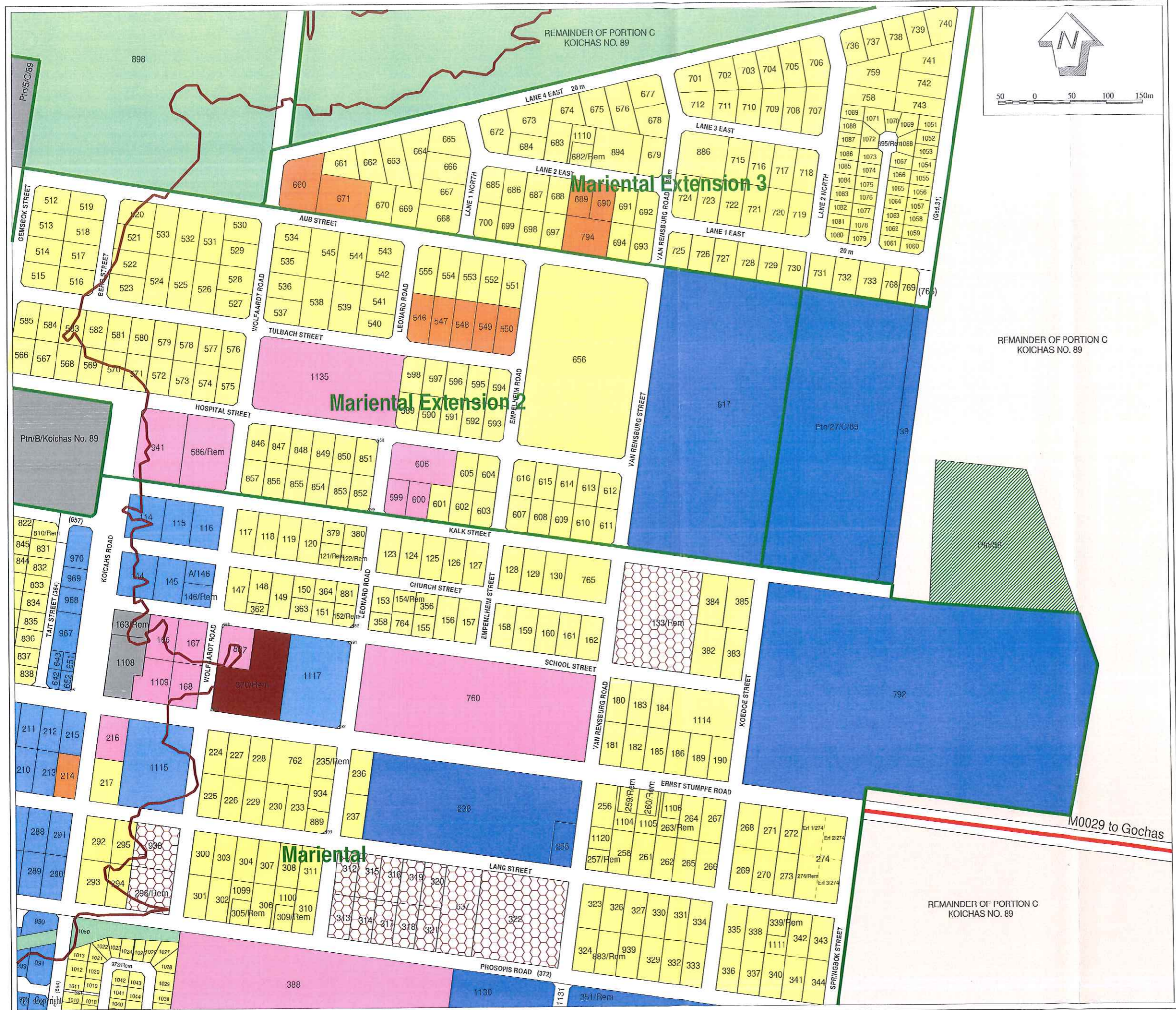
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PROJECT TITLE:
**MARIENTAL
SCHEME INDEX MAP 3**

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MARIENTAL

REFERENCE

- Informal Residential
 - Residential
 - General Residential
 - Rural Residential
 - Residential Estate
 - Office
 - Local Business
 - Business
 - Light Industrial
 - Industrial
 - Educational
 - Institutional
 - Undetermined
 - Agricultural
 - Special - Refer to Table C
 - Nature Reserve
 - Private Open Space
 - Parastatals
 - Hospitality
- ## RESERVATION
- Public Open Space
 - New Streets
 - Street Closures
 - Government
 - Cemetery
 - Local Authority
 - Existing Streets

REFERENCE

- Fish River Conservation Area
- Local Authority Scheme
- Boundary
- Extension Boundary
- 1:100 Year Floodline (2006)
- Fish River
- Roads



