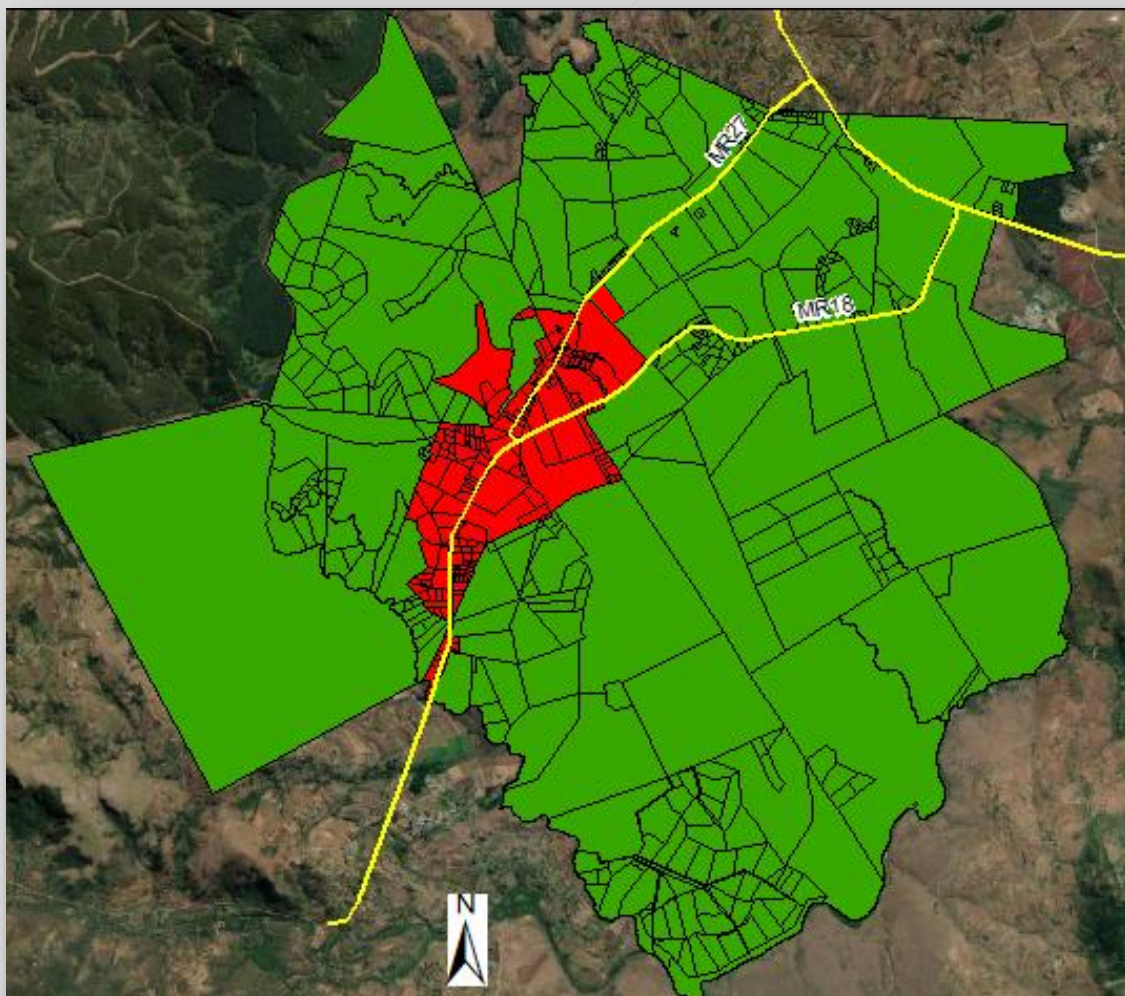


MALKERNS TOWN PLANNING SCHEME

2022 – 2032



DEVELOPMENT CODE: VOLUME IV





PREPARED BY



JUNE 2023

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The Malkerns Town Planning Scheme 2022 – 2032 was approved by the Minister in accordance with the Town Planning Act, 1961, *Section 20* on the -----(date) of -----(Month) 2023 and gazetted (*gazette no. & date*).

Signature: -----

Name /Surname: -----

MINISTER OF HOUSING AND URBAN DEVELOPMENT

Mbabane

Date:

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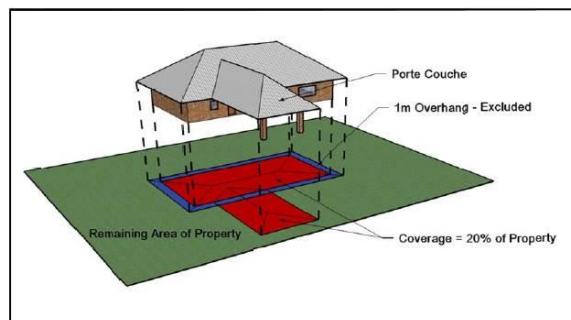
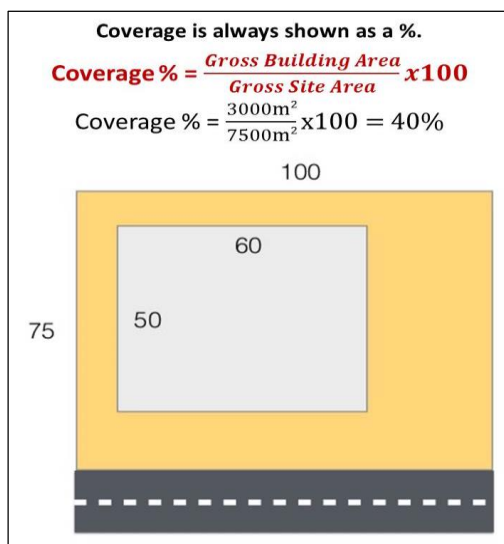
1.DEFINITIONS

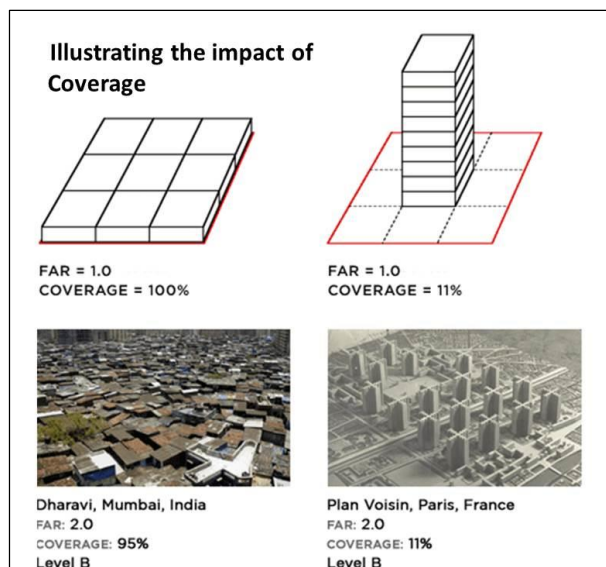
In this Development Code, unless the context requires otherwise, shall have the respective meaning hereby assigned to them. Words not defined in this section shall have the meaning given in common English dictionary; further more:

- i. Words used in the present tense include the future;
- ii. The singular includes the plural and visa versa;
- iii. The word “building” includes the word “structure”;
- iv. The word “occupied” includes the words “intended to be occupied”;
- v. The word “used” includes the word “arranged or intended to be used”;
- vi. The word “plot” shall include the words “lot”, “farm”, “portion” and “erf”;
- vii. The word “shall” is mandatory;
- viii. The word “person” shall include an individual, corporation, partnership or any other legal entity;
- ix. The word “he” includes “she”;

ACCESSORY BUILDING	A building or structure not used for human habitation, which is subordinate to and on the same lot as the main building; and may include a private garage, a carport and swimming pool;
ACCESSORY USE	A use that is naturally and normally incidental, subordinate and exclusively devoted to the principals use or to the principal building or structure and located on the same lot with such principal use or building or structure;
ACCESS	Reserved point of entry and exit from a public road to and from different parts of a plot or developments or open space by pedestrians, cyclists and vehicles;
ACT	The Town Planning Act 1961;
AGRICULTURAL LAND	Land being used for bona fide and exclusively for agricultural purposes, but shall not include land used as a park or for recreational purposes;
ALTERATION	Any physical change or rearrangement to a building, structure or its parts, and shall include the words alter and repair;
AMENITY	A quality that brings about comfort, convenience, attractiveness or value;
ANCILLARY LAND USE	Any use of a plot or building which is subsidiary to the dominant use whose coverage is less than 15%;

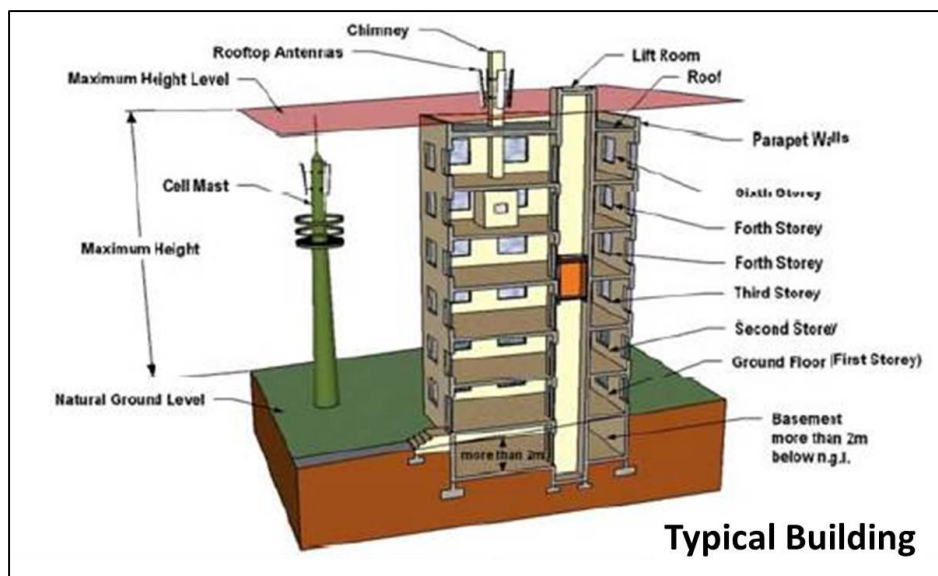
AREA	The size of a plot or building in m ² , hectares, etc. or other defined area like: building area, floor area or plot area;
BALCONY	A platform or veranda above the ground storey servicing a room, open to the air, that either projects from the wall of a building, or is wholly or partly inserted into the building, and is enclosed by wall(s) of the building and railings, primary made for recreation;
BAR	A place of refreshment, which serve predominantly alcoholic beverages and is used in conjunction with a place of refreshment;
BED & BREAKFAST	<i>or guesthouse:</i> an existing home, a renovated home or a building that has been specifically designed as a residential dwelling to provide overnight accommodation, must have at least five rooms and public areas for the exclusive use of its guests. Bathroom facilities must be en-suite. If not, exclusive use of bathroom facilities per room is ensured. In general the guest shares the public areas with the host family;
BOTTLE STORE	An establishment that predominantly sell or trade in alcoholic beverages that are consumed off the premises;
BUILDING	Any structure used or intended for supporting or sheltering any use or occupancy; Any structure fully or partially enclosed by exterior walls and a roof, made of durable materials, whether temporary or permanent;
BUILDING AREA	The maximum horizontal projected area of a building at or above grade, excluding cornices, eaves, gutters, un-enclosed porches, terraces, balconies or steps; or buildable area of a plot within the setbacks;
BUILDING COVERAGE	The portion of the lot area covered or occupied by the building;





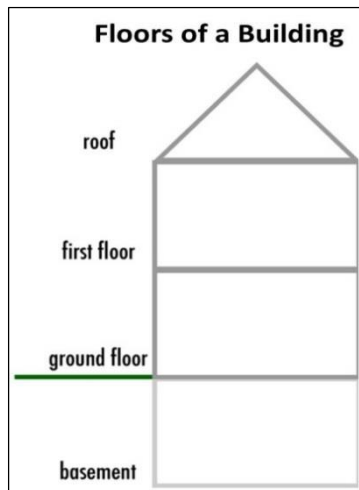
BUILDING HEIGHT

The vertical distance measured from the average finished grade to the highest point of the roof surface in the case of flat roofs or to a point halfway up the roof in the case of pitched roofs and excepting special parts such as tanks, elevator penthouse, spires, sky-lights, cupolas and similar, structure occupying less than 10% of the total roof area and consisting of less than 10% of the volume of the building;



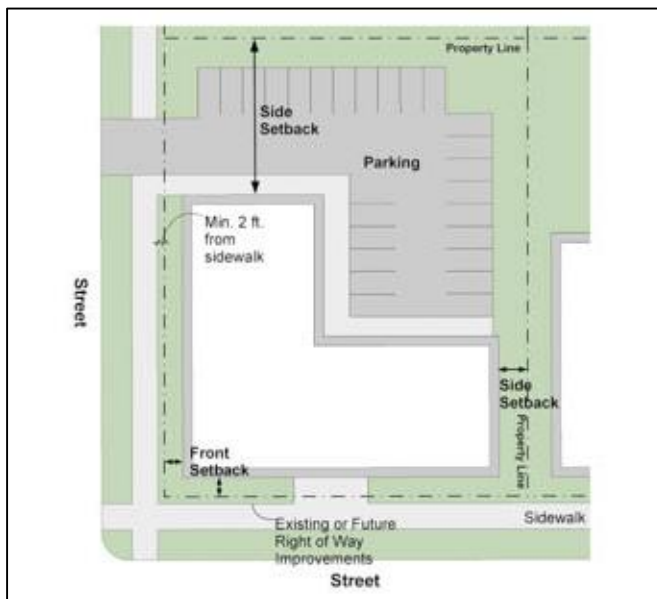
BUILDING HEIGHT (in storeys)

The number of storeys contained between the roof and the floor of the first storey;



BUILDING LINE

An imaginary line on a property that demarcates the building restriction area / setback and is at a fixed distance from any boundary of such property;



BUILDING RESTRICTION AREA,

The area on a property where no building may be erected and which is bounded on one side by a building line and on the other side by a boundary of the property;

**BUILDERS YARD**

Land or buildings used for the storage of material, vehicles or equipment used or required for building operations;

BUSINESS PREMISES

The use of a building as an office or for sales which is ancillary to another use, but excludes a building used as a garage, place of refreshment, industry, retail repair, place of instruction or bottle store;

BYLAWS

The subsidiary laws and building regulations enforced by a relevant Planning Authority to a specific area;

CARPORT

A private garage of not more than one storey in height, having a roof supported by columns or piers and enclosures and open to the extent of 50% of the potential total wall area, not including any wall of a building to which a carport is attached; or an open-sided, or partly open-sided vehicle shelter;

CARAVAN

A vehicle with or without its own motive power equipped for or used for living purposes and mounted on wheels;

CARAVAN PARK

Land reserved for parking of caravans;

CAR WASH

A building or structure containing one or more car wash bays, coin operated or attended by staff, wherein cars are mechanically washed. The car wash may operate on its own or in conjunction with an automobile service station; or an open area with offices and dealing with the business of washing cars

CENTRAL BUSINESS**DISTRICT (CBD)**

The dominant commercial zone within the Town Council;

CHURCH

A building built specifically for religious worship excluding ancillary services;

CIVIC AND COMMUNITY

Land used for activities/services run by the Government or Local Authority or community administration e.g. offices, youth rehabilitation centre, clinic, hospital, day care centre, school

	kindergarten, library, museum, religious area, hall generally used by the public, or, any similar activity;
CLINIC	A public, private or specialised hospital, operating primarily on an outpatient basis;
CLUB	A building and ancillary fields used by an organisation association for some common vocational purpose such as, but not limited to fraternal, social, educational or recreational purpose, and may include a place of refreshment;
COMMERCIAL	Land use activities for financial benefit such as retail sale of goods, providing professional or other services, catering, residential boarding or any activity likely to produce a similar environmental impact;
COMMUNITY BUILDING	A building mainly used for community services and may include non-commercial, recreational and cultural activities with limited monetary gain. The building may be used for sale purposes related to the main uses of the building;
COMMUNITY CENTRE	The non-profit use of land and buildings for social and community service activities, including human service agencies and programmes, professional counselling services, etc.;
CONSERVATION ZONE	Land used for the conservation of natural and historic resources and the wilderness qualities associated with these areas; for low intensity eco-tourism; for maintaining bio-diversity and sustainable catchment management; or Conservation zone as defined in the zoning map.
COVERAGE	The percentage of the lot area covered by the combined area of all the buildings and structures on the lot measured at grade to the outside of all exterior walls;
CUL-DE-SAC	A street extending from an intersection with another street and terminating in a vehicular turn-around;
DEVELOPMENT	Any man-made change to a physical outlook of a plot, including but not limited to building structures, streets, landscaping, utilities, filling, grading, and/or excavation;
DEVELOPMENT CODE	The regulatory document of the Town planning Scheme with the town Zoning map and zoning districts outlining land and buildings development and usage guidelines, physical planning regulations and development standards, processes and procedures, including: definitions, use zones, standards guidelines, parking standards and mechanisms for altering the regulations set forth therein;
DEVELOPMENT PLAN	A short term framework for addressing the development needs of an area to achieve a Town Planning Scheme objectives and includes the strategies and implementation program for achieving identified developmental needs;
DISCHARGE	Substances, effluent or particles let out into a drainage or sewerage systems or water courses or land;

DIVISIONAL DIAGRAM	A surveyed or proposed survey diagram showing plot boundaries, servitudes, public allotments, and other property dimensions and statutory requirements;
DRIVE-IN RESTAURANTS	Premises consisting of a building or structure, together with a parking lot, from which food, refreshments, dairy products or beverages are sold to the public for consumption either in automobiles parked on the parking lot or for consumption elsewhere on the premises, but not necessarily within the building or structure and does not include a building or structure where food, refreshments, dairy products or beverages are offered for sale of sold to the public only for consumption within the building or structure or off the premises;
DRIVER-IN COMMERCIAL ESTABLISHMENT	Commercial uses which primarily serve vehicular traffic and the travelling public and which rely heavily upon such traffic for their economic existence;
DRIVEWAY	A private roadway providing vehicular and pedestrian access from a plot or building to a road or public right of way;
DWELLING	A serviced building or portion thereof designed and / or used exclusively for residential occupancy, including one-family, two-family and multifamily dwellings, but not including hotels and motels;
DWELLING UNIT	One or more rooms together with private lavatory accommodation and a kitchen, designated and / or used for exclusively for residential occupancy by one family;

<i>TYPES OF DWELLING UNITS</i>	
APARTMENT DWELLING	A building other than a townhouse dwelling comprising three or more dwelling units;
DUPLEX DWELLING	Separate building divided horizontally into upper and lower separate dwelling units each of which has two independent entrances;
SEMI-DETACHED DWELLING	A building divided vertically into two side by side separate dwelling units each of which has two independent entrances and independent parking facilities;
SINGLE FAMILY DWELLING	The whole of a separate building designated or used for occupancy by one dwelling unit;
TOWNHOUSE DWELLING	A building containing 3 or more non-communicating dwelling units having a common wall between adjacent dwelling units and two separate entrances into each dwelling unit;
TOWNHOUSE DWELLING LINEAR	A building containing 3 or more non-communicating dwelling units having a common wall between adjacent dwelling units and two separate entrances into each dwelling unit and fronting on a public road;
DWELLING GROUP	One or more buildings, containing dwelling units and arranged around the sides of a court including one-family, two-family, townhouse and multiple dwellings and apartments;

ECO-TOURISM ZONE	Where the natural environment is used sustainably to generate associated tourism activities that will be of direct or indirect benefit to local residents. It may include rural settlements and associated low intensity subsistence agriculture which may be considered as an eco-tourism resource;
EMISSIONS	Substances or particles let out into the open air from activities on the land or structures;
ENACTMENT DATE	The date the Town Planning Scheme was approved by the Minister;
ENVIRONMENT	Physical conditions of surroundings such as openness, compactness, high-rise, low-rise, colourful, colourless, old, young, simple, complex, lively, calm, noisy, quiet, light, dark, sunny, shady, warm, cool, and so on;
ERECTED	Built, constructed, assembled or put up;
EXISTING USE	Use of plot that was lawfully in existence before the enactment date;
EXTENSION	An enlargement or addition to a building;
FAMILY	<p>(a) One person occupying a dwelling unit;</p> <p>(b) Two or more person occupying a dwelling unit who are living together as husband and wife, or otherwise related by consanguinity or adoption, and may include;</p> <ul style="list-style-type: none"> i) One or more full-time domestic servants, ii) Not more than four foster children placed with the family under respective child welfare act, iii) Not more than four related or unrelated persons whose status is that of paying lodgers or boarders and who live with one person occupying a dwelling unit, or with two or more person occupying a dwelling unit who are living together as husband and wife or otherwise related by consanguinity or adoption; <p>(c) A group of not more than 5 unrelated person occupying a dwelling unit.</p> <p><i>For the purpose of this definition a family does not include a group of children or adults living together under the direct supervision of a government or private agency. Such a group shall be classified as living in a boarding house.</i></p>
FLAT	A dwelling unit in a multiple dwelling building;

FLOOD LINE

The line along a river bank which shows the highest level of the water during a one in 50 years flood, as defined by the Ministry of water resources or relevant planning authority from time to time;

FLOOD PLAIN

A relatively flat or low lying area adjoining a river, stream or watercourse which is subject to partial or complete inundation or which is subject to the unusual and rapid accumulation of runoff waters or flooding from any source.

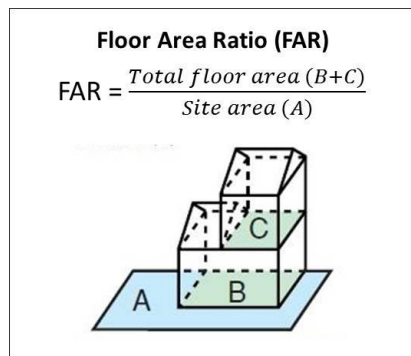
FLOOR AREA

The aggregate of the horizontal areas of each floor in a building or structure measured from the exterior of outside walls or outside finished partitions but excluding the case of a dwelling any private garage, porch, verandah, basement, cellar and unfinished attic;

FLOOR AREA RATIO**(FAR)**

The ratio obtained by dividing the total floor area of a building, or buildings covered by roofs, by the total area of the lot, thus

$$FAR = \frac{\text{Total floor area of building(s)}}{\text{Total area of the lot on which the building(s) is erected}}$$

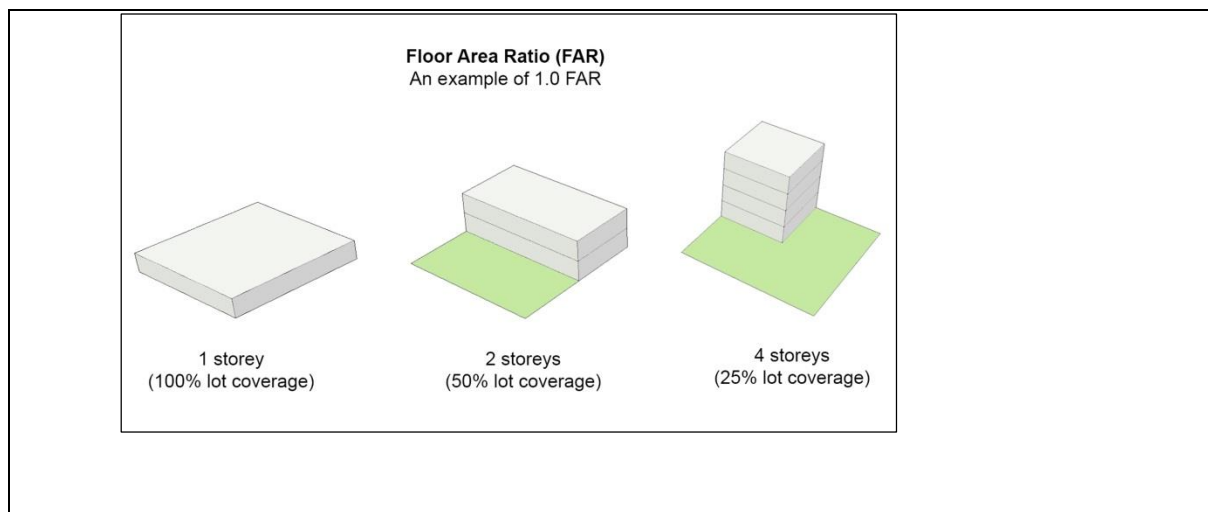


**Multiplying the FAR by the erf size yields
the permitted building size**

Total building size = Site area x FAR

Site area of 1000m² x 1.0 FAR = 1000m² total building size

Site area of 1000m² x 0.5 FAR = 500m² total building size

**FRONTAGE**

The horizontal distance between the side lot lines measured along a public street: where a lot abuts two streets, the lesser lot line shall be deemed the lot frontage: where side lot lines are not parallel, the lot lines measured along a lot line drawn parallel to the front lot line at the minimum distance from the front lot line permitted for the erection of buildings;

GARAGE

An enclosed building used for the parking or storage of one or more motor vehicles in a residence.

GARAGE PARKING A building over sixty square metres (60m²) in area used for the parking of motor vehicles without repair or service facilities. The term parking garage may include a parking garage accessory to the principal use, either for public or private use.

GARAGE REPAIR

A building with facilities for the repair of motor vehicles, which may include petrol filling stations, body repair, painting and rebuilding or other motor vehicle maintenance, repair or parts storage, or workshop;

GROUND FLOOR

A floor at ground level or having its entrance directly accessible from ground level by means of a ramp, stairway or similar structure;

GUEST HOUSE

*Same as “**Bed and Breakfast**”*

GUIDELINES

Any development standards or regulations on a particular developmental aspect related to land or building usage approved by the Minister or local authority to be used along the Town planning Scheme;

HABITABLE ROOM

A room used or intended to be used for living, eating or sleeping;

HABITABLE SPACE

The space within a dwelling unit in which living functions are normally carried on, and include living room, dining rooms, kitchens, bathrooms, dens and recreation rooms, located in a basement, but does not include furnace rooms, storages rooms, workshops and recreational rooms located in a cellar;

HARDWARE STORE	A retail building or yard used for the purpose of conducting retail sales of building related goods in large quantities which could require bulk loading facilities and large areas for storage purposes. The materials include such items as cement, timber, bricks and building machinery.
HIGH-RISE DEVELOPMENT	A development where a building has a minimum of 3 storeys above the ground storey.
HIGHWAY	A national main road in Eswatini such as the MR27/ MR18 or a national road declared as a highway by the Ministry of Works.
HOMES FOR THE AGED	A residence for senior citizens either privately sponsored or administered by any public agency or any provincial and Local Authority governments or agencies or by public subscription or donation, or by combination thereof, and such homes may include auxiliary uses such as club and lounge facilities usually associated with senior citizen's developments;
HOME OCCUPATION	Any occupation which is incidental and secondary to its use as a dwelling or dwelling unit carried out in a residential area by the resident or occupant within a dwelling unit or separate building, except the keeping of boarders or lodgers, day centres with more than 5 children, automobile repair and body work, the retail sale of goods not produced or manufactured in the home, storage of materials in an accessory building, by members of the one family residing therein;
HOSTEL	A supervised lodging facility for travelers;
HOSPITAL	An institution providing general or specified medical and/or surgical treatments and nursing care for the ill or injured, and includes all accessory structures necessary for its operation;
HOTEL	A formal accommodation with full or limited service to the travelling public. A hotel has en suite rooms with a minimum of ten rooms;
IDENTITY	Distinguishing character of a place;
IMPROVEMENT	The physical changes to developed or undeveloped plots, including but not limited to buildings, playfields, parks, utilities, filling, grading, excavation, streets and other landscaping.
INDUSTRY, NOXIOUS	An industry used for the trade or manufacture of goods, or that offers service, which cause a nuisance or health hazard in the form(s) of noises, vapours, dust, smells, waste liquids or solids emanating from the premises.
INDUSTRIAL	Activities such as wholesale storage, distribution and sale of goods, or providing a maintenance or repair facility for equipment or manufacturing or assembly of goods or processing of raw materials or any activity involving noise, vibration, smoke, gases, light, shadow, temperature, discharges, smell or pollution, or any activity likely to produce a similar environmental impact.

INFLAMMABLE LIQUIDS	All inflammable liquids or substances having a true flash point below 55 degrees Celsius.
INFORMAL SETTLEMENT	Unplanned human settlements on private or public land where occupants don't have title to the land and use unsurveyed parcels of land with or without the agreement with the plot owner. Services are limited and buildings are temporary in nature.
INFORMAL TRADER	A trader who sells his wares (fresh fruit, vegetables, pre-packed foodstuffs, manufactured household goods, etc.) by the roadside, parking bays, parks, road reserves, etc. outside of the formally built marketing area and displayed on makeshift tables or similar structures or carried by hand for sales to public traffic or various establishments;
INSTITUTION	A welfare institution, hospital, nursing home, sanatorium or clinic, whether public or private, and includes offices incidental thereto;
JUNKYARD	Land or buildings where used metal, rags, paper or other used material are kept, sorted, purchased or sold but not a place where used materials are recycled or reprocessed into other products or prepared for used as other products;
KENNEL	Any lot on which four or more dogs older than 4 months are kept and including any building or structure used to house such dogs;
LANDSCAPED	Modified or ornamented natural environment to enhance amenity;
LANDSCAPED OPEN SPACE	A portion of the lot area which is not used for buildings, structure, parking space and driveways and which consists of grass, flower beds, shrubbery and other form of landscaping or a combination thereof;
LOADING BAY	An off-street parking area provided for delivery vehicles, when loading and unloading goods.
LOADING ZONE	An on-street parking space provided for delivery vehicles when loading and unloading goods.
LOCAL AUTHORITY	Malkerns Town Council (MKTC), also referred to as town, urban area, civic centre, town hall or municipality.
LODGE	A formal accommodation facility with free standing units, providing full or limited service, located in natural surroundings, gardens, nature conservancy and or declared protected worthy area.

LODGING HOUSE	A commercial establishment providing temporary lodging, containing less than ten rentable rooms, and may have restaurants, bars and recreation or meeting facilities.
LOT	Plot or erf of farm a surveyed parcel of land with a specific number given in a general diagram lodged with the Surveyor Generals Department located within the Town Council that can be used for any development.
LOT AREA	The total horizontal area (m ² , ha, km ²) within the plot lines of a lot, excluding the horizontal area of such lot covered by water or marsh, or between the high water mark of a river or watercourses;
LOT CORNER	A lot situated at the intersection of two streets, of which two adjacent sides, that abutt the intersecting streets, contain an angle of not more than one hundred and thirty five (135) degrees;
LOW-RISE DEVELOPMENT	A development where a building has a maximum of 2 storeys above the ground storey.
MAISONETTE	Part of a house usually not all on one floor and used as a separate dwelling;
MAP	The Malkerns zoning map as amended from time to time;
MARKET	A public place with one or more stalls where any member of the public is allowed to apply to rent such stalls to be used for trade to sell goods and/or services.
MINISTER	The Minister responsible for physical planning and urban development.
MIXED USE	An area, zone, lot or building containing more than one uses any of which occupies more than 20 percent of the total floor area.
MOTORCITY	Warehoused car sales yards
MULTI-FAMILY	More than a single family unit.
TOWN COUNCIL	Malkerns Town Council Local Authority area or town or city having legal boundaries specified in a government gazette establishing or extending a town as per the Urban Government Act, 1969.
NEIGHBOURING	A nearby, adjacent or adjoining part of an urban or rural settlement, having distinguishing characteristics.
NON-CONFORMING USE	Use of land or buildings that was lawful before this Code was enacted or amended but is prohibited, regulated or restricted under the

provisions of this Code. Such non-conforming uses include, but are not limited to non-conforming signs.

OCCUPIER OR OCCUPANT	In relation to any building or land any person in actual occupation of such without regard to the title under which he occupies and includes the agent of the occupant who is absent from the area or whose address is unknown.
OFFICE	A building or space used for administrative purposes and includes professional offices and financial institutions.
OPEN SPACE	Land or park which is primarily open to the air, landscaped or not, and generally without buildings (maybe toilets) reserved for public enjoyment a is.
OWNER	In relation to a building or land: the registered owner; the holder of a stand license; any lessee under a registered lease; the person administering the estate of any person either as executor, administrator guardian or in any other capacity; any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, of who would receive such rents or profits if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein; or duly authorised agent of an owner referred to above;
PARK	An open-air public recreational facility with natural vegetation landscaped or not which is not accessory to any other use on the same or any other lot, but excludes sports facilities;
PANHANDLE	The narrow access portion from a road by which the buildable area of a panhandle lot gains access;
PANHANDLE LOT	A subdivision which results in one or more of portions created by such subdivision gaining access by means of narrow access from the service road;
PARKING LOT	An open area, other than a street used for the parking of motor vehicles and available for public use whether free, at a fee or as an accommodation for tenants, clients or customers and with access to a public street;
PARTY WALL	A building wall constructed immediately adjacent to a side or rear plot line and connected to a building on the adjoining plot;
PATIO	An outdoor hard surface, adjacent or close to a dwelling unit, used primarily for recreation;
PENTHOUSE	An enclosed structure, other than a bulkhead, sited on the roof of a building and contains mechanical devises for the operation of such facilities as elevators and air conditioners and does not contain any dwelling units;

PETROL FILLING STATION	A depot or any arrangement facility to which the public has access for the retail sale of petroleum products;
PHYSICAL INFRASTRUCTURE	Installation such as roads, pavements, stormwater, drains, sewerage, street lighting, water mains, electricity and telecommunications mains;
PLACE OF INSTRUCTION	A building used as a school, college, technical training institution, lecture hall or other educational centre, kindergarten, monastery or convent;
PLACE OF PUBLIC WORSHIP	A building used for religious or devotional purposes but not dwellings;
PLACE OF REFRESHMENT	A restaurant, tea-room and coffee house, and the area used for the retail of refreshments, foodstuffs and/or reading material, but excludes a hotel or club;
PLANNING AUTHORITY	A suitably empowered local planning authority with sufficient expertise and devolved powers;
PLOT AREA	<i>see Lot Area</i>
PLOT COVERAGE	<i>see Lot Coverage;</i>
PLOT FRONTAGE	That portion of the front plot line adjacent to a public right of way;
POLLUTIVE	Man-made waste products or activities upsetting natural life;
PRIMARY BUSINESS CENTRE	The main business district, central business district (CBD) providing retail, professional, civic, community and other specialised services for the entire urban area and its dependent surrounding area.
PRIVATE GARAGE	A building or structure, used to shelter and store private motor vehicles, but not to serve motor vehicles commercially;
PROCESSING INSTALLATION	Machinery or equipment and its building cover;
PUBLIC GARAGE	A building or part thereof used for making repairs to motor vehicles and in which auto wrecking and used parts salvage operations are not permitted except as an incidental part to such repairs;
PUBLIC PARK	An area of land administered by a public authority and set aside for public recreational purposes and may include playgrounds ,tennis courts, lawn bowling areas, athletic fields, swimming pools, community centres, similar uses and buildings and structure used in connection therewith;
RAMP	A slope in the vertical plane, a sloping way, floor or roadway leading from one level to another;
RECONCILE	To bring to harmony;
RECREATIONAL BUILDING OR LAND USE	Any establishment providing facilities for recreational use but does not include land reserved for sensitive habitats or species;

RECREATIONAL OPEN SPACE, ACTIVE

Land for recreational purposes designed specifically for participatory athletic purposes;

RECREATIONAL OPEN SPACE, PASSIVE

Land for recreational purposes designated but not limited to public parks, greenbelts, trails and walkways but does not include land reserved for sensitive habitats or species;

REFUSE

Any garbage, ashes, rubbish, commercial waste, dead animals or building waste;

RELEVANT LOCAL FIRE AUTHORITY

An authority responsible for local fire-fighting and rescue, or, where there is no such local authority, any fire authority identified by the responsible local planning authority;

RESIDENTIAL

Land for establishment of people's homes for living, sleeping and cooking purposes;

RESPONSIBLE LOCAL PLANNING AUTHORITY

The authority to which the functions of the physical and town planning lie to grant planning permission in a planning area or part thereof;

RESTAURANT

A place of business where food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises. This term shall include, but not be limited to, an establishment known as a café, lunch counter, cafeteria or other similar business, but shall not include a food or beverage 'take away'. In a restaurant, any facilities for take away shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises but does not include a driven-in restaurant;

RETAIL

The sale of goods and other services other than a wholesale;

RETAIL AREA

The area of a retail establishment in which the public is served or conduct business;

RETAIL SALE

The sale of commodities or goods to ultimate consumers;

REZONING

The action of changing a plot from one land use zone to another as defined in the code and Town Planning Act 1961;

RIGHT OF WAY

The total width of and land used, reserved or dedicated to a street, road, alley, sidewalk or utility servitude;

ROAD	Any street, bridge, land or through-fare shown on the general plan of a township or other division of land in respect of which the public has acquired a right of way;
ROAD, COLLECTOR	A road or street which collects traffic from a local neighbourhood circulation network and which intersects with at least one distributor road;
ROAD, DISTRIBUTOR	A principal road or street in a network which connects residential and commercial areas with other areas;
ROAD OR STREET LINE	The line separating the right of way from adjacent plots or public lands.
ROOMING HOUSE	A dwelling in which furnished habitable rooms are regularly provided for compensation to five or more persons other than the occupant and members of his family and shall not include a hotel or apartment house;
SCHOOL	Any building operated, maintained or supported by the Ministry of Education for educational purposes and such other community uses as deemed necessary and desirable. The term shall include all educational functions, the structures required to house them, and all accessory uses normally incidental thereto including but not restricted to athletic fields, gymnasiums, parking lots, playgrounds, stadiums and open spaces;
SCHOOL, PRIVATE	Any building operated, maintained or supported solely by the private sector or NGO or religious institution for educational purposes and such other community uses as deemed necessary and desirable. The term shall include all educational functions, the structures required to house them, and all accessory uses normally incidental thereto including but not restricted to athletic fields, gymnasiums, parking lots, playgrounds, stadiums and open spaces;
SETBACK	The distance from plot boundaries (front, rear and sides) to a permitted building line within the plot;
SECONDARY BUSINESS CENTRE	A low order business centre, apart from the CBD located in urban sub-districts or village centres and providing retail, professional, civic and community, and other semi-specialised services for the entire area;
SERVANTS QUARTERS	A dwelling unit for the convenience and/or accommodation of bonefide domestic servant;
SERVITUDE	An area of land set out by a general plan diagram or land use plan for the purpose of installation of public utilities, including but not limited to roads, sanitary sewer, water lines, electric lines, telephone lines, or stormwater, whether shown on a general plan as set forth in subdivision regulation or otherwise;

SHOP	A building used for the purpose of carrying on retail trade, where the retail area comprises at least 60% of the floor area and includes any other use on the same lot incidental and subordinate to the conduct of the retail trade thereon, and shall not include a bottle store;
SIGN	An arrangement for visual communication of messages on information about traffic, tourism, advertising, civic and community, or similar matters;
SINGLE STOREY BUILDING	A building with no storey above the ground storey;
SITING	Locating or placing a building on a plot in relation to plot boundaries;
SOCIAL AND CULTURAL USE	Any building or land where persons congregate for social, recreational, entertainment, cultural or other communal, civic or public purposes such as a public hall, theatre, cinema, music hall, sports stadium, art gallery, museum, public library or for purposes of exhibitions for trade or industry;
SOCIAL INFRASTRUCTURE	Programmes or systems for education, health or social services, or facilities such as schools, or clinics and community centres;
SPECIAL LAND USE AREA (SLU)	The use of land for the urbanising settlements and special interest areas that may include area specific developments, community developments and major phased developments that will require specific and complex zoning and control mechanisms;
SPORTS FACILITY	An open air facility that includes fields and ancillary buildings dedicated to active sporting activities such as soccer, rugby, basketball, tennis, and hockey and which provides facilities such as seating and toilets for spectators, and change rooms for the athletes;
STREAM	A water course of natural origin wherein water flows in ordinary seasons, whether or not such watercourse is dry during any period of the year, and whether or not its conformation has been changed by artificial means, and includes swamps or marshes, whether forming, founded upon or feeding such a course;
STREET	A dedicated public right of way under the Roads Outspans Act or any servitudes so defined on a general plan approved by the Surveyor General or any public right-of-way which the public has used as such

for more than 30 years without hindrance either registered as such or not;

STREET LINE	The division line between a street and the abutting property;
STOREY	That portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, the portion between the top of such floor and the ceiling above it;
STRUCTURE	Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term shall not include mechanical equipment, but shall include the supports for mechanical equipment.
SUB-DIVISION	The division of a single lot into two or more lots including changes in street lines or lots lines for the purpose, whether immediate or future, transfer of ownership or of building development.
SWIMMING POOL	A body of water of artificial construction, either indoors or outdoors, used for swimming or recreation bathing, a tank, pool, or body of water other than an existing natural body of water or a stream, which may be used for swimming or bathing purposes and which has a possible maximum depth of water greater than 0.56 metres. Swimming pools shall be considered accessory/ancillary buildings;
TAKE AWAY	A place or refreshment devoted to the preparation and sale of ready to consume food or beverages for consumption off the premises and where the floor area allocated and used for customer queuing for carry out and on-premises consumption is greater than ten percent of the total floor area on any one storey which is accessible to the public;
TENANT	One who rents or leases development or land from a plot owner/holder;
TERRACE	An outdoor hard surface, adjacent or close to a dwelling unit, used primarily for recreation;
TERRACED HOUSING	A development of single – or double storey attached dwelling units;
TOURISM ZONE	An area where the preferred land use is all forms of tourism (other than eco-tourism) and recreation. It includes the use of land directly or indirectly by people for holiday and leisure purposes;
TOWN ENGINEER	A suitably qualified professional with specialised knowledge of civil engineering and the maintenance of urban infrastructure appointed as such by the local authority or Minister;

TOWN PLANNING SCHEME	A proposed or authorised document presenting the arrangement, zoning, and physical planning regulations of a Town Council, and is composed in whole or part, by a Development Code, a Development Plan and Structure Plan.
TOWNHOUSE	A building complex with two or more attached dwelling units each with independent entry which is generally constructed within a fenced or secured property.
USE	The principle purpose for which a lot and/or main building thereon is intended or for which it may be used, occupied or maintained;
USE, CHANGE	Any change of use of land or of a building from one zoning to another;
USE, CONDITIONAL	A use of a building or land not permitted by right in a zone, but which may be suitable in certain locations within the district only when specific conditions and factors prescribed for such case within the code are present. Conditional uses are allowed or denied by the special consent of a local Planning Authority;
USE, PERMITTED	A use which would not be detrimental to the public health, safety, order, comfort, convenience, appearance, prosperity, or general welfare within any portion of a particular zoning district;
UNIT	Any detached building on a plot;
URBAN AREA	Any urban area as declared by the Local Government Act, 1969 and subsequent amendments thereto;
UTILITY/ACCESS ZONE	An area where land is used for road or rail services, infrastructure and corridors;
VARIANCE	A relaxation of the terms of the zoning regulations as per the Town Planning Scheme Development Code, where such relaxation will not be contrary to the public interest;
VEHICLE	A means of carrying or transporting something, for instance cycle, motor cycle, cart, car, van, truck or bus;
WAREHOUSE	Any building or land use where goods are stored. The term shall not include storage clearly incidental to the conduct of a retail business or other permitted use on the lot, but may include ancillary office accommodation;
WATCHMAN'S QUARTERS	A sleeping and cooking facilities which may be provided for the use of one person who is employed in the capacity of watchman at the site of an industrial use of land;
WHOLESALE	The use of buildings or land for the sale of bulk goods to retailers or service establishments which in turn will sell them single or limited quantities to consumers;
YARD	An open, uncovered land space appurtenant to a building;

YARD, FRONT	A yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building on the lot;
YARD, REAR	A yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on the lot;
YARD, SIDE	A yard extending from the front yard to the rear guard between the side lot line of the lot and the nearest main wall of the main building on the lot;
ZERO PLOT LINE	The placement of a building on a plot where one or more sides of the building is (are) adjacent to a common property line and where no setback is recognized;
ZONE	The Use Regulation of a particular area/plot as set out in this Code and as defined on the Zoning Map (s);
ZONING MAP	A diagrammatic representation delineating the various use zones within a Town Council, in addition to the other pertinent physical planning information i.e. plot numbers, street name, etc.

2. GENERAL PROVISIONS

2.1 TITLE AND ENACTMENT

1. The regulations set forth herein shall be referred to as the Malkerns Town Planning Scheme, 2022-2032.
2. The Scheme shall come into effect as an approved Scheme upon approval by the Minister and the publication of a notice of approval in the Gazette as per the Town Planning Act 1961.
3. This Scheme shall apply to the Malkerns Local Area (both Zone A – human settlement and Zone B - Agriculture) as declared under the Urban Government Act No. 8 of 1969 or any land within the declared local authority boundary.
4. The Town Council shall be the local and responsible Authority for enforcing and carrying into effect the provisions of this Scheme.
5. Any previously applicable Town Planning Scheme regulations are hereby superseded.

2.2 INTERPRETATION AND APPLICATION

- a. In its interpretation and application, the provisions of this Scheme shall be held to be the minimum requirements in order to provide rational distribution of residence, business & commercial, industry, recreational / tourism activities. It should furthermore create conditions favourable to the protection of property, aesthetic design as well as business, recreational, educational and cultural opportunities that will further the local economy and efficiency in the supply of public services.
- b. The Town Planning Scheme objectives encapsulate the following principles:

- i. *Healthy Living Environment:* Land uses such as Open Space Areas and Public Facilities (libraries, recreational areas, etc.) intent to ensure wholesome communities.
 - ii. *Safety:* Certain Land Uses are harmful to public health and safety and should be positioned where they can be controlled. These include utility services such as solid waste landfill areas, sewerage ponds, cemeteries, etc. Other land uses such as light industrial uses could be a nuisance (noise, pollution, etc.) and should be separated from sensitive areas such as residential and recreational / tourism areas.
 - iii. *Conservation:* Certain environmentally sensitive and pristine areas, river courses, dams as well as historical buildings need to be conserved for future generations and at the same time provide relief from continual development within the local area.
 - iv. *Order:* An effective land use arrangement to ensure a harmonic, organised and logical agriculture and urban setting. Non-compatible land uses shall be separated, thus protecting residents, as well as property values and integrity of agricultural activities.
 - v. *Amenity & Convenience:* Provision and proximity of required facilities and services to ensure the perception of safety, comfort and convenience within specific residential or business areas.
 - vi. *Efficiency and Economy:* Cost effective Land Use and Management to maximise the use of Infrastructure.
 - vii. *General Welfare:* Good land use management to benefit the whole community - resident, entrepreneur, business or visitor - through the creation of a conducive environment for home, work, play and conservation by ensuring adequate provision, linkage and coordination of all the necessary services and facilities and good character of each respective district.
- c. Wherever the requirements of this Scheme are at variance with the requirements of any other adopted regulations, by-laws, deeds restrictions or covenants, the most restrictive or that imposing the highest standards, shall govern.
 - d. In the case where the Scheme Zoning Map is at variance or in disagreement with the Structure Plan Map or text, the Zoning Map(s) shall govern.
 - e. Any building and land shall be used and all buildings shall be erected, moved, altered, or enlarged in conformity with this Scheme and Building and Housing Act 1968, as amended.
 - f. If any section or provision of this Scheme, or any boundary of any district on the Zoning Map(s) adopted under this Scheme, is decided by the courts to be invalid, that decision shall not affect the validity of the regulation and the Zoning Map(s) as a whole, or any part of the regulations or maps, other than the part determined to be invalid.

2.3 ZONING DISTRICTS

- a) For the purpose of this Scheme the Local Authority area has been divided into the following districts:

ITEM	NOTATION	DEFINITION OF DISTRICT
1	<i>R-1</i>	Low Density Residential
2	<i>R-2</i>	Medium Density Residential
3	<i>R-3</i>	High Density Residential
4	<i>R-3U</i>	High Density Residential Upgrading
5	<i>R-4</i>	High-Rise Density Residential
6	<i>C-1</i>	Central Business
7	<i>C-2</i>	General Business
8	<i>C-3</i>	Neighbourhood Commercial
9	<i>C-4</i>	Highway Commercial
10	<i>I-1</i>	General Industry
11	<i>I-2</i>	Service Industry
12	<i>I-3</i>	Heavy/ Noxious Industry
13	<i>PF</i>	Public Facilities
14	<i>UD</i>	Utility Services
15	<i>O-1</i>	Active Open Space
16	<i>O-2/CA</i>	Passive Open Space/Conservation Area
17	<i>CF</i>	Crop Farming
18	<i>LF</i>	Livestock Farming
19	<i>AR</i>	Agricultural Residential

- b) The districts shall be as shown, defined and bounded on the Zoning Map(s). There will be a Map of the Agriculture zone and Map of the human settlement zone to accommodate appropriate scaling and detailing of respective zone uses
- c) A Conservation map will also be prepared to detail the environmental management of the town.

2.4 ZONING MAP

- a) The Zoning Map(s) of the town area shall be drawn on the Surveyor General's 1:2500 Cadastral series maps (where available) or similar scaling.
- b) Each page of the Zoning Map(s) shall be certified as correct by the Minister. Amendments shall be entered and noted with the nature of the change be initialled and dated. Amendment of the Zoning Map(s) shall become effective upon notice of approval in the Gazette and after said entry has been made on the said Map.
- c) *SPECIAL CONSENTS* shall be entered and noted with the nature of the change, be initialled and dated by the Town Clerk. *SPECIAL CONSENTS* shall become effective upon the Town Council approval and resolution.

- d) Regardless of the existence of purported copies of the Zoning Map(s), which may from time to time be published, the official Zoning Map(s) shall be located in the office of the Town Council and shall be the final authority on current zoning status of land, water areas and buildings within the town area.
- e) The Zoning Map(s) and all explanatory material on the map form a part of this Scheme.
- f) In addition to the Zoning Map(s), a Summary Zoning Map(s) at a scale of 1:31,000 and 1:9500 shall be prepared and published. The Summary Zoning Map(s) shall not be considered to supersede the Zoning Map(s), but shall be prepared for the purpose of guidance only.

2.5 ZONING DISTRICT BOUNDARIES

- a) Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map(s) or part thereof, the following rules shall apply:
 - a) Boundaries indicated as approximately following the centre lines of right of ways shall be construed to follow such centre lines.
 - b) Boundaries indicated as approximately following plot lines shall be construed as following such plot lines.
 - c) Boundaries indicated as approximately following urban area boundaries shall be construed as following urban area boundaries.
 - d) Boundaries indicated as approximately following the centre lines of streams, rivers, or other bodies of water shall be construed to follow such centre lines.
 - e) Where the indicated boundaries are dimensioned on the Zoning Map(s), said dimensions shall determine the boundaries.
 - f) In cases of disagreement or uncertainty as to the exact location of a boundary line, the Town Council shall determine the exact location of the boundary.
 - g) Where a district boundary line divides a plot, which was in single ownership at the time of coming into effect of the Scheme, the Town Council may permit, as a *SPECIAL CONSENT*, the extension of the regulations for either portion of the plot not to exceed 15 metres beyond the district line into the remaining portion of the plot, except portions in the Open Space District.

2.6 DEVELOPMENT OF LEGISLATION, POLICIES, GUIDELINES & BY-LAWS

- a. The scheme shall be used along with other development legislation on various aspects in existence in the country, e.g. Building Act, 1968, Urban Government Act, 1969, Environment Management Act, 2002, etc.

- b. The Local Authority may develop policies, by-laws and specific regulations to deal with detailed aspects regarding the establishment of various land/building uses throughout the town.
- c. These policies, bylaws and regulations shall be utilised along the Development Code of this scheme.
- d. These policies, bylaws and regulations may include (not limited to) the following:
 - 1. Detailed Design (building/land/roads/open spaces) guidelines
 - 2. Informal Trading (spazas, vendors, markets)
 - 3. Public Worship
 - 4. Private / Tertiary Schools
 - 5. Car washes
 - 6. Access to Public Road Reserves for Certain Uses
 - 7. Bottle Stores, Bars and Taverns.
 - 8. Land Standards for Public Use in Townships.
 - 9. Traffic and Pedestrian Management.

2.7 AMENDMENTS

- a. The Scheme may from time to time be amended in any part or all of the provisions and the Zoning Map(s) adopted in the Scheme as provided in the Town Planning Act of 1961.
- b. Proposed amendments to the Scheme shall take the following formats: application for *Variance, Special Consent, Rezoning or Planned Unit Development (PUD)*. Proposed amendments on each of the variables shall be submitted to the Local Authority on prescribed forms as per respective section of this scheme.
- c. Amendment to the Scheme or the Zoning Map(s) shall be in accordance with Section 19 of the Town Planning Act of 1961.
- d. The public notice shall include a general summary of the proposed amendment to the Scheme and the boundaries of any property included in the proposed amendment to the Zoning Map(s).
- e. A notice of the proposed amendment including a general summary of the proposal shall be noticeably displayed and maintained on the property involved 5 weeks before the public hearing.
- f. The local authority shall give additional notice of the hearing, as it shall deem feasible and practicable.

2.8 REVISION OF THE SCHEME

- a) The Scheme shall be reviewed at 5-year intervals, as provided for by the Town Planning Act of 1961 or as approved by the Minister on request made by local authority based on demands of operational environment.
- b) The 5 year review shall take aboard amendment issues approved over the years and make appropriate determination of the degree of required revision. The overall scheme review should occur at least after 10 or more years of the scheme continual use.

3. ZONING DISTRICTS

MALKERNS ZONING MAP



MALKERNS TOWN COUNCIL

LEGEND

Major_Road

Local_Road

AGRICULTURAL AREA ZONING

CF: Crop Farming

LF: Livestock Farming

AR: Agricultural Residential

R3U: High Density Residential Upgrading

C: Conservation

PF: Public Facility

HUMAN SETTLEMENT ZONING

R1: Low Density Residential

R2: Medium Density Residential

R3: High Density Residential

R3U: High Density Residential Upgrading

R4: High-Rise Density Residential

C1: Central Business District

C2: Sub-Urban Commercial

I1: General Industry

I2: Service Industry

I3: Heavy/Noxious Industry

O1: Open Space Active

O2: Passive Open Space/Conservation Area

PF: Public Facility

US: Utility Services

MAP 1



1:31 000

0 0,25 0,5 1 Kilometers

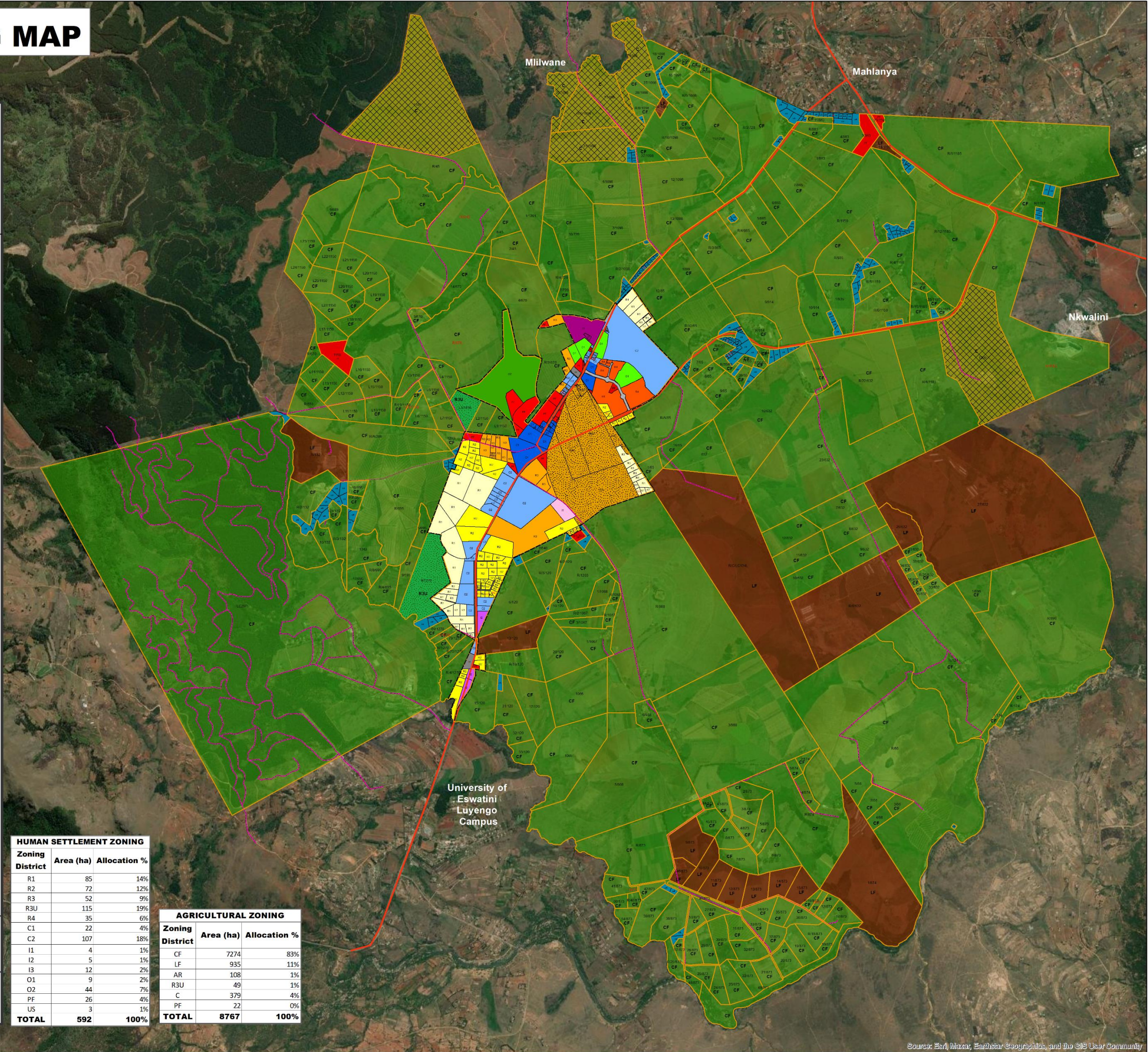
Malkerns Town Planning
Scheme 2022-2032

HUMAN SETTLEMENT ZONING

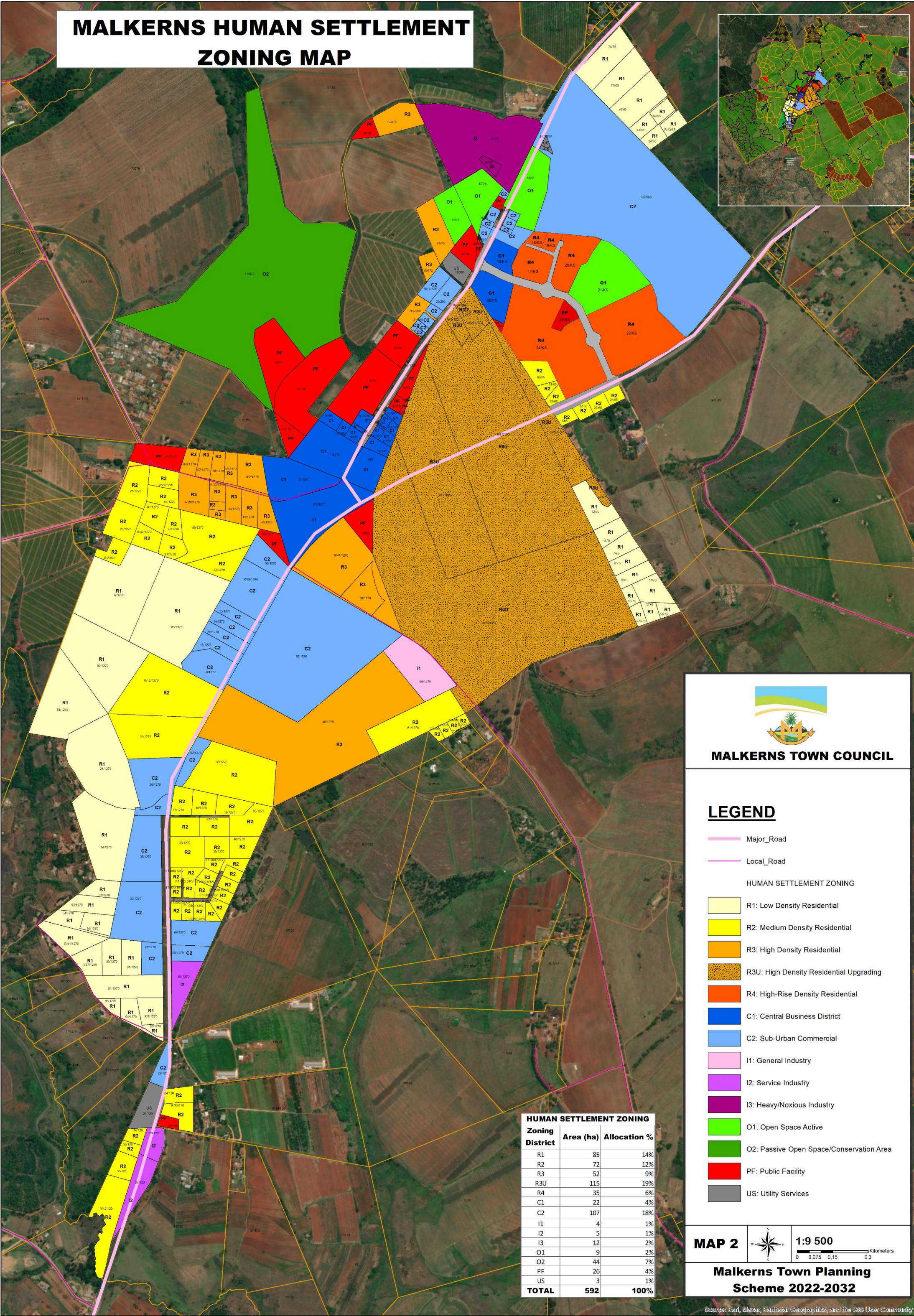
Zoning District	Area (ha)	Allocation %
R1	85	14%
R2	72	12%
R3	52	9%
R3U	115	19%
R4	35	6%
C1	22	4%
C2	107	18%
I1	4	1%
I2	5	1%
I3	12	2%
O1	9	2%
O2	44	7%
PF	26	4%
US	3	1%
TOTAL	592	100%

AGRICULTURAL ZONING

Zoning District	Area (ha)	Allocation %
CF	7274	83%
LF	935	11%
AR	108	1%
R3U	49	1%
C	379	4%
PF	22	0%
TOTAL	8767	100%



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



3.1 LOW DENSITY RESIDENTIAL (R-1)								
Planning Intentions		This district is intended for the establishment of single family dwellings in a low populated and less dense development environment with a large portion of plot open or landscaped. Only those uses that are necessary and ancillary to the single family residential uses are permitted.						
Permitted Uses by Right		i. Detached single family dwellings; ii. Home occupations, subject to compliance with Local Authority regulations; iii. Accessory buildings and structures as are ordinarily used therewith, such as carports, garages, storerooms, servants' quarters and outside ablution facilities and any building of similar subordinate nature.						
Conditional Uses, by Special Consent		i. Place of Instruction ii. Place of Worship iii. Nurseries or crèches iv. Clinics v. Surgeries vi. Home occupation <i>(also subject to respective policy provisions guidance)</i>						
Max (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
2	8	5 (6m ROW) 3 (ROW above 6m)	3	3	30	60	1 space per 2 bedrooms	
	Min Plot Size M ²	Number of Units						
With Services	1 000	2			30			
Without Services	1 500	2			25			
Other Conditions		Second building floor area shall not be more than one half (1/2) that of main house.						
Character		i. Furthest residential district from CBD ii. Transition between central areas of town and more rural areas						

3.2 MEDIUM DENSITY RESIDENTIAL (R-2)								
Planning Intentions		This district is intended for the establishment of single family and multi-family low rise dwellings in order to encourage home ownership and provision of a variety of housing types and increased plot density. Only those uses that are necessary and ancillary to the single and multi-family residential uses are permitted as per guidelines below.						
Permitted Uses by Right		i. Detached single family housing, ii. All Semi-detached and attached houses types including duplexes or simplex townhouses, and cluster houses. iii. Accessory buildings as are ordinarily used therewith, such as carports, garages, storerooms and outside ablution facilities.						
Conditional Uses, by Special Consent		i. Place of Instruction ii. Place of Worship iii. Nurseries or Crèches iv. Surgeries v. Clinics vi. Home Occupations <i>(also subject to respective policy provisions guidance)</i>						
Max (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
2	8	5 (6m ROW) 3 (ROW above 6m)	3	3	40	80	1 space per 2 bedrooms or 1.5 space per unit in multiple family dwellings	
	Min Plot Size M ²	Number of Units						
With Services	750	4/1 500m ²			40			
Without Services	1 500	2/1 500m ²			30			
Other Conditions	<ul style="list-style-type: none"> For conditional uses parking requirements see <i>Parking and Loading Bay</i> requirements section 							
Character	I. Transitional zone between low density residential and high density residential from town centre II. Provide rental and private ownership residences of various income groups III.							

3.3 HIGH DENSITY RESIDENTIAL (R-3)								
Planning Intentions	This district is intended for the establishment of multi-family dwellings in order to encourage increased housing units in a limited space and a variety of housing types. Only those uses that are necessary and ancillary to the multi-family residential uses are permitted as per guidelines.							
Permitted Uses by Right	i. Multi-family dwellings; ii. Townhouses, duplexes, cluster homes, flats; and iii. Accessory buildings as are ordinarily used therewith, such as carports, garages, storerooms.							
Conditional Uses, by Special Consent	i. Place of Instruction ii. Place of Worship iii. Nurseries or crèches iv. Surgeries v. Clinics vi. Hotel, Lodges and Clubs vii. Place of refreshment viii. Museum and libraries ix. Take Away x. Bottle Store xi. Grocery and Supermarket xii. Gymnasium xiii. Home occupation <i>(also subject to respective policy provisions guidance)</i>							
Max (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
3	12	5 (6m ROW) 3 (ROW above 6m)	3	3	50	150	1.5 space per dwelling unit	Recreational open space shall be 30m ² per 100m ² of permissible floor area and not less than 205m ² or 20% of plot area, whichever is greater, with no dimension less than 6m.
	Min Plot Size M ²	Number of Units						
With Services	500	6/1 500m ²			50			
Without Services	1 500	3/1 500m ²			40			
Other Conditions	i. Size of units as proposed by developer and in compliance with these regulations ii. For conditional uses parking requirements see <i>Parking and Loading Bay</i> requirements section							
Character	i. Adjacent town centre ii. Provide rental housing to low-middle income groups iii. Variety of mid- high rise multi- family housing types							

3.4 HIGH DENSITY RESIDENTIAL UPGRADING (R-3U)								
Planning Intentions		This district is intended for the establishment of single family dwellings through upgrading of existing informal housing to cater for low income people.						
Permitted Uses by right		Single family dwelling and accessory buildings as are ordinarily used therewith, such as carports, garages, storerooms, servant's quarters and outside ablution facilities.						
Conditional uses, by special consent		i. Place of Worship ii. Nurseries or crèches iii. Home Occupation <i>(also subject to respective policy provisions guidance)</i> iv. Mixed-use residential activities						
Max (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
2	8	3	2	2	50	90	1 space per dwelling	
	Min Plot Size M ²	Number of Units						
Without Services	400	2			50			
Other Conditions		i. Compliance with Grade II regulations in the Building and Housing Act, 1968, as amended. ii. District not to be expanded but on completion of upgrading should satisfy R-3 regulations. iii. For conditional uses parking requirements see <i>Parking and Loading Bay</i> requirements section						

3.5 HIGH-RISE DENSITY RESIDENTIAL (R-4)								
Planning Intentions		This district is intended for the establishment of multi-family dwellings in a variety of mid-high rise housing types for increased home ownership and rental purposes in order to encourage increased housing units in a limited space and densification of landuse. Given the increased population to be serviced, other uses that are necessary and ancillary to the multi-family residential uses are permitted by these guidelines.						
Permitted Uses by Right		i. Multi-family dwellings, semi-detached dwellings; ii. Townhouses, duplexes, cluster homes, flats; iii. Flats, and iv. Accessory buildings as are ordinarily used therewith, such as carports, garages, storerooms.						
Conditional Uses, by Special Consent		i. Place of Instruction ii. Place of Worship iii. Nurseries or crèches iv. Surgeries v. Clinics vi. Hotel, Lodges vii. Place of refreshment viii. Hostels ix. Museum and libraries x. Bottle Store xi. Grocery and Supermarket xii. Gymnasium xiii. Home occupation <i>(also subject to respective policy provisions guidance)</i>						
Min (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
2 Max storeys: 10	8 40	5	3	3	50	150 500	2 space per dwelling unit	250 m ² per 100m ² of permissible floor area, being a contiguous area with no dimension less than 6m.
	Min Plot Size M ²	Number of Units						
With Services	3 500	Min 1/200m ² Std 4/300m ²			50			
Without Services	3 500	6			40			
Other Conditions		i. Size of units as proposed by developer and in compliance with these regulations ii. Provision of safe children play area away from parking and access roads iii. Provision of waste storage (before collection) facility.						

3.6 CENTRAL BUSINESS DISTRICT (C-1)								
Planning Intentions		This district is intended for the establishment of the principal commercial centre of the town dominated by retail space, offices and other related businesses with limited nuisance.						
Permitted Uses by right		i. Shops, ii. Administrative offices, iii. Places of refreshment, iv. Places of entertainment, v. Public places such as museums, meeting halls, cinema, etc. vi. Public parks vii. Lodging facilities, hotels, hostels viii. Clinics ix. Surgeries x. Cinemas xi. Bottle stores xii. Mixed use with combination of above uses, and xiii. Accessory buildings which are ordinarily used with these activities						
Conditional uses, by Special Consent		i. Petrol filling station ii. Private Schools iii. Place of Worship iv. Bars, discotheques, sports bars/ pub v. Clubs vi. Accessory buildings with above <i>(also subject to respective policy provisions guidance)</i>						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
Min Height: 2	16	6	6	6	75	400	Retail: 1 per 25m ² of floor area	1 hard open space @ 1m ² /50m ² of floor area
Max Height: 10	40	3(0.5ha & below plot)					Place of refreshment, Mixed use incorporating dwelling uses, Place of refreshment: 1 per 25m ² of floor area	to be provided with furniture for public enjoyment
							Offices and service uses: 1.5 per 10m ² of floor area	

							Public facilities such as museums, meeting halls, cinemas, etc. Public Facilities :1 space per 5 seats	
							Public Facilities (social and Cultural) Public parks : Min. 5 Spaces and 1 per 30m ²	
							Hotel/Motel: 1 per room Clinic/surgeries: Min. 5 Spaces and 1 per 30m ²	
	Min Plot Size M²	Number of Units						
Without Services	1 ha				75			
Other Conditions	i. For Loading Bays requirements see section on parking Building Facades shall be at least 80% glass or similar material on ground storey and 70% on other floors on sides fronting public roads. ii. Designs in (2) shall be symmetric on sides fronting public roadsBrick and mortar/solid wall restricted as in (2) on sides fronting public roads. iii. Wall fences not permitted in zone.							

3.7 SUBURBAN OR GENERAL COMMERCIAL (C-2)								
Planning Intentions		This district is intended for the establishment of services commercial activities serving the CBD. This zone cater for business spillover from the immediate central business area. It serve as a transition between CBD and industry and provided services complimentary to both zones.						
Permitted Uses by right		i. Retail businesses, ii. Offices iii. Places of refreshment iv. Clinics v. Surgeries vi. Hotel, Lodging facilities vii. Accessory buildings with combination of above uses viii. Mixed used projects incorporating dwelling units (<i>subject to PUD application</i>)						
Conditional uses, by special consent		i. Mixed used projects incorporating dwelling units ii. Bottle stores iii. Petrol filling station iv. Parking Lots or garages v. Places of Instruction, vi. Place of Worship vii. Bars, discotheques, sports bars/ pub (<i>also subject to respective policy provisions guidance</i>)						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
3	12	6	6	6	65	200	Place of refreshment: 1 per 25m ² of floor area	1 hard open space@ 1m ² /60m ² of floor area to be provided with furniture for public enjoyment
							Offices and Services Uses: 1.5 per 10m ² of floor area	
							Public Facilities (place of assembly): 1 space per 5 seats	
							Public Facilities (social and cultural): Min 5 and 1 space per 30m ²	
		3 (0.3ha & below plots)					Mixed use on plot: 1 space per dwelling unit, 1 space per 25m ² of business floor area	

							Motor vehicle sales yards: 1 space per 10m ² of office floor area and 1 space for each display vehicle	
	Min Plot Size M²	Number of Units						
Without Services	5 000				65			
Other Conditions	<ul style="list-style-type: none"> i. For Loading Bays requirements see section on parking ii. Building Facades shall be at least 70% glass or similar material on ground storey and 60% on other floors on sides fronting public roads. iii. Designs in (2) shall be symmetric on sides fronting public roads iv. Brick and mortar/ solid wall restricted as in (2) on sides fronting public roads. v. Wall fences nor permitted on sides fronting public roads. 							
Character	<ul style="list-style-type: none"> i. Transitional zone between CBD, Outlying residential and Industrial areas ii. Residential housing above business iii. On-site parking, refuse areas and provision of loading facilities 							

3.8 NEIGHBOURHOOD COMMERCIAL (C-3)								
Planning Intentions		This district is intended for the establishment of small commercial activities servicing certain communities or townships. These activities are to provide for the community immediate needs.						
Permitted Uses by right		i. Convenient Stores ii. Places of Refreshment/Restaurant iii. Takeaways iv. Small Business premises v. Clinics vi. Surgeries vii. Accessory buildings with above						
Conditional uses, by Special Consent		i. Petrol filling stations and accessory uses, ii. Markets iii. Parking Lots or garages iv. Bottle stores v. Block of Offices <i>(also subject to respective policy provisions guidance)</i>						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
2	8	3	3	3	60	120	Shops Place of refreshment Retail: 1 per 25m ² of floor area Takeaways Bottle Store Place of refreshment: 1 per 25m ² of floor area Mixed use projects incorporating dwelling units Offices Mixed use on plot: 1 space per dwelling unit, 1 space per 25m ² of business floor area	
	Min Plot Size M²	Number of Units						
Without Services	1 000				60			
Other Conditions		i. For Loading Bays requirements see section on parking ii. Building Facades shall be at least 50% glass or similar material on ground storey and 45% on other floors on sides fronting public roads. iii. Designs in (2) shall be symmetric on sides fronting public roads						

3.9 HIGHWAY COMMERCIAL (C-4)								
Planning Intentions		This district is intended for the establishment of convenience commercial activities along high order roads. These activities are to provide for the traveling public with ease of access and exit and usually built around a petrol filling station.						
Permitted Uses by right		i. Petrol Filling stations and accessory uses ii. Convenient Stores, iii. Places of Refreshment or restaurants iv. Takeaways v. Administrative offices vi. Drive in and Drive through vii. Hotels or motels viii. Craft, Curio and Artisans shops						
Conditional uses, by Special Consent		i. Car Sales Workshops ii. Clinics iii. Surgeries iv. Garages <i>(also subject to respective policy provisions guidance)</i>						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
2	8	3	3	3	50	100	Retail: 1 per 25m ² of floor area Specialised Automotive services and repair garages Other commercial uses Place of refreshment: 1 per 25m ² of floor area Offices and service uses Petrol filling stations: 1 space per 10m ² of floor area Drive-in or Drive through Automotive services and repairs: 1 space per 10m ² of floor area and 1 space for each stored vehicle Hotels or motels Drive-in: 1 per room	

							Place of refreshment, restaurants, bars, café's, bottle stores and/or takeaways: 1 space per 25m ² of floor area	
	Min Plot Size M²	Number of Units						
Without Services	3 000				50			
Other Conditions	i. For Loading Bays requirements see section on parking ii. Building Facades shall be at least 50% glass or similar material on ground storey and 45% on other floors on sides fronting public roads. iii. Designs in (2) shall be symmetric on sides fronting public roads							

3.10 GENERAL INDUSTRY (I-1)								
Planning Intentions		This district is intended for the light industries services with limited nuisance (noise, air and water pollution) including warehouses, printing facilities, upholstering, packaging, etc. and similar industries.						
Permitted Uses by right		I. Light Manufacturing establishments II. Petrol filling stations and accessory uses III. Warehouses IV. Wholesales and storage V. Motor cities VI. Laboratories and commercial testing facilities						
Ancillary uses,		i. Place of refreshment ancillary to principal use ii. Retail establishments selling food beverages iii. Clinics and surgeries iv. Offices and shops ancillary to main use						
Conditional Uses by Special Consent		i. Tertiary training facilities ii. Lodges, motel <i>(also subject to respective policy provisions guidance)</i>						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
4	24	6	6	6	50	200	Manufacturing establishments: 1 space per 30m ² of floor area	
							Petrol filling stations: 1space per 25m ² of floor area with a minimum of 10 parking spaces	
							Storage and wholesale: 1 space per 50m ² with a minimum of 5 parking spaces	
							Place of refreshment: 1 per 25m ² of floor area Offices and laboratories: 1.5 per 10m ²	
	Min Plot Size M ²	Number of Units						
Without Services	5 000				50			
Other Conditions		i. For Loading Bays requirements see section on parking						

3.11 SERVICE INDUSTRY (I-2)								
Planning Intentions		This district is intended for the soft industry services with some nuisance (noise, air pollution) possible and needing to be appropriately managed. The use include services workshops, warehouses and similar activities.						
Permitted Uses by right		i. Petrol filling stations and accessory uses ii. Specialised Automotive services and repair garages iii. Workshops iv. Warehouses, storage buildings and wholesale uses v. Transport and vehicle storage depot vi. Motor vehicle sales workshops vii. Funeral Parlors, crematoria viii. Hardware and specialized retail uses e.g. building materials, garden furniture, etc. ix. Repair garages						
Ancillary Uses,		i. Places of Refreshment ii. Offices and shops ancillary to main use iii. Laboratories and commercial testing facilities iv. Retail establishments selling food or beverages <i>(also subject to respective policy provisions guidance)</i>						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
4	24	6	6	6	50	200	Petrol filling stations: 1 space per 25m ² of floor area Automotive services and repairs: 1 space per 30m ² of floor area and 1 space for each stored vehicle Workshops and light manufacturing: 1 space per 30m ² Warehouse Storage and wholesale: 1 space per 50m ² Place of refreshment: 1 per 25m ² of floor area Transport and vehicle storage depot: 1 space per 50m ² of floor area and 1 space for each stored vehicle Specialised retail uses such as bottle stores and places of refreshment: 1 space per 30m ² .	Min Planted Landscape: 5% of total lot area.

							Offices and laboratories: 1.5 space per 10m ²	
	Min Plot Size M²	Number of Units						
Without Services	5 000				50			
Other Conditions	i. For Loading Bays requirements see section on parking							

3.12 HEAVY/ NOXIOUS INDUSTRY (I-3)								
Planning Intentions		This district is intended for the heavy industry and ancillary services. The zone has a high propensity for nuisance (noise, air pollution, traffic).						
Permitted Uses by right		i. Factories and Manufacturing establishments ii. Food processing plants, mills iii. Farm equipment sales and services workshops iv. Abattoirs v. Recycling depot, junk, salvage and wrecking yards vi. Any accessory building incidental to the principal use of the plot						
Ancillary Uses		i. Retail uses ii. Office buildings ancillary to the use on the plot iii. Warehouses, Workshops iv. Petrol Filling Station						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
4	25	6	6	6	80	160	Manufacturing establishments: 1 car per 50m ² of floor area with a minimum of 10 parking spaces Junk, salvage or Wrecking yards: 1 space per 25m ² of floor area Storage and wholesale: 1 space per 50m ² with a minimum of 5 parking spaces Transport and vehicle storage depot: 1 space per 50m ² of floor area and 1 space for each stored vehicle	Minimum planted landscape: 10% of total plot area
	Min Plot Size M ²	Number of Units						
Without Services	5 ha				80			
Other Conditions		i. For Loading Bays requirements see section on parking ii. Stormwater flows from plot should be directed to public stormwater channels not road.						

3.13 PUBLIC FACILITIES (PF)								
Planning Intentions		This district is intended to reserve land for institutional or public buildings, amenities and facilities. Landscaping and open spaces are paramount in this zone.						
Permitted Uses by right		<ul style="list-style-type: none"> i. Government offices ii. Educational facilities (Creches, pre-schools, primary, secondary, high) iii. Clinics, hospitals, health facilities iv. Tertiary institutions, business schools v. Places of Public Worship vi. Recreational facilities vii. Cultural institutions viii. Fire Stations ix. Law and Order (police stations) x. Post offices xi. Community halls xii. Libraries, museums xiii. Civic centres xiv. Markets, informal trading areas, Bus and taxi ranks xv. Accessory buildings used with above activities 						
Ancillary uses		<ul style="list-style-type: none"> i. Staff Housing ii. Parking areas iii. Places of refreshment iv. Tuck Shops v. Places of amusement vi. Workshops and garages <i>(also subject to respective policy provisions guidance)</i>						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
4	20	6	6	6	60	150	Offices: 1.5 space per 10m ² of floor area Cultural buildings, museums, libraries: 1 space per 30m ² with a minimum of 5 parking spaces Specialised government buildings: as per requirements of responsible authority	15% of plot area shall be landscaped open space

							Post Offices Cemeteries Church and place of public assembly: 1 space per 5 seats or 1 space per 10m ² , whichever is greater	
							Hospitals or clinics: 1 space per 30m ² and required emergency vehicle access with a minimum of 5 parking spaces	
	Min Plot Size M²	Number of Units						
Without Services	N/A				60			
Other Conditions	i. For Loading Bays requirements see section on parking ii. For development standards refer to public facility Space and Threshold Standards Table in Chapter 16 iii. Designs in (2) shall be symmetric on sides fronting public roads							

3.14 UTILITY SERVICES (US)								
Planning Intentions		This district is intended to reserve land for use by public or public utility organisations and institutions for their infrastructure service requirements.						
Permitted Uses by right		i. Water reservoirs, pump stations, sub-stations ii. Sewerage treatment plants, substations iii. Electricity substations iv. Communication stations v. Vehicle and spares storage and depots with respect to above vi. Cemeteries vii. Landfill and Solid waste sites, Refuse storage/transfer stations viii. Local Authority and Government utility service areas which may include servitudes and right of way areas for channels, pipes, wiring, stormwater drainage, flood control areas and all other ancillary uses						
Ancillary uses		i. Staff housing for respective infrastructure maintenance ii. Warehouses iii. Workshops iv. Offices						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
As per infrastructure requirement	Guided by designs	10	10	10	Infrastructure design dependent	As per designs	Parking for equipment and tools Loading and Delivery bay	10% of plot area landscaped
	Min Plot Size M ²	Number of Units						
Without Services	as per designs				as per design			
Other Conditions		i. For Loading Bays requirements see section on parking ii. It is required that a buffer zone of open space or landscaped areas separate major utility sites such as sewerage treatment plants, electrical infrastructure, solid waste landfill site, etc. iii. Sewerage treatment facility and landfill should not front residential, public facility, open space and CBD but can front industrial uses with a buffer of 50m which consist of planted trees and 100m between any other uses. iv. As location of sewerage plants is determined by contours where it is located near residential or business premises, appropriate cushioning buffers should be installed as above and action taken to minimize nuisance.						

3.15 OPEN SPACE ACTIVE (O-1)								
Planning Intentions		This district is intended for the provision of land for recreational and leisure activities, provide buffer between conflicting landuses and conservation of land formations.						
Permitted Uses by right		i. Playfields and stadiums, swimming pools ii. Picnic areas iii. Parks and gardens iv. Gymnasium v. Any ancillary structure to the principal use above (ablution facilities, locker rooms, athletic equipment)						
Conditional uses, by Special Consent		i. Civic centre ii. Conference rooms iii. Caravan parks and camping areas iv. Tourism facilities v. Recreational and leisure facilities vi. Any accessory buildings with uses above						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
3	30	5	3	3	30	60	Provide designated areas for parking	
	Min Plot Size M ²	Number of Units						
Without Services	N/A				60			
Other Conditions		i. For Loading Bays requirements see section on parking ii. For development standards refer to public facility Space and Threshold Standards Table in Chapter 16 iii. Other standards to be determined by local authority based on designs and masterplans of open space						

3.16 PASSIVE OPEN SPACE / CONSERVATION AREA (O-2)								
Planning Intentions		This district is intended for the conservation of land and buildings for cultural, historical or environmental purposes.						
Permitted Uses by right		<ul style="list-style-type: none"> i. Cultural and historic areas that merit preservation ii. Undeveloped parks iii. Botanical gardens iv. Wilderness areas, v. Nature reserves and game sanctuaries vi. Buffer zones along natural drainage paths vii. Environmentally sensitive habitats viii. Forested or indigenous forest areas ix. Royal villages x. Any accessory buildings or structures ancillary to the principle use 						
Ancillary uses		Any accessory buildings with uses such as: <ul style="list-style-type: none"> i. Public facilities, ii. Education centres, iii. Maintenance structures, iv. Parking areas, v. Park offices, vi. Caravan parks and camping areas, vii. Tourism facilities, viii. Agricultural uses, ix. Hiking, horse riding, trails 						
Other conditions		Satisfaction of relevant: <ul style="list-style-type: none"> i. Environmental and Planning Authority laws and regulations ii. Cultural and heritage policies and regulations iii. Conservation areas laws and regulations iv. Parks, wildlife sanctuary and similar should have a masterplan for utilization of respective land and relevant structures v. Game sanctuaries should be steel fenced to prevent animals destroying farming crops <i>(also subject to respective policy provisions guidance)</i>						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
2	12	6	6	6	10	20	Provide designated areas for parking	
	Min Plot Size M ²	Number of Units						
Without Services	N/A				20			
Other Conditions		<ul style="list-style-type: none"> i. For Loading Bays requirements see section on parking ii. For development standards refer to public facility Space and Threshold Standards Table in Chapter 16 iii. <i>A CONSERVATION MAP SHALL BE PRODUCED FOR ALL OPEN SPACES AND CONSERVATION AREAS</i> 						

3.17 CROP FARMING (CF)								
Agricultural Area								
Planning Intentions		This district is intended for crop farming. It is the default zone for all agricultural areas. All manner of crops and vegetables are catered for in this zone. Only those uses that are necessary and ancillary to the crop farming uses are permitted as per these guidelines. <i>[a sub-zone Rural District will be used to manage developed farms less than 1ha and not meeting CF zone requirements]</i>						
Permitted Uses by right		i. Crop farming: Legumes, vegetables, cash crops, orchards, cereals, roots and tuber, ornamentals and related crop boosting food security, ii. Livestock farming/Grazing iii. Poultry farming, piggery (on non-prime land) iv. Plant nurseries						
Conditional Uses		i. Veterinary Clinics (on non-prime land) ii. Dairy Farming iii. Single farm dwelling unit (on non-prime land) iv. Crop products processing and packaging (on non-prime land)						
Conditional Uses, by Special Consent		i. Built structure related to agriculture, ii. Bed and Breakfast, Shops, filling station, iii. Agricultural Industries, iv. Public facility <i>[subject to respective policy provisions guidance]</i>						
Additional Conditions		i. Vermin control and prevention ii. Appropriate waste storage facilities iii. Waste should not be stored close to environmental sensitive areas or stormwater drains or river course iv. Nuisance abatement v. No crop farming on wet lands or environmental sensitive areas						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
3	15	5 (6m ROW) 3 (ROW above 6m)	3	3	20 20% of 2% developable area upto Max of 1ha	40		
Minimum Farm Size								
Zone I : No further subdivision	Zone II: 20 ha	Zone III: 30 ha	Zone IV: 40 ha					
For farms less than 40 ha	For farms between 40ha -59ha	For farms between 60ha -79ha	For farms between 80ha - above					
Number of Units	2							
For commercial agricultural enterprises, the applicant shall include a statement of the environment as outlined in schedule F and G.								
<i>For all agricultural development only 2% of developable area upto a maximum of 1ha. Maximum coverage 20% of 2% developable area or 1ha.</i>								

3.18 AGRICULTURAL RESIDENTIAL DISTRICT USE (AR)								
		SUB-ZONE						
Planning Intentions		This is sub-district of CF which consists farms less than 2 hectares and constitute a “non-conforming use” district. This district includes all the activities occurring in the agricultural zone not related to agriculture. These include residential, commercial, tourism facilities and similar activities. The aim of this sub-zone is to manage farms developed with non- agricultural activities in CF in order to prevent their expansion and encourage the land use to encapsulate agriculture.						
Permitted Uses		i. Detached single family dwellings; ii. Home occupations; v. Accessory buildings and structures as are ordinarily used therewith, such as carports, garages, storerooms, servants’ quarters and outside ablution facilities						
Conditional Use, by Special Consent		i. Expansion or upgrading of uses, except residential Development with possible expansion intent shall be required to submit master plans to local authority for approval						
Max Height (Storeys)	Max Height (m)	Min setback (front)	Min setback (side)	Min setback (back)	Coverage (%)	FAR (%)	Parking	Open Space Requirement
3	10	5	3	3	30	60	1 space per 2 bedrooms	
			< 2000 m ²		30			
			2001- 5 000 m ²		25			
			5001 – 1 ha		20			
			>1ha		20% of 2% developable area upto Max of 1ha			
Minimum Farm Size	Zone I: No further subdivision For farms less than 40 ha							
Number of Units	2							
Other Conditions	i. No plot will be rezoned to this zone – a management tool ii. Urban zone standards are not applicable in this zone iii. Incidental matters to be discussed with local authority on case by case basis.							

COMMERCIAL POULTRY FARMING (refer to Agricultural Guidelines Schedule G)	
Minimum Farm Size	30 ha
Maximum Site Coverage	10% of developable area upto max 1ha
Sheds for the housing of farmed birds and solid and liquid waste storage/handling areas are to be sited these minimum distances from:	
Front and rear boundary	100m
Side boundary	50m
Dams, watercourses, wells and dry gullies	100m
Dwelling on adjoining property	200m
Other poultry farms	500m
Dwellings on same property	50m
Sheds for the housing of farmed birds	15m
Existing vegetation	20m

COMMERCIAL LIVESTOCK FARMING (refer to Agricultural Guidelines Schedule G)			
Minimum Farm Size	90 ha		
Maximum Site Coverage	10% of developable area upto max 1ha		
Sheds for the housing of livestock and solid and liquid waste storage/handling areas are to be sited these minimum distances from:			
	Large Scale	Medium Scale	Small Scale
Front and rear boundary	100m	50m	25m
Side boundary	50m	25m	12.5m
Dams, watercourses, wells and dry gullies	100m	50m	25m
Dwelling on adjoining property	300m-500m	150m-250m	75m-125m
Other livestock farms	500m	250m	125m
Dwellings on same property	50m	25m	12.5m
Sheds for the housing of livestock	15m	7.5m	6m
Existing vegetation	20m	10m	5m

UTILISATION OF AGRICULTURAL LAND

- I. No rezoning is required for agricultural {crop farming, Livestock Farming, Dairy, etc.} zones. And any use can be interchanged as long as Statements of Environmental Effects requirements and use standards are met.
- II. The Local Authority shall be informed of all changes in agricultural land use in order to ascertain proposed activity is within provided regulations and standards.

4. APPLICATIONS GUIDE

4.1 VARIANCES

- i. Variances to the specific provisions of this scheme constitute a form of rezoning and entails the necessary process as per relevant section of this scheme in accordance with the Town planning Act, 1961.
- ii. Variances shall be considered from properties with odd shapes, slope challenges, roads setbacks and similar challenges which renders development of the plot not cost beneficial when provisions of the scheme are applied, whilst slight variances may render plot usable.
- iii. A *VARIANCE* shall only apply with regard to Building Height, Number of Stories, Setbacks, Plot Coverage, Floor Area Ratio and Parking Requirements (where alternative parking is provided in another plot or public parkade).
- iv. The Town Council may in specific cases of operationalisation of the scheme note necessary *VARIANCE* from the provisions of this Scheme and propose necessary additions or subtractions to the scheme provisions to improve its effectiveness.
- v. Where the Town Council is of the view A *VARIANCE* is needed, it will make the necessary application to the Town Planning Board.
- vi. Under no circumstances shall the Town Council grant a *VARIANCE* to allow a use not permissible or any use expressly or by implication prohibited under the regulations of this Scheme in the district involved.
- vii. A variance cannot exceed a third (1/3) of the minimum standards provisions provided by the scheme in each category of concern.
- viii. No application for a *VARIANCE* shall be processed until the application is complete and all required fees are paid in accordance with the applicable fee schedule.
- ix. A *VARIANCE* from the provisions of this Scheme shall not be granted by the Town Council unless and until a written Application in prescribed forms as in this scheme for a *VARIANCE* is submitted demonstrating:
 - x. That special conditions and circumstances exist, which are peculiar to the land or building involved and which are not applicable to other lands or buildings in the same district;
 - xi. That literal interpretation of the provisions of this Scheme would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Scheme;
 - xii. That the special conditions and circumstances do not result from the actions of the applicant:
 - a) That granting the *VARIANCE* requested will not confer on the applicant any special privilege that is denied by this Scheme to other lands or buildings in the same district; and

- b) Neither a non-conforming use of neighbouring lands or buildings in the same district nor any permitted or non-conforming use of lands or buildings in other districts shall be considered grounds for the issuance of a *VARIANCE*.
- xiii. Where application is made to the authority for a *VARIANCE*, it will not be granted until the following provisions are met:
 - i. A written application for a *VARIANCE* is submitted indicating the section of this Scheme under which the *VARIANCE* is sought and stating the grounds on which it is requested;
 - ii. After having ensured that the application meets the requirements of Section (i) the Applicant shall cause to be published a notice in a local newspaper circulating in the country, at least once during each of two successive weeks, to the effect that a request for a *VARIANCE* has been submitted for approval, that copies of the application, plans and other relevant matters may be inspected at the Local Authority Offices and that objections to the application may be lodged with the Town Council at any time within twenty-one (21) days of last publication of said notice;
 - iii. A notice of the proposed *VARIANCE* including a general summary of the proposal shall be conspicuously displayed and maintained by the Applicant, on the property involved, for a period of twenty-one (21) days prior to the final day of which objections may be lodged as specified in the Town Planning Act 1969.
 - iv. The applicant is to cause Written Notice to be given to Owners of adjacent plots to which the application relates and to such other persons as the Town Council shall deem to be affected.
 - v. The applicant shall also submit an Affidavit (standard format to be obtained from the Town Council) declaring that the application was advertised in accordance with this Scheme
- xiv. Every owner or occupier of immovable property within the area on which this Scheme has effect or any other person having a sufficient interest therein shall have a right of objection to the *VARIANCE*, provided that any objection shall be in writing and shall set out the grounds of objection and be lodged within the period as stated above.
- xv. Upon expiry of the period for lodging objections, the Town Council shall consider an application under this section, along with the objections received and provide opportunities to the person or body to be heard in person or be represented by a legal practitioner admitted in practice in Eswatini, if so desired by any person or body who submitted the objections.
- xvi. Not later than fourteen (14) days before its meeting under this section, the Town Council shall send, through the post, a notification to the applicant and the person who has made representations or objections of the date, time and place of the meeting, at which the application shall be considered.
- xvii. Notification of a meeting under Section (P) above shall inform the person or body in question that they may appear before the Town Council with their witness if any.

- xviii. The Town Council shall give additional notice of the application, as it shall deem feasible and necessary.
- xix. The Town Council shall further ensure that the reasons set forth in the application justify the granting of the *VARIANCE* and that the *VARIANCE* is the minimum *VARIANCE* that will make possible the reasonable use of land or building.
- xx. In the evaluation of any *VARIANCE*, the Town Council may prescribe appropriate conditions and safeguards in conformity with this Scheme, as it deems proper. Non-compliance with such conditions and safeguards when made part of the terms under which the *VARIANCE* is granted, shall be deemed a violation and punishable under relevant section of this Scheme.
- xxi. Where the Town Council approves the variance, they shall send the application with their recommendations to the Town Planning Board. And where it is deferred or denied they shall furnish the applicant with reasons for their decision.
- xxii. On receipt of the Town Planning Board response, the Town Council shall inform the applicant of its decision.
- xxiii. Failure to start construction or alteration within twenty-four (24) months of the date on which the *VARIANCE* is granted and to continue diligently until completion shall make the *VARIANCE* granted null and void, except where an extension of time has been granted in writing by the Town Council.
- xxiv. A granted Variance and a gazette confirming such, shall form part of the Addendum of the operating scheme.

Variance Application Forms in Appendix		
ITEM	FORM REFERENCE	ACTION
1	SV1	Variance Application Form
2	SV2	Main Motivation Report
3	SV3	Affidavit
4	SV4	Variance Advertisement Notice
5	SV5	Forwarding of Variance to Town Planning Board
6	SV6	Town Planning Board Decision

4.2 SPECIAL CONSENT

- a. Uses may be permitted by *SPECIAL CONSENT*, where specified, which would not be appropriate generally or without restriction throughout a particular zoning district, but which, if controlled as to its relationship and compatibility with the general neighbourhood would not be

detrimental to public health, safety, order, comfort, convenience, prosperity, or general welfare of the district.

- b. Special Consent shall be applicable to uses of land or buildings for a specified period, where the use can discontinued where it has negative effects in the area or when land or building use is transferred to another owner or user.
- c. *A Special Consent application shall only be granted where on discontinuation of special consent use the land or building remain in current zoning district or has been changed by a new Town Planning Scheme or a Rezoning.*
- d. The Town Council is empowered to hear and decide such *SPECIAL CONSENT(s)* as are specifically authorised by the provisions of this Scheme; to decide such questions as are involved in determining whether *SPECIAL CONSENT* should be granted; and to grant *SPECIAL CONSENT* with such conditions and safeguards as are appropriate or to deny *SPECIAL CONSENT* when not in harmony with the purpose and intent of the Scheme.
- e. No application for a *SPECIAL CONSENT* shall be processed until the application is complete and all required fees are paid in accordance with the applicable fee schedule.
- f. Where application is made to the Local Authority for a *SPECIAL CONSENT*, it will not be granted until the following provisions are met:
 - i. A written application for a *SPECIAL CONSENT* in prescribed forms is submitted indicating the section of this Scheme under which the *SPECIAL CONSENT* is sought and stating the grounds on which it is requested;
 - ii. After having ensured that the application meets the requirements of Section (i) the Applicant shall cause to be published a notice in a local newspaper circulating in the country, at least once during each of two successive weeks, to the effect that a request for a *SPECIAL CONSENT* has been submitted to the local authority, that copies of the application, plans and other relevant matters may be inspected at the Local Authority Offices and that written objections to the application may be lodged with the Town Council at any time within twenty-one (21) days of last publication of said notice;
 - iii. A notice of the proposed *SPECIAL CONSENT* including a general summary of the proposal shall be conspicuously displayed and maintained by the Applicant, on the property involved, for a period of twenty-one (21) days prior to the final day of which objections may be lodged as specified in Clause (f) below;
 - iv. The applicant is to cause Written Notice to be given to Owners of adjacent Plots to which the application relates and to such other persons as the Town Council may deem to be affected.
 - v. The applicant shall also submit an Affidavit declaring that the application was advertised in accordance with this Scheme.
- f) Every owner or occupier of immovable property within the area on which this Scheme has effect or other person having a sufficient interest therein shall have a right of objection to the *SPECIAL CONSENT*, provided that any objection shall be in writing and shall set out the grounds of objection and be lodged within the period as stated in Section e(2) above;

- A. Upon expiry of the period for lodging objections, the Town Council shall consider an application under this Section, along with the objections received and provide opportunities to the person or body to be heard in person or be represented by a legal practitioner admitted in practise in Eswatini, if so desired by any person or body submitting the objections;
- B. Not later than fourteen (14) days before its meeting under this Section, the Town Council shall send, through the post, a notification to the applicant and any person who has made representations or objections of the date, time and place of the meeting at which the application shall be considered;
- C. Notification of a meeting under Section (g) above shall inform the person or body in question that they may appear before the Town Council with their witness, if any;
- D. The Town Council shall give additional notice of the application as it shall deem feasible and necessary;
- E. The Town Council shall ensure that it is empowered under the section of this Scheme described in the application, to grant the *SPECIAL CONSENT* and that the granting of the *SPECIAL CONSENT* will not adversely affect the public interest;
- F. Before any *SPECIAL CONSENT* is issued, the Town Council shall certify compliance with the specific policy and/or by-law governing the individual *SPECIAL CONSENT* of which such policy and/or by-law provides guidelines in terms of Development Criteria; Special Requirements and/or Conditions; which amongst other include the following:
- Ingress and Egress to property and proposed buildings thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or emergency;
 - Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise or odour effects of the *SPECIAL CONSENT* on adjoining properties and properties generally in the district;
 - Refuse and service areas, with particular reference to the items in (1) and (2) above;
 - Utilities, with reference to their provision, location and system capabilities;
 - Screening and buffering with reference to necessity and type thereof;
 - i. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with properties in the district;
 - ii. Required setbacks and other open spaces;
 - iii. General compatibility with adjacent properties and other properties in the district; and
 - iv. In determining the application for *SPECIAL CONSENT*, the Town Council shall take into account the sound town planning merits of the proposal and in

particular, clear proof of public need for the *SPECIAL CONSENT* to be approved.

- G.** In granting any *SPECIAL CONSENT*, the Town Council may prescribe additional conditions and safeguards in conformity with this Scheme. Non-compliance with such conditions and safeguards when made a part of the terms under which the *SPECIAL CONSENT* is granted shall be deemed a violation and punishable under relevant section of this Scheme.
- H.** The Town Council shall prescribe time limits within which the action for which the *SPECIAL CONSENT* is required shall be begun or be completed, or both. Failure to begin or complete, or both, such action within the limits set shall render the *SPECIAL CONSENT* void.
- 1.** A Renewal and/or Inspection Schedule will be provided at the time of granting the *SPECIAL CONSENT*, which will state the consent period of the specific Use.
 - a) Upon change in Ownership, the previous owner shall notify the Town Council, as per the relevant Form for *Change in Ownership* and the new owner shall certify an affidavit stating that he/she acquainted him/herself with the conditions set as per the granting of the *SPECIAL CONSENT*.
 - b) Under no circumstances shall A Special Consent application offer a Rezoning.

Special Consent Forms In Appendix		
ITEM	FORM REFERENCE	ACTION
1	SC1	Special Consent Application Form
2	SC2	Main Motivation Report
3	SC3	Affidavit
4	SC4	Special Consent Advertisement Notice
5	SC5	MKTC Decision

4.3 REZONING

- a. Any application from either a public or private party to *REZONE* a piece of property shall be considered a variation of an approved Scheme as described in the Town Planning Act, 1961. Any application for such variation shall be submitted to the Town Council on prescribed forms and shall then be submitted to the Minister and reviewed in accordance with the procedures outlined in Section 21 of the Town Planning Act. *The rezoning* of a property or block of properties shall only be forwarded to the Minister for consideration by the Town Planning Board where there is a proven public need for such *rezoning*.
- b. No application for a *rezoning* shall be processed until the application is complete with all required details and all associated fees have been paid in accordance with the applicable fee schedule.

- c. A *rezoning* from the districting of this Scheme shall not be granted by the Town Council unless and until a written application for a *rezoning* is submitted demonstrating:
 - i. That there are proven ground(s) to *rezone*, and that the proposed land use would be desirable given the broader context of the Town Council;
 - ii. That no special conditions and circumstances resulted from the actions of the applicant;
 - iii. Neither a non-conforming use of neighbouring lands or buildings in the same district, nor any permitted or non-conforming use of lands or buildings in other districts shall be considered grounds for the approval of a *rezoning*; and
 - iv. Application satisfy conditions in *Table 5.1*.
- d. Where application is made to the authority for *rezoning*, it will not be granted until the following provisions are met:
- e. A written application for a *rezoning* is submitted indicating the section of this Scheme under which the rezoning is sought and stating the grounds on which it is requested;
- f. After having ensured that the application meets the requirements of Section (i) the Applicant shall cause to be published a notice in a local newspaper circulating in the country, at least once during each of two successive weeks, to the effect that a request for a *Rezoning* has been submitted for approval, that copies of the application, plans and other relevant matters may be inspected at the Local Authority Offices and that objections to the application may be lodged with the Town Council at any time within twenty-one (21) days of last publication of said notice;
- g. A notice of the proposed *Rezoning*, including a general summary of the proposal shall be conspicuously displayed and maintained by the Applicant, on the property involved, for a period of twenty-one (21) days after the final notice advertisement of which objections may be lodged as specified in cause above;
- h. The applicant shall cause Written Notice to be given to adjacent property owners that may be affected by the rezoning and to such other persons as the Town Council shall deem necessary;
- i. The applicant shall also submit an Affidavit declaring that the application was advertised in accordance with this Scheme accompanied with proof in terms of newspaper notice copies and pictures of notice on site.
- j. Every owner or occupier of immovable property within the area on which this Scheme has effect or other person having a sufficient interest therein shall have a right of objection to the *rezoning*, provided that any objection shall be in writing and shall set out the grounds of objection and be lodged within the period as stated in Section (d) above;
- k. Upon expiry of the period for lodging objections the Town Council shall consider an application under this Section, along with the objections received and provide opportunities to the person or body to be heard in person or be represented by a legal practitioner admitted in practise in Eswatini, if so desired by any person or body submitting the objections;

- l. In determining the application for *rezoning*, the Town Council shall take into account the sound town planning merits of the proposal given the broader context of the Town Council and in particular, clear proof of public/market need for the *rezoning* to be approved;
- m. The responsibility of providing the Town Council with the necessary information on need and development impact rests with the applicant.
- n. The Town Council shall consider the application taking aboard objectors concerns, if any, where they will be notified of meeting date, time and place to discuss application. Where the Town Council approve the proposed rezoning, they shall forward it to the Minister together with their recommendations for approval by the Town Planning Board. Where the application is denied, the applicant shall be furnished with reasons for decision.

Table 5.1

1. A rezoned plot shall meet the development standards of proposed use zone as outline in the Development Code,
2. A rezone application shall be for an existing plot(s) or Farms(s) where there are no new plots being proposed.
3. Where a rezoning application requires the creation of new plot(s), it must utilize the Planned Unit Development (PUD) application.

Rezoning Application Forms in Appendix		
ITEM	FORM REFERENCE	ACTION
1	R/1	Rezoning Application Form
2	R/2	Main Motivation Report
3	R/3	Affidavit
4	R/4	Rezoning Advertisement Notice
5	R/5	Forwarding of Rezoning to Town Planning Board
6	R/6	Town Planning Board Decision

4.4 PLANNED UNIT DEVELOPMENT REGULATIONS (PUD)

4.4.1 PLANNING INTENTIONS

1. This facility is designed to accommodate the development of well-planned Residential, Institutional, Commercial, Mixed-use Development or similar Projects which consist of various districts requirements to be located in one or several zoning districts as one project that has development provisions similar to the zones in the scheme or are varied and specifically tailored to the unique proposed development of a particular site.

2. The PUD application will outline the particular zoning district(s) for each proposed use in the proposed development in line with the scheme.
3. Where the proposed zoning districts have different development standards from similar zones in the scheme, the details of the proposed zones shall be outlined in line with format in scheme and enclosed with the application.
4. An application for a PUD shall propose zones as outlined in scheme.
5. An approved PUD application shall have zoning districts as in scheme and not **PUD!**
6. A PUD application on land covering more than 5 plots or proposing to develop more than 5 units shall require Human Settlements Authority approval, as per Human Settlements Act 1992.

4.4.2 USES PERMITTED

The uses permitted in a particular PUD shall consist of only the uses allowed as per the approval permission of the PUD application. All current and future developments and improvements of a designated PUD area shall conform to all requirements and conditions of the PUD permission.

4.4.3 GENERAL PROVISIONS

- a) A Planned Unit Development (PUD) shall be designed to facilitate the development of well-planned residential, institutional, commercial and/or mixed-use development, community development projects or a combination of development projects in any particular or several zoning districts.
- b) A PUD area shall be compatible with Local Authority and neighbourhood goals, plans, programmes and show sensitivity to environmental conservation whilst adding value to the overall town planning process of the locality or Town.
- c) A PUD shall show sound project planning, efficient and economical land utilization, attractive urban design and the provision of unique or desired public spaces and other amenities that enhance the attractiveness of a locality or Town.
- d) A PUD shall encourage diversification in the use, size, type, design and location of buildings and other structures, improved circulation and siting of facilities, and assurance of adequate standards for protection of public health, safety, welfare and convenience.
- e) While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD shall not be used to circumvent the intent and purposes of these regulations, nor to result in action that is inconsistent with the Scheme.
- f) The PUD should offer potential advantages to landowners and developers around its vicinity balanced by public benefit in various spheres.
- g) A PUD area shall optimise natural or man-made features and resources on site, such as exquisite topography, trees, watercourses, etc. through appropriate design and landscaping for conservation and public enjoyment.

4.4.4 AREA REQUIREMENTS

- a. A total area included within the proposed development, including area of public right of ways proposed to be closed, shall be as follows:
 - i. A minimum of fifteen hundred square metres (1500m²) for projects located in any commercial district.
 - ii. A minimum of ten thousand square metres (10,000m²) for projects located in any other district.
- b. For a project located in any residential district when the Town Council finds that an application for a PUD is of exceptional merit and in the best interest of the Town, then the Board may approve that planned unit development in accordance with the requirements and procedures of this Scheme, even though the application does not meet the area requirements of this section.
- c. All of the property included in a planned unit development shall be contiguous, provided that the property may be separated only by a public right of way.
- d. Where the property is comprised of various plots, it will be the condition of the PUD application approval that these plots be consolidated first before initiation of project.

4.4.5 PROCEDURES

- a. Any application for a PUD shall be submitted to the Town Council on prescribed forms as provided in these regulations.
- b. No application for a PUD shall be processed until the application is complete with all details and all associated fees are paid.
- c. A PUD application requiring Human Settlements Authority (H.S.A) approval shall first apply and obtain the rezoning (as per scheme procedures) of the site or plot to a PUD before an application is made to the H.S.A. for approval of project proposal.
- d. Any application which fall under the Human Settlements Authority Act shall be referred to the Human Settlements Authority and be reviewed and approved through the procedures outlined in the Human Settlements Authority Act on an approved district within the scheme only.
- e. Any application for a PUD is a form of rezoning and its processing encapsulate this process.
- f. Before granting or denying the approval of any proposed PUD the Town Council shall hold a public hearing on the proposed development.
- g. Notice and objections of the meeting and PUD application shall be as per the Town Planning Act 1961.

- h. The notice shall describe generally the proposed development, including the name of all owners of the property involved; and the use, height, floor area and other significant aspects of the proposal. The notice shall also indicate the applicant's availability to discuss the proposed development with all interested and affected groups and individuals.
- i. The Town Council shall further ensure that the reasons set forth in the application justify the approval of the planned unit development and that the proposed development is consistent with the goals and objectives of the scheme.
- j. In approving development under the PUD process, as specified in this section, the Town Council shall have the option of varying proposed standards, including increase/decrease of building heights, plot coverage and densities, etc. to align development with scheme.
- k. In approving increases of heights, densities or plot coverage the Town Council shall consider whether the application does the following:
 - 1) Conflicts with the development plans and policies of the Town Council.
 - 2) Enhances the neighbourhood.
 - 3) Provides or present future occupants of PUD with a living or working environment and amenities superior to those that could be achieved by applying the provisions of this Scheme.
- l. The Town Council may approve an application for a PUD with or without conditions or disapprove the application.
- m. Where the Town Council approves the application for PUD, and the application to rezone to the PUD district is approved by the Minister, the respective area will be rezoned to specific zones as outlined in the approved PUD application.
- n. Where feasible, especially where properties shall be sold to different persons, the PUD plan shall have a zoning scheme which the Town Council shall utilise in processing development planning applications from the area.
- o. Where the Town Council denies the application, the Board shall state the reasons for denial to the applicant. The application may be modified and resubmitted following the procedures of this section.
- p. In carrying out the purpose of this section, the Town Council may establish general guidelines and, in individual cases, set standards and conditions for height and size lesser or greater than the guidelines established for the affected districts in this section or elsewhere in this Scheme.
- q. The Town Council shall also set appropriate time limits for benefits conferred under this section to individual applicants in order to ensure the construction of a proposed development in accordance with the conditions established.
- r. Failure of an applicant to complete a proposed development as directed within the time limits set by the Town Council, or the regulations, shall result in the termination of the benefits granted under the application and revert to the zoning controls applicable under existing scheme.

- s. In approving any PUD the Town Council may prescribe appropriate conditions and safeguards in conformity with this Scheme as it deems proper. Non-compliance with such conditions and safeguards when made part of the terms under which the PUD is approved shall be deemed a violation and punishable under respective section of the Town Planning Act, 1961.
- t. If any buildings are proposed to be built as a part of an approved PUD, a separate building application shall be submitted to and approved by the Town Council before the actual building may commence.
- u. A PUD development proposal shall meet the requirement of the Eswatini Environment Authority Management Act, 2000 and other relevant legislation and policies.

4.4.6 FILING REQUIREMENTS

- a) An application for approval of a PUD shall include the following:
 - i) A completed application form with all supporting documents.
 - ii) A statement of the purposes and objectives (motivation) of the project, including the proposed type of development, and a detailed statement as to the following:
 - 1) The relationship of the proposal to established Local Authority goals, plans and programmes.
 - 2) The benefits that would accrue, which would not be available under the existing controls.
 - 3) The manner in which the proposed development standards are designed to protect the public health, safety, welfare and convenience.
 - 4) The contribution the project makes to environmental protection.
 - 5) The contribution the project makes to the Town Council in terms of public facilities.
 - 6) The impact the proposed project will have on surrounding uses, buildings and properties.
 - 7) A locality plan showing the location of the proposed project, the existing zoning for the property, zoning of adjacent properties and any proposed change of zoning.
 - 8) The existing topography of the development area, including the location of all major natural features.
 - 9) A subdivision map, showing surveyed distances of property lines and bearings along with numerical designations of these new subdivisions.
 - 10) A detailed site and development plan, indicating the proposed use, location, dimensions and height of each building, and the area of the total site. The plan shall also show the proposed drainage for the site, including the location of buildings, streets, sidewalks, water and sewer lines, stormwater inlets and basins, and connections to public water and sewer lines.
 - 11) A circulation plan, including the location of all vehicular and pedestrian access ways, and the location and number of all off-street parking spaces and loading bays, including an indication of which spaces are designated for which use.

12) Tabulation of development data showing, where applicable, the following:

- a) The area and dimensions of each plot proposed for each building and the exact area of the total site.
- b) The plot coverage of each building on each plot and the total plot coverage for all buildings on the entire site.
- c) The floor area and floor area ratio for each building on each plot, including a breakdown for each use, and the total area and floor area ratio for all buildings on the entire site including a breakdown for each use.
- d) Estimated quantities of potable water required by the project and estimated quantities of sanitary sewage and stormwater to be generated, including the methods of calculating those quantities.
- e) The project must be designed so that the existing or proposed utility services and facilities and other public improvements are adequate for the population densities and land proposed.
- f) The names of all property owners of the proposed project and of the owners of all properties abutting the proposed project property.

13) A detailed landscaping and grading plan, showing all existing contour lines and landscaping to be retained, and all new contours, proposed finished grades, plantings and landscaping.

14) Typical floor plans and architectural elevations for each building, sections for each building and the project as a whole, and sections and elevations of the entire block within which the project is located.

15) A proposed schedule of implementation showing a construction schedule and timeline for the completion of the project, including a proposed final completion date for all construction and landscaping.

16) A brief financial synopsis and financing plan of the proposal in order to give assurance that the project will be completed as planned.

17) A plan for a provision, operation, and maintenance of common areas, as these will remain under the title of the project owner, with this document being provided before any proposal is approved.

18) Any other information needed to understand the unique character and problems of developing the specific planned unit development project.

4.4.7 DEVELOPMENT GUIDELINES

- a) For any project the height, densities, floor area ratio, plot coverage and setbacks of buildings shall be as approved by the Town Council in each case.
- b) The heights specified in the following table shall be considered as guidelines only. The Town Council shall reserve the option to approve a height greater or lesser than the guideline indicated.

- c) For a project located in any district, the floor area of all buildings shall be as approved by the Town Council in each case and shall be the aggregate of the floor area ratios, as specified in the following table, for the districts included within the project area.
- d) The floor area ratios specified shall be considered as guidelines only. The Town Council shall reserve the option to approve a floor area ratio greater or lesser than the guidelines indicated.
- e) The specific height and floor area ratio approved by the Town Council for a particular PUD shall depend upon the exact circumstances surrounding the application, including the location and physical characteristics of the property; the nature of surrounding properties, uses and buildings; and the design of the proposed project.
- f) To exceed the guidelines indicated, the applicant shall have the burden of demonstrating and justifying the public benefits and other meritorious aspects of the proposal that will result if the additional height or area is approved.
- g) The plot coverage shall be as otherwise prescribed in these regulations, however, the Town Council shall have the option to approve a plot coverage greater than or lesser than the normal requirement, depending upon the exact circumstances of the particular project.
- h) Setbacks shall normally be provided as otherwise prescribed in these regulations, however, the Town Council shall have the option to approve setbacks greater or lesser than the normal requirements, depending upon the exact circumstances of the particular project.
- i) Off-street parking spaces and loading bays shall be normally provided as otherwise prescribed in these regulations, however, the Town Council shall have the option to reduce or increase the amount of parking and loading facilities, depending on the uses and the location of the project.
- j) Notwithstanding the other prerogatives of the Town Council in approving uses in a Planned Unit Development, the Town Council shall reserve the option to approve any use that is permitted by this Scheme.

PUD Application Forms in Appendix		
ITEM	FORM REFERENCE	ACTION
1	PUD/1	PUD Application Form
2	PUD/2	Main Motivation Report
3	PUD/3	Affidavit

4	PUD/4	PUD Advertisement Notice
5	PUD/5	Forwarding of PUD Application to Town Planning Board
6	PUD/6	Town Planning Board Decision

5. NON-CONFORMING USES

5.1 GENERAL PROVISIONS

- a. It shall be the intent of this Scheme that non-conforming uses shall not be enlarged upon, expanded or extended, nor shall they be used as a basis for adding other buildings or uses prohibited elsewhere in the same district.
- b. Non-conforming uses shall be regulated in the following categories:
 - a. Non-conforming use of land, including land use with a building incidental to the use of the land.
 - b. Non-conforming building devoted to conforming use.
 - c. Non-conforming use within a building, whether the building is conforming or non-conforming.
- c. Non-conforming uses are declared by this Scheme to be incompatible with permitted uses in the districts involved. A non-conforming use of a building, land or in combination shall not be extended or enlarged after the coming into effect of this Scheme by the addition of other uses of a nature, which would be prohibited in the district involved.

5.2 NON-CONFORMING USES OF LAND

- a) No non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the coming into effect of this Scheme.
- b) No additional building not conforming to the requirements of this Scheme shall be erected in connection with such non-conforming use of land.

5.3 NON-CONFORMING OF BUILDINGS

- a) The restrictions set forth in this section shall apply to a non-conforming building devoted to a conforming use.
- b) No non-conforming building may be physically enlarged or altered in a way, which increases its non-conformity; however, ordinary repairs and alterations to the building, including structural alterations, shall be permitted.

- c) Enlargements or additions may be made to the building; provided, that the following requirements shall be met:
 - i. The building shall conform to plot coverage requirements;
 - ii. The addition or enlargement itself shall conform to use and building requirements; and
 - iii. The addition or enlargement itself shall not increase or extend any existing, non-conforming aspect of the building, and shall not create any new non-conformity of building and addition combined.
- d) Any enlargement, addition or alteration, which results in substantial improvement, shall comply with the provisions of this Scheme.
- e) If a non-conforming building is destroyed by fire, collapse, explosion or an act of God, to an extent of more than fifty percent (50%) of the cost of reconstructing the entire building, the non-conforming building shall not be restored or reconstructed except in conformity with all provisions of this regulation.
- f) If a casualty or an act of God results in damage to an extent of more than fifty percent (50%), and if the building is non-conforming only in respect to plot coverage or plot area, the building may be reconstructed or restored to its previous condition or to a more conforming condition, even if that condition does not comply with the applicable plot coverage or plot area requirements.
- g) If a casualty or an act of God results in damage to an extent of fifty percent (50%) or less of the cost of reconstructing the entire building, the building may be restored or reconstructed to its previous condition or to a more conforming condition; provided that the reconstruction or restoration shall be started within twelve months of the date of the destruction and that it shall be continued diligently to completion.

5.4 NON-CONFORMING USES WITHIN BUILDINGS

- a) The restrictions set forth in this section shall apply to non-conforming uses within buildings, whether the building is conforming or non-conforming.
- b) No existing building devoted to a use not permitted by this Scheme in the district in which it is located shall be enlarged, extended, constructed, reconstructed or structurally altered except in changing the use of the building to a use permitted in the district in which it is located.
- c) Ordinary repairs, alterations or modernisations may be, made to a building devoted to a non-conforming use. Structural alteration shall not be allowed, except those required by other by-laws or regulations.
- d) A new building shall not be erected to house a non-conforming use.

- e) A non-conforming use shall not be extended to portions of a building not devoted to that non-conforming use at the time of coming into effect of this Scheme, or to another building.
- f) Any building, or land or combination thereof, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- g) If a building devoted to a non-conforming use is destroyed by fire, collapse, explosion or an act of God to an extent of more than fifty percent (50%) of the cost of reconstructing the entire building, it shall not be restored or reconstructed except in conformity with all provisions of this Scheme.
- h) If the casualty or an act of God results in damage to an extent of fifty percent (50%) or less of the cost of reconstructing the entire building, the building may be restored or reconstructed to its previous condition or to a more conforming condition, provided that the reconstruction restoration shall be started within twelve months of the date of the destruction and shall be diligently continued to completion.

5.5 DISCONTINUANCE

- a) When a non-conforming use of a building or land or a combination thereof is discontinued or abandoned for one year, the building, or land or combination thereof shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. OFF STREET PARKING REQUIREMENTS

6.1 GENERAL PROVISIONS

- a) In all districts, off-street parking, delivery and loading bays shall be provided for any building erected in accordance with this Scheme.
- b) When the use of a building is changed to another use, which requires more parking spaces than required for the existing use or, if the building is vacant, the new building use shall be provided with the additional parking or loading spaces required in the amount necessary to conform to this regulations.
- c) When the intensity of use of an existing building is increased by an addition of dwelling units, floor area or seating capacity, parking spaces shall be provided for the addition as per the following conditions:
 - 1. Parking spaces shall not be required for the addition unless the addition increases the intensity of use of the building by more than twenty percent;
 - 2. Parking spaces for the addition need not exceed the amount of parking space, which would be required for the entire building as proposed if constructed new; and

3. The determination of the increase of intensity of use shall be based on the total increase in the floor area of the building, the number of dwellings on the plots, or the seating capacity on site irrespective of whether the total increase occurs at one time or in successive stages.
- d) In the case of a building for which this Scheme now requires more spaces than were required when the building was built, the following shall be required:
1. Where the existing number of parking spaces currently provided is less than or equal to the minimum number of parking spaces now required by these regulations, the number of parking spaces cannot be reduced; and
 2. Where the use of a building is changed to another use, which requires more parking spaces than required for the use existing immediately prior to the change or, if the building is vacant, the building shall be provided with additional requirement in the amount necessary to conform to this regulations.
- e) In calculating the number of required parking spaces, that portion of the floor area devoted to parking spaces, loading bays, service / delivery loading spaces and vehicular access to parking spaces, may be excluded.
- f) In the case of mixed uses, the parking spaces required shall be the sum of the requirements for the individual uses as calculated separately. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use.
- g) Whenever parking spaces requirements calculations based on the schedule set forth in Tables 7.1 and Table 7.2 result in a fractional space, any fraction under one-half shall be disregarded, and any fraction of one-half or over shall require one space.
- h) In the Central Business District (C-1) the Town Council may grant a special consent to permit an annual levy contribution in lieu of parking spaces for up to thirty percent of the required number of parking spaces, provided that:
1. Such levy shall be used solely for the provision of parking spaces in the vicinity of the building or Town, and
 2. The levy shall be at a rate set out not less than twice the current property rates tariff equivalent to the under-provision area of the parking/loading or delivery bays.
 3. Alternatively developer may provide alternative parking areas acceptable to the Town Council within the central business or other zones as appropriate.
- i) The Local Authority may impose conditions on any parking spaces and loading bays as to screening, setbacks, fences, the location of entrances and exits, or any other requirement it shall deem necessary to protect adjacent or nearby property. It may also impose other conditions, as it shall deem necessary to assure the continued provision and maintenance of the spaces.

6.2 MINIMUM PARKING AND LOADING REQUIREMENTS

- a) Off-street parking spaces shall be provided for all uses, except uses in the Central Business District, in an amount equal to or greater than the number specified in this section.
- b) Any non-residential use shall provide a minimum of two parking spaces.
- c) Each use within a mixed-use building shall be required to provide parking spaces in accordance with the corresponding requirement.
- d) Nothing contained in this section shall be construed to prohibit the establishment of parking spaces accessory to buildings for which no required parking spaces are specified or in an amount, which exceeds that required by Table 7.1, provided that each case complies with all other applicable provisions of this Scheme.
- e) All buildings shall be provided with minimum parking spaces as specified in Table 7.1.
- f) All non-residential uses shall provide a minimum of one loading/delivery bay of 6 metres in length.
- g) All parking spaces and loading bays in all zones shall be delineated on the ground, as specified in this chapter, except for uses in the residential areas.
- h) All buildings shall be provided with loading/delivery bays for delivery, loading and unloading operations either inside or outside a building and on the same plot as specified in Table 7.2.

Table 6.1: Parking Space Requirement	
USE	PARKING REQUIREMENT
Residential Uses	
Single-Family Dwelling	1 for each dwelling unit.
Multiple-Family Dwelling	2 for each dwelling unit.
Rooming House	1.5 for each two rooming units.
Commercial Uses	
Places of Refreshment, Shops, Markets	1 per 25m ² of floor area.
Surgery, Bank, Service Industry	1 per 20m ² of floor area.
Offices	1.5 per 10m ² of floor area.
Hotels	1 per guest room plus requirements for other uses as listed in this table.
Industrial Uses	
Manufacturing, Processing and Assembly	1 per 30m ² of floor area.

Warehouse, Storage and Wholesale	1 per 50m ² of floor area.
Repair Garages	1 per 10m ² of floor area.
<i>Institutional Uses</i>	
Places of Public Assembly / Worship	1 for each 5 seats or 1 for each 15m ² of seating area whichever is greater.
Cinema, Auditoriums, Churches and Similar	Minimum 5 or 1 for each 30m ² of seating area whichever is greater.
<i>Social and Cultural Uses</i>	
Clubs, Museum and Similar	Minimum 5 or 1 for each 30m ² of floor area.
Sports Stadiums	1 for each 5 seats plus bus parking bays as per loading bay requirements.
<i>All Other Uses</i>	
All other uses	1 for each 30m ² of floor area.

<i>Table 6.2: Loading/Delivery Facilities Requirement</i>	
<i>USE</i>	<i>LOADING/DELIVERY BAY REQUIREMENT</i>
<i>Residential Uses</i>	
Single-Family Dwelling:	None
Multiple-Family Dwelling (10 or more units):	1 @ 6 metres length.
Commercial Uses	
<i>Retail shops with:</i>	
Up to 100m ² of floor area:	1 @ 6 metres length.
100m ² - 500m ² of floor area:	1 @ 14 metres length.
500m ² - 1000m ² of floor area:	1 @ 6 metres length; and 1 @ 14 metres length.
Each additional 500m ² of floor area:	1 @ 14 metres length.
Surgery, Bank, Service Industry:	1 @ 6 metres length.
<i>Offices with:</i>	

Up to 100m ² of floor area	1 @ 6 metres length
100m ² to 1000m ² of floor area	1 @ 14 metres length
1000m ² to 3000m ² of floor area	1 @ 6 metres length and 1 @ 14 metres length
Each additional 1000m ² of floor area	1 @ 6 metres length
Hotels with:	
Up to 50 rooms	1 @ 6 metres length
50 – 200 rooms	1 @ 14 metres length
Each additional 100 rooms	1 @ 6 metres length
Industrial Uses	1 @ 14 metres length
Manufacturing, Processing and Assembly with:	
Up to 800m ² of floor area:	1 @ 14 metres length.
800m ² - 2000m ² of floor area:	1 @ 6 metres length; and 1 @ 14 metres length.
Each additional 2000m ² of floor area:	1 @ 14 metres length.
Warehouse, Storage and Wholesale with:	
Up to 1000m ² of floor area:	1 @ 14 metres length.
1000m ² - 2500m ² of floor area:	1 @ 6 metres length; and 1 @ 14 metres length.
Each additional 2000m ² of floor area:	1 @ 14 metres length.
Repair Garages:	1 @ 14 metres length.
<i>Institutional Uses</i>	
Places of Public Assembly / Worship:	
Cinema, Auditoriums, Churches and Similar	1 @ 6 metres length
Social and Cultural:	
Clubs, Museums and Similar	1 @ 6 metres length
Sports Stadiums	1 per 200 seats plus 2 @ 14 metres lengths
<i>All Other Uses</i>	
All other uses	As determined by the Local Authority

6.3 REDUCTION OF REQUIRED SPACES

- a) A variance may be granted to decrease by up to fifteen percent of the amount of required parking spaces; provided, that for a use which is in the category of all other uses in Table 7.1 the amount of required parking spaces shall not be reduced by more than thirty percent and subject to the conditions of this section.
- b) The Town Council shall give consideration to the following when deciding on a reduction of parking spaces:
 - i. The nature and location of the building;
 - ii. The maximum number of employees, guests, customers, or clients who can reasonably be expected to use the proposed building at any time;
 - iii. The amount of traffic congestion existing or which the building can reasonably be expected to create in the neighbourhood; and
 - iv. The quantity of existing public, commercial or private parking, other than on-street parking, on the property or in the neighbourhood, which can reasonably be expected to be available when the building is in use.

6.4 DESIGN REQUIREMENTS

- a) A required parking space shall be a minimum of two and one-half metres (2,5) in width and five metres (5,0) in length, exclusive of access drives, aisles, ramps, columns, office and/or work area and shall be defined by white lines, a minimum of ten centimetres wide.
- b) A minimum of 12.5 square metres of gross parking area shall be provided for each required parking space.
- c) All parking spaces shall have a minimum vertical clearance of 2 metres.
- d) When parking spaces are so arranged that an aisle is required for accessibility or manoeuvring space between rows of two or more parking spaces, or between row of two or more parking spaces and the perimeter of the area devoted to parking spaces, the dimensions in Table 7.3 and Table 7.4 shall apply.

Table 6.3: Parking Dimensions – No Interlocking				
<i>Parking Angle</i>	<i>Stall Width (m)</i>	<i>Stall Depth (m)</i>	<i>Aisle Width (m)</i>	
			<i>2-way</i>	<i>1-way</i>
90°	2.5	5.0	7.5	7.5

60°	2.5	5.0	5.4	4.4
45°	2.5	5.0	5.2	4.2

Table 6.4: Parking Dimensions – Vehicle Interlocking

Parking Angle	Stall Width (m)	Stall Depth (m)	Aisle Width (m)	
			2-way	1-way
60°	2.5	4.8	5.4	4.4
45°	2.5	4.2	5.2	4.2

Figure 6.1

Stall Width And Depth For Different Parking Angles:

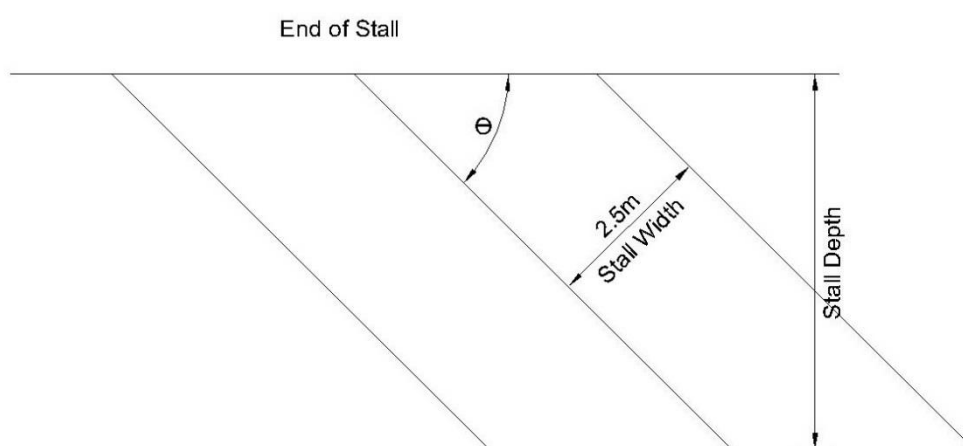
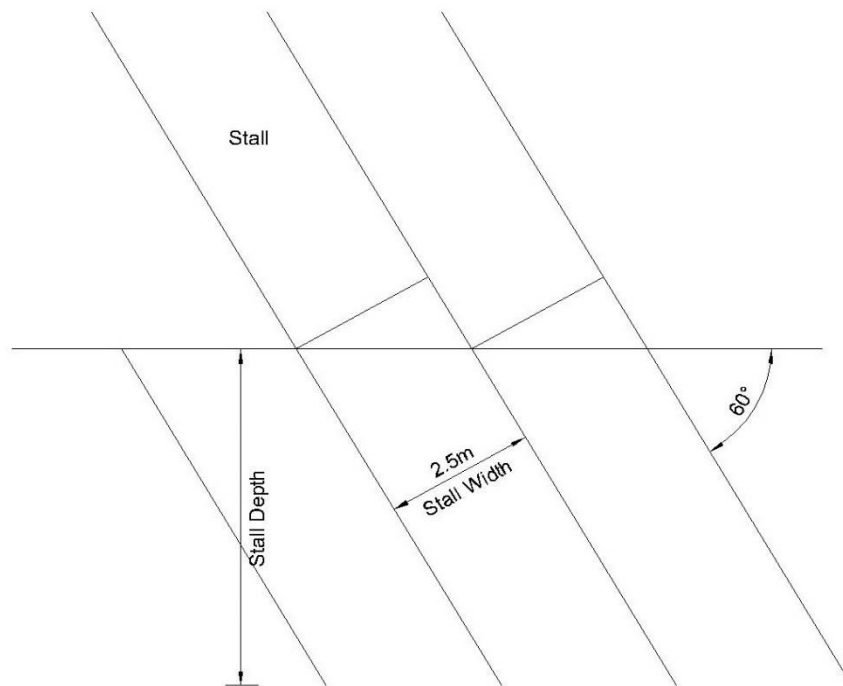


Figure 6.2**Stall Width And Depth For Different Parking Angles-Vehicle Interlocking**

- e) The public right of ways, as well as private walkways and driveways shall be protected from vehicular encroachment from all parking spaces and loading bays by wheel bumper guards, curbs, guard rails or screening between the plot line and the perimeter of the parking area. Parking shall be so designed that no vehicle or any part thereof shall project over any plot or building line.
- f) A driveway, which provides access to required spaces and loading bays shall meet the following standards:
 - i. It shall have a maximum grade of twelve percent, except with approval of the Town Engineer a grade of not more than eighteen percent may be permitted, with a vertical transition at the plot line;
 - ii. A driveway serving a single-family dwelling or which otherwise serves only one parking space shall not be less than two metres in width; and
 - iii. A driveway serving any use other than a single-family dwelling or which serves more than one parking space shall be: not less than 7,5 metres from a street

intersection as measured from the intersection of the curb lines, nor less than 3,0 metres in width if designed for one-way circulation or 4,5 metres if designed for two-way circulation and not more than 7,5 metres in width.

- g) All parking spaces, loading bays, aisles, driveways and walkways shall be constructed of a material, which cannot be easily deformed or scattered. Cement, bitumen, brick, paving block or other similar material may be used, and such material shall meet the construction standards of the Town Council. In addition to the materials listed above, residential parking areas may also be surfaced with suitable gravel or crushed stone.
- h) All required loading bays shall be a minimum of 3,5 metres wide, 7 metres in length and shall have a minimum vertical clearance of 4,3 metres, exclusive of access aisles, manoeuvring spaces and loading platforms.
- i) All entrances, exists, access aisles, ramps and driveways providing access to parking spaces and loading bays shall also have the minimum vertical clearance as prescribed above.
- j) Parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without required the moving of any other motor vehicle.
- k) All parking spaces and loading bays shall be designed so that they are completely functional at all times, so that access is there not to impose unnecessary or awkward manoeuvring.
- l) Required parking space for two or more uses occupying adjacent plots may be provided in a common parking facility, provided that the number of spaces is not less than the sum of the spaces required for each use individually.
- m) Any lighting used to illuminate open parking facilities shall be so arranged that all direct rays of lighting are confined to the surface of the area devoted to parking.

6.5 LOCATION OF PARKING FACILITIES

- a) All parking spaces shall be located on the same plot with the building they are intended to serve, except as provided for below.
- b) Required parking spaces shall not be located in the area between a building line and plot line except for the following reasons requiring the consent of the Town Council:
 - i. Unusual topography, grades, shape, size or dimensions of the plot.
 - ii. The lack of an alley or the lack of appropriate ingress through existing or proposed alleys or streets.
 - iii. The location of required parking spaces elsewhere on the same plot or on another plot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighbouring properties.
- c) The parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building, which they are designed to serve.

- d) For a place of worship up to fifty percent of the number of parking spaces may be located elsewhere. The spaces shall be located within one hundred metres of the church in a public or private parking lot, where the required number of spaces are made available for the use of the church. However, at least three parking spaces shall be provided on the plot where the church is located.

6.6 ACCESS, MAINTENANCE AND OPERATIONS

- a) The parking spaces and loading bays required by this Scheme shall be provided and maintained so long as the building exists, which the parking spaces and loading bays are intended to serve.
- b) Each parking space and loading bay shall be accessible at all times directly from improved right of ways, which shall have a minimum width of 4m and be paved in compliance with the standards of the Town Council.
- c) No parking facility shall be used in such a way as to interfere with its provision in the required number of off-street parking spaces specified in this Scheme. No parking space or loading area may be used for any use other than parking or loading, this includes for storage of refuse containers or builders rubble.

6.7 PARKING FOR PERSONS WITH DISABILITIES

- a) A minimum of 1 parking space per 30 required in a development shall be provided for persons with disabilities.
- b) It shall be located closer to business activity access, easily found and clearly marked.
- c) Its minimum dimensions shall be 3.7m width and 5m length and on slope of less than 1 : 50.

6.8 PARKING AREAS DESIGN CONSIDERATIONS

- a) All interstitial spaces or islands between parking spaces, loading bays, access drives, manoeuvring spaces, driveways, or plot perimeter shall be landscaped or surfaced.
- b) In open area parking tree planting shall be required at 1 tree per 3 parking bays. The types of species and safeguarding methods shall be approved by the local authority.
- c) Stormwater drainage channels shall be provided to direct stormwater flows and ensure absence of water pools and puddles in a parking area during storms.

7. ADVERTISEMENT SIGNS

7.1 GENERAL PROVISIONS

- a) Advertisement signs shall only be displayed upon any land or building with the written permission of the Town Council as set forth in these regulations.
- b) Where provision is made in these regulations for advertisements of a specific description to be displayed without express permission but subject to specified conditions, then the display of such advertisements, so long as they comply with those conditions and so long as no notice has been issued under these regulations shall be permitted.
- c) The requirements set forth in this regulations shall be in addition to and not in substitution for any Building Regulations that may be in force from time to time. Every advertisement hoarding and sign shall be constructed and erected in compliance with such Building Regulations.
- d) Wherever the requirements of this regulations are at variance with the requirements of any other adopted regulations or by-laws, the most restrictive or that imposing the highest standards, shall be applied.

7.2 DEFINITIONS

- a) For the purposes of this section, certain terms and words are hereby defined. These definitions shall not be held to modify or affect in any way the legal interpretation of these terms or words where used in other regulations.
- b) When used in this section, the following terms and phrases shall have the meanings ascribed as follows:
 - a) *Advertisement* is any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, and employed for the purposes of advertisement, announcement or direction, and includes any hoarding, or similar structures used for the display or advertisement.
 - b) *Area of a sign* is to include the entire area within a single continues perimeter enclosing the extreme limits of the actual advertisement. It does not include any structural elements outside the limits of such advertisement and not forming an integral part of the display. For double-faced signs, each face shall be considered a sign in computing the total area.
 - c) *Billboard* is a sign of any other definition having an area greater than 6.0m² in area on one face or 15.0m² in total area.
 - d) *Canopy* is an immovable overhang, or movable or immovable device which extends into public space more than 375mm and which has for its purpose advertising and/or the protection of persons from the weather.

- e) *Cantilever Sign* is a sign attached to a beam or a support fixed at only one end (usually supported by the wall).
- f) *Ceiling Sign* is a sign mounted from a ceiling or canopy with a minimum ground clearance of 2.4m.
- g) *Contractor's Sign* is any sign of a contractor, architect, etc. performing work on a property.
- h) *Directional Sign* is a sign along a road reserve directing vehicular or pedestrian traffic flow.
- i) *Directory Sign* is a sign located at a site, plaza, industrial estate or building and the sole function of the sign shall be the listing of business tenants of the site, estate or building.
- j) *Ground Sign* is a sign that is permanently anchored with a maximum height above the ground of 1.5 metres.
- k) *Flashing Sign* is any sign, which uses artificial lighting, which continuously switches on and off.
- l) *Hoarding* is any screen or fence, which is used or capable of being used for the posting, exhibition or display of any advertisement or advertising device on or near or in view of any street, and shall include a screen or fence enclosing a building or materials while builders are at work or enclosing an excavation.
- m) *Illuminated Sign* is any sign, which makes use of artificial lighting.
- n) *Incidental Sign* is any sign or name-plate relating to the plot directional, identification, information or real estate for sale, rent or lease signs.
- o) *Mural* is a wall sign exceeding 6.0m², which contains only graphic images with no lettering.
- p) *Official Sign* is any sign erected for or on behalf of a local or central governmental agency.
- q) *Poster Panel and Bulletin Board* are standardized outdoor advertisement structures to which advertising signs are placed or posted for the promotion of a business, product or idea not found on the premise at which the sign is located.
- r) *Projecting Wall Sign* is any sign, which is attached to and projects from a wall of a building.
- s) *Residential Sign* is any sign indicating the name and address of a private residence or permitted use in a residential district in which the sign is located.
- t) *Roof Sign* is any sign the entire face of which is above roof level or roof area of a building.

- u) *Sign* is any advertisement by means of printing onto or attaching bills, letters or numerals to any structure, surface or device on which the advertisement by means of printing onto or attaching bills, letters or numerals to any structure, surface or device on which the advertisement is painted, placed or attached. This shall include any supporting structure.
- v) *Traffic Control Sign* is any sign containing highway route numbers, street names and other directional signs as may be necessary in the interest and public safety for the regulation of traffic.
- w) *Temporary Sign* is any sign for any itinerant shows, concerts or dances, or of an otherwise transitory nature.
- x) *Wall Sign* is a sign attached or erected against a wall of a building with the face horizontally parallel to the building wall.

7.3 PROCEDURES

- i. Where application is made to the Town Council for permission to display any advertisement, the local government may grant permission subject to the standard conditions only, or subject to the standard conditions and to such other conditions as it may deem fit, or may refuse to grant permission.
- ii. The powers conferred by this section with respect to the grant or refusal of permission for the display of advertisement or the revocation or modification of such permission shall be exercisable only in the interest of amenity and public safety.
- iii. When exercising such powers the Town Council shall:
 - i. In the interest of amenity, determine the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the locality, including the presence therein of any feature of historic, architectural, cultural or similar interest, and when assessing the general characteristics of a locality the Town Council may disregard any advertisements therein being displayed at the time.
 - b. In the interest of public safety, have regard for the safety of persons who may use any road, and shall in particular consider whether any display is likely to obscure or hinder the ready interpretation of any road traffic sign but without prejudice to its power to have regard to any other material factor.
- d. Application shall be submitted to the Town Council on forms as may be so designated.

7.4 GENERAL REGULATIONS

- a. Any sign placed on private property shall require the written consent of the owner thereof.
- b. Any sign projecting into or placed on public property shall require the local authority permission which shall be annually renewable on request.

- c. Any sign exceeding 2,000cm² per side in area shall require an annually renewable permit.
- d. No sign shall be written onto or attached to a public utility pole, road sign, tree or other natural feature, except temporary signs approved by local authority.
- e. No sign may be placed in such a position that any part shall be nearer than 3,0 metres to any fire alarm, telephone or electric wire, other than to illuminate or operate the sign or notice without first obtaining permission in writing of the authority having jurisdiction over the same.
- f. No sign, except a cantilever sign, shall be attached to any support, which rests upon the pavement but shall be securely attached to a building or other satisfactory support.
- g. No sign shall be erected within 30 centimetres of the curb line or 3,0 metres of the vehicular carriageway of a private or public right of way or motor vehicle parking area unless the minimum vertical distance between ground level and the bottom of the overhanging sign is at least 4,3 metres.
- h. No advertisement, which is indecent or suggestive of indecency, or which is blasphemous or prejudicial to the public morals shall be displayed on any sign permitted under this regulations.
- i. No sign shall be erected at any location where it may interfere with or obstruct any authorised traffic sign, signal or device.
- j. No sign, except an official sign, visible from a public right of way shall use the word “stop”, “danger” or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- k. No rotating beam, beacon or flashing lights or objects, which could distract motorists shall be allowed along public right of ways.
- l. No sign shall extend over any pavement or private pedestrian walkway unless the minimum vertical distance between the ground and the bottom of the sign is 2,4 metres.
- m. No sign attached to a building shall extend above the roof or parapet, except roof signs, of the building nor extend beyond the ends of a wall of any building to which it is attached.
- n. No sign shall be displayed so that the highest point of the advertisement is higher than 6,0 metres above the surrounding ground level.
- o. No wall sign shall exceed 25% coverage of the wall surface or be larger than 18m² in area whichever is less.
- p. No sign shall be supported by an existing building, unless said building is adequate to support all loads to which it may be subjected without reducing the safety factors provided.

7.5 SUPPLEMENTARY REGULATIONS

- a. No sign, except residential signs, shall be located closer than 15 metres to any place of worship or dwelling without the written permission of the Town Council.
- b. No poster panel or bulletin board shall be erected except at locations as designated by the Town Council.
- c. Directional Signs shall be erected in accordance with the following additional requirements:
 - a. No signs shall exceed 7,200cm² in area.
 - b. Such sign shall not be situated more than 2,7 metres above the adjoining ground level and shall not project beyond the property boundaries.
- d. Projecting Signs shall be erected in accordance with the following additional requirements:
 - 1. Not extend more than three metres beyond the face of any building.
 - 2. Not exceed 2,0m² per side or a total of 4,0m² in area for all sides.
 - 3. Be approved by an architect or engineer where it weighs more than 115kgs.
- e. Canopies and cantilever and ceiling signs erected over a portion of a pavement shall not be supported on supports, which rest on the pavement or street.
- f. Roof Signs shall be erected in accordance with the following additional requirements:
 - 1. The structural framework of all signs shall be on approved permanent materials.
 - 2. The highest point of any sign shall be not more than 2,5 metres above the roof of any building or 6,0 metres above ground level, whichever is greater;
 - 3. The structure of any sign, which exceeds 6,0m² on any one side shall be approved by an architect or engineer.
- g. Contractor signs not exceeding 4,5m² in area shall be permitted in all zones during the progress of the construction works and be removed upon completion or abandonment of the work.
- h. Temporary signs shall be displayed in accordance with the following additional requirements:
 - 1. Every application shall be accompanied by a schedule giving in detail the location where all such advertisements are to be displayed, advertisements shall not exceed 40 in number, and any permit issued shall be deemed to authorise the placement of advertisements only in such positions as are in the aforementioned schedule, provided that any such situation may be varied by written permission.
 - 2. No advertisement shall be exhibited for a period longer than four weeks prior to the actual performance of the public entertainment and every such

advertisement shall be removed by the person to whom the permit was issued, within 48 hours after the said performance.

3. Every such advertisement shall be so affixed to its support as to be easily removable there from. No such advertisement shall be affixed by means of pasting or other adhesive method.
- i. The maximum number and types of signs allowed in each district shall be limited as follows:
 1. Residential district properties shall be allowed one residential sign positioned parallel to the street plot line for each street frontage.
 2. Central Business District businesses shall be allowed one wall and one projected sign per street frontage, plus one freestanding or directory sign within a 200m radius of their premises.
 3. Commercial District businesses shall be as per the Central Business District except a freestanding sign or directory sign may be placed within a 500m radius of the premises.
 4. Industrial District businesses shall be allowed a maximum of three signs on their premises, plus advertisement on a directory sign at the estate's entrances.

7.6 EXEMPTIONS

1. The following signs shall be exempted from obtaining a permit subject to the following conditions:
 1. Functional advertisements of the Government, Town Council or statutory utilities.
 2. Miscellaneous signs relating to premises on which they are displayed provided that:
 - a) Signs for the purpose of identification, direction or warning with respect to the land or buildings on which they are displayed do not exceed 2,000cm² in area.
 - b) Advertisement relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement is displayed is limited to one sign not exceeding 2,500cm² in area in respect to each such person, partnership or company or in the case of premises with entrances on two different street frontages, one such sign at each of two such entrances.
 - c) Signs relating to any institution of a religious, educational, cultural, recreational or similar character that do not exceed 1,0m² in area and are less than 1,5 metres above ground level.

3) Certain advertisements of a temporary nature provided that:

- i. Advertisements relating to the sale or letting of land that do not exceed 1,8m² in area and do not bear any pictorial matter may be displayed on the land or building being advertised.
- ii. Advertisements announcing any local event of a religious, educational, cultural, social or recreational character not carried on for commercial purposes.
- iii. Advertisements displayed on the exterior of any motor vehicle licensed under the Road Traffic Regulations.

4) Signs for regulating traffic or similar devices, legal notices or warnings and street name signs.

1. Signs in display windows including writing, representational painting or lettering directly on the surface of any window or door or other signs not affixed to the building exterior.
2. Signs displayed for the direction of the public including signs, which identify rest rooms, freight entrances and such other similar directional signs not exceeding 1,600cm².

7.7 MAINTENANCE

- i. Every sign shall be neatly posted in a good and workman-like manner and shall, whilst in existence, be so maintained.
- ii. The owner, lessee or agent of the lands or the lands or premises upon which any sign or advertisement is located shall be responsible for its maintenance in a proper state of repair so that such sign or advertising device does not become unsightly or dangerous.

7.8 DANGEROUS AND DEFECTIVE SIGNS

- a. Any sign, which in the opinion of the Town Council is in a defective condition or a state of disrepair shall be forthwith adequately repaired or removed by the owner.
- b. Any sign, which in the opinion of the Town Council is a danger to surrounding property or persons, shall be repaired or removed without prior notice by the local authority and the expenses involved in such an action shall be charged to the owner of the sign.

7.9 NON-CONFORMING SIGNS

- a. The Town Council may at any time serve on any person displaying an advertisement of any type a notice requiring application for permission for the continuance of such display to be made within a time, not being less than twenty-eight (28) days, specified in the notice.
- b. If it appears that any advertisement has been displayed without permission as required by these regulations or any conditions subject to which such permission was granted have not

been complied with, the Town Council shall serve on the owner or occupier of the premises, where such advertisement has been displayed, a notice ordering the removal of such advertisement within seven (7) days of service of such notice.

7.10 PERMITS

- a. Every permission granted, shall be for such period not exceeding 12 months as the Town Council may specify, renewable annually.
- b. The Town Council may at any time during the period of validity of any such permission, upon giving three months notice in writing to the owner or occupier of the place where such advertisement is displayed, revoke such permission.

7.11 FEES

- a. The fees in respect of a permit issued by the Town Council under these regulation for an advertisement sign shall be set out in a schedule determined by the Town Council as revised from time to time.

7.12 OFFENCES

- a. Failure to comply with these regulations, conditions of approval or other requirements of this regulations shall be deemed a violation and punishable under Building Regulations offences provision in the Building and housing Act 1968, Urban Government Act 1969 or Town Planning Act 1961.

8. SUPPLEMENTARY ZONING REGULATIONS

8.1 VISIBILITY AT INTERSECTIONS

In the interest of public safety, the following shall apply:

- a. All intersections at corner plots as well as entrances and/or exits to new developments shall have a splay, as determined by and approved by the Town Council when applying for township establishment and new developments (building plan applications) (Refer to Figures 1.11.1 and 1.11.2).
- b. On any corner plot in any residential district nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between height of one (1,0) metres and three (3,0) metres above the grade of the intersecting streets within the area seven and a half (7,5) metres along the plot lines from the point of curb line intersection.

- c. The Town Council shall require the owner or occupier of any plot upon which exists any structure, fence, or planting, which obstructs visibility at intersections, to remedy the situation as per the Local Government Act 8/1969.

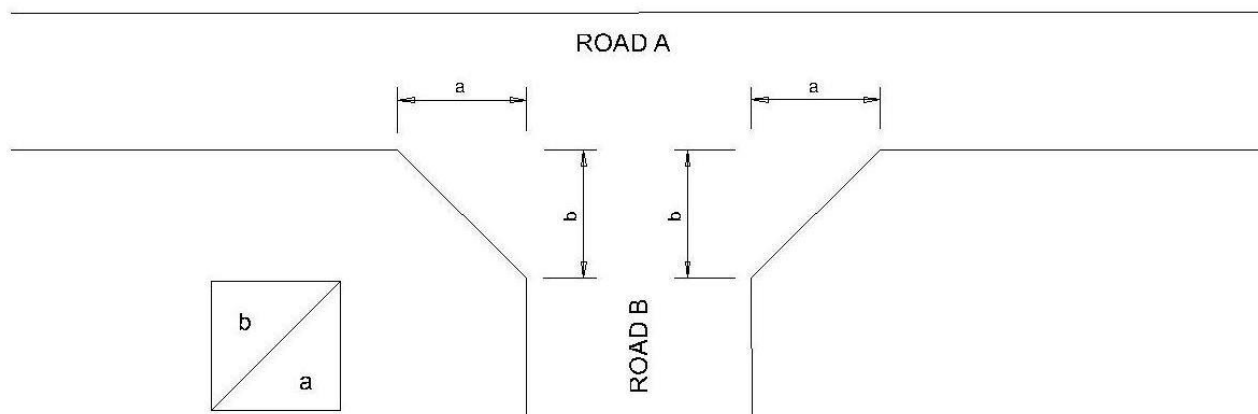


Figure 8.1: Illustration of Splay at Intersections

Figure 8.2: Standards for Splays

	RESERVE WIDTH	ROAD B						
		10m	12m	16m	20m	25m	32m	40m
ROAD A	10m	5 5	5 5	5 5	5 5	- -	- -	- -
	12m	5 5	5 5	5 5	5 5	5 15	- -	- -
	16m	5 5	5 5	5 5	5 5	5 15	5 15	5 20
	20m	5 5	5 5	5 5	5 5	5 15	5 15	5 20
	25m	- -	15 5	15 5	15 5	15 15	15 15	15 20
	32m	- -	- -	15 5	15 5	15 15	15 15	15 20
	40m	- -	- -	20 5	20 5	20 15	20 15	20 20

8.2 CORNER PLOTS

- a) There shall be no rear setback on a corner plot. There shall be two front setbacks and the other two yards shall be considered side setbacks.
- b) The setback lines for a corner plot possessing frontage on two public right of ways shall be determined by the following standards:
 - i. That at least one front setback shall be provided the full depth required generally for the district in question.
 - ii. That the second front setback shall be not less than one-half the full depth required generally for the district in question except where in conflict with subsection (iv) below.
 - iii. No front setback shall be less than a required side setback.
 - iv. If the front of a plot is in question, the full front setback shall be consistent with other developments in adjacent plots, if both adjacent plots provide a full front setback; the plot in question shall be consistent with these.
 - v. If no other adjacent plot has been developed the shorter of the two plot lines fronting the public right of ways shall be considered the front of the plot.
 - vi. Setbacks as stipulated above shall the depicted setbacks on an approved Site Development Plan.

8.3 FENCES, WALLS AND HEDGE

1. As a condition of approval on any application the Town Council may require screening for any use as it deems necessary.
2. Any property, which is fenced or enclosed in some other way, the extent, material, design, height, position and maintenance of such fence or enclosure, shall be to the satisfaction of the Town Council.
3. No fence, gate, enclosure, or screening shall be erected, which will interfere with emergency access vehicle or personnel; or will constitute a hazard or obstruction to street traffic or pedestrians along a public right of way.
4. No fence, gate, enclosure, or screening abutting any public right of way, or in any front setback, shall be constructed in whole or in part of barbed wire, razor wire, or similar material without written permission by the Town Council, which may impose conditions as it deems necessary as per Local Government Act 8/1969.
5. Uses with potential “blight” tendencies e.g. recycling areas, storage of scrap cars, storage of builders waste, etc. shall have solid fence or walls or screening that will ensure operations are screened from being a public nuisance or unsightly.

8.4 LANDSCAPING

- a) Any portion of plot, except a plot used for a detached single-family dwelling, not used for building area or parking shall be landscaped to the satisfaction of the Town Council within six (6) months of a certificate of occupancy being issued.
- b) No owner or occupier of any plot abutting a public right of way shall permit any vegetation, tree, or planting:
 - a) To overhang or to extend to the street in such a manner as to cause an obstruction or extend onto the street in such a manner as to cause an obstruction or cause discomfort to the public.
 - b) To come into contact and or be likely to come into contact with any public utility beneath or over the street.
 - c) The Town Council may require the owner or the occupier of any plot upon which exist any contravention to this regulation, to remedy the situation as per Local Government Regulations, 1969.
 - d