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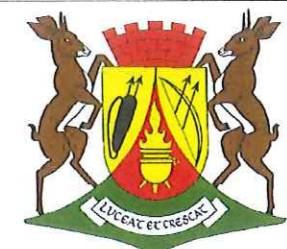
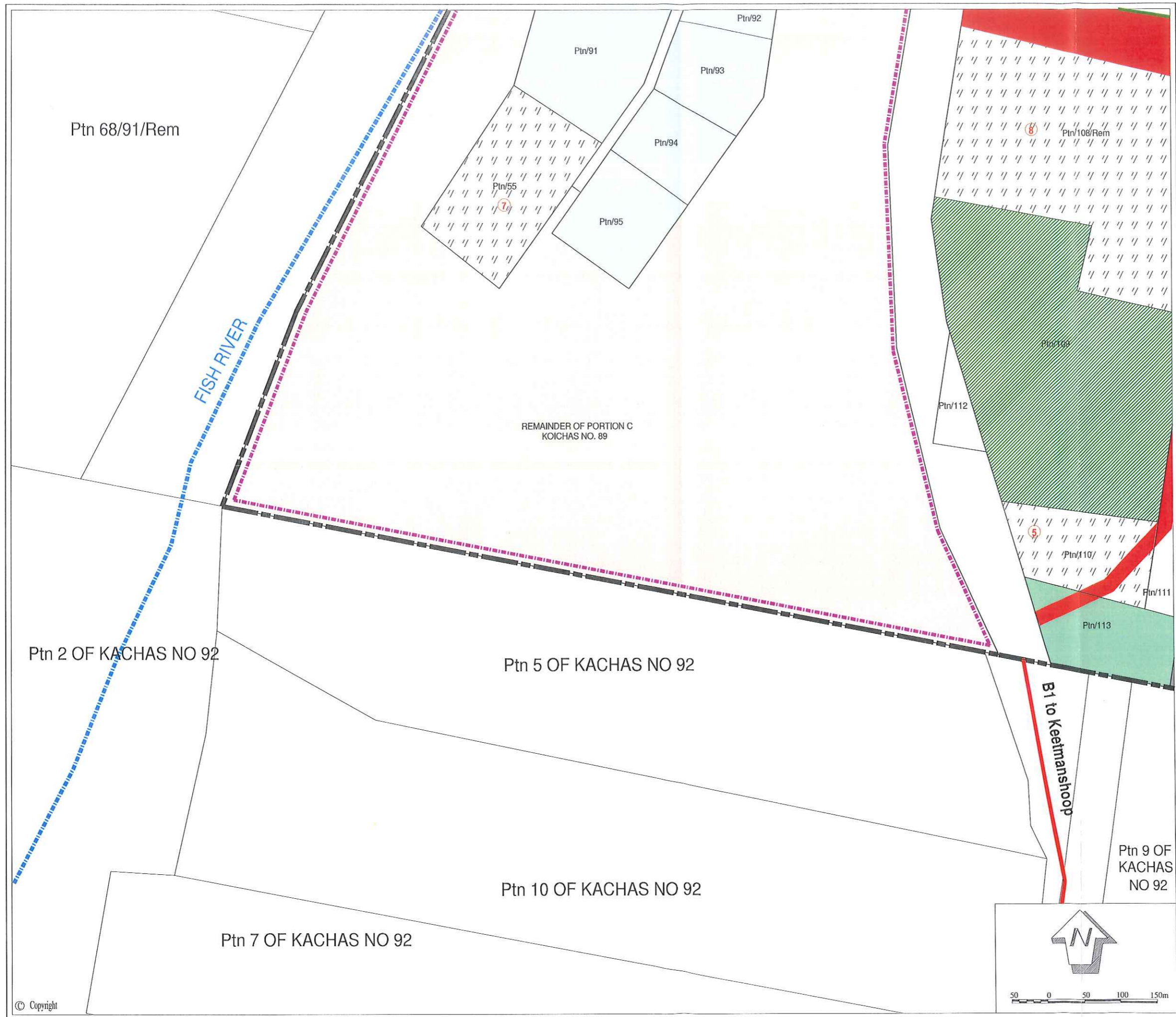
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PROJECT TITLE:
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SCHEME INDEX MAP 4

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MARIENTAL

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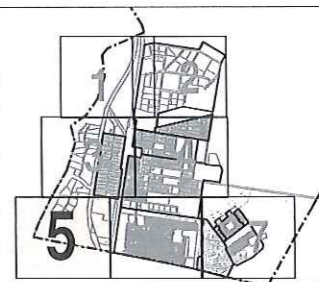
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- General Residential
- Rural Residential
- Residential Estate
- Office
- Local Business
- Business
- Light Industrial
- Industrial
- Educational
- Institutional
- Undetermined
- Agricultural
- Special - Refer to Table C
- Nature Reserve
- Private Open Space
- Parastatals
- Hospitality

RESERVATION

- Public Open Space
- New Streets
- Street Closures
- Government
- Cemetery
- Local Authority
- Existing Streets

REFERENCE

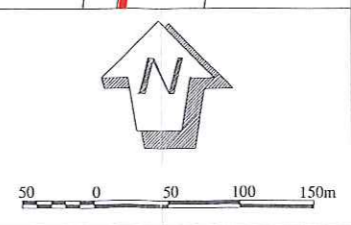
- Fish River Conservation Area
- Local Authority Scheme Boundary
- Extension Boundary
- 1:100 Year Floodline (2006)
- Fish River
- Roads



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PROJECT TITLE:
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SCHEME INDEX MAP 5

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REFERENCE

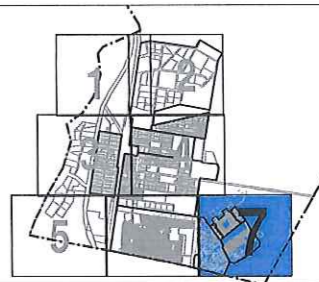
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- Rural Residential
- Residential Estate
- Office
- Local Business
- Business
- Light Industrial
- Industrial
- Educational
- Institutional
- Undetermined
- Agricultural
- Special - Refer to Table C
- Nature Reserve
- Private Open Space
- Parastatals
- Hospitality

RESERVATION

- Public Open Space
- New Streets
- Street Closures
- Government
- Cemetery
- Local Authority
- Existing Streets

REFERENCE

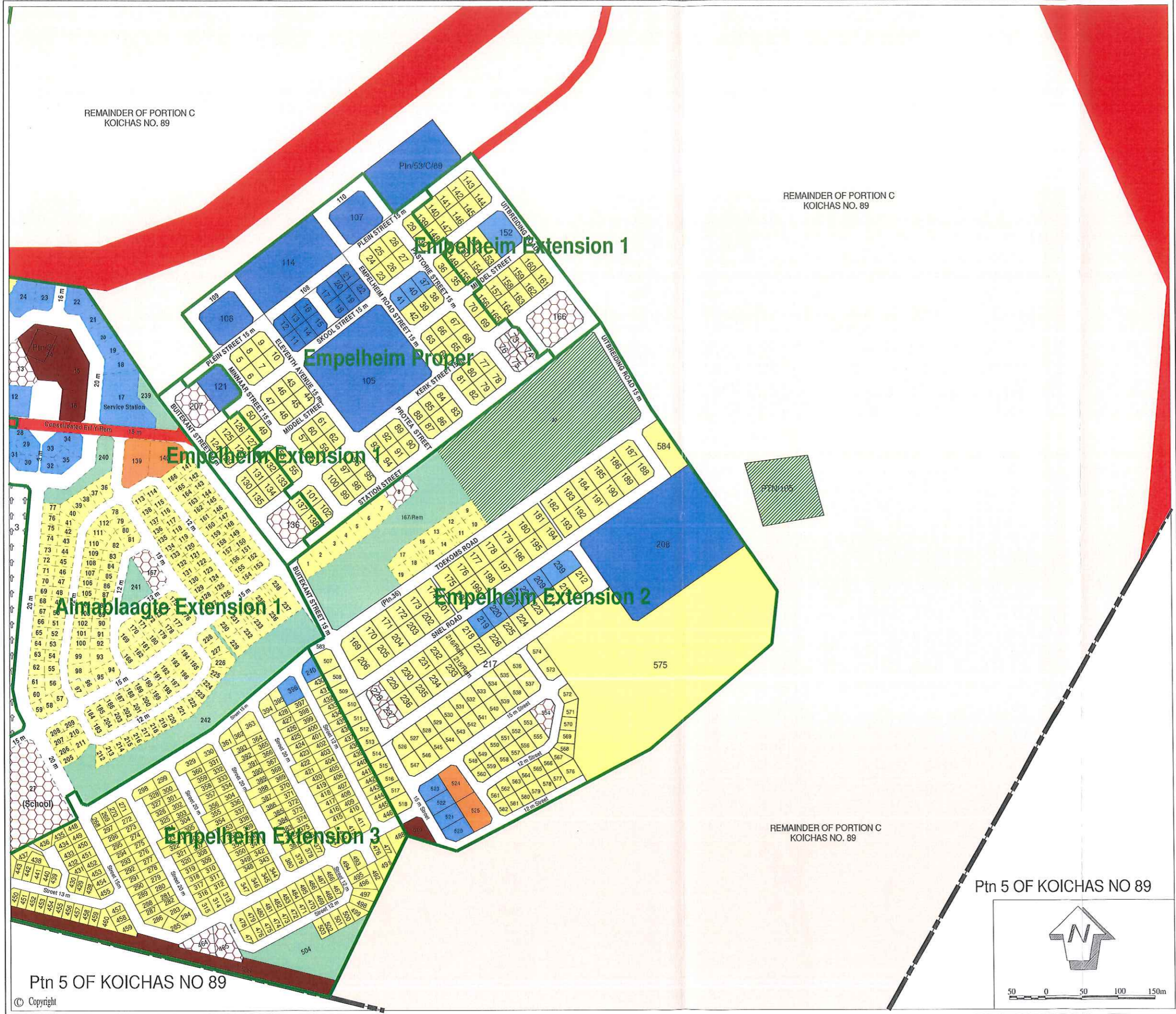
- Fish River
- Observation Area
- Local Authority Scheme
- Boundary
- Extension Boundary
- 1:100 Year Floodline (2006)
- Fish River
- Roads



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PROJECT TITLE:
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 SCHEME INDEX MAP 7

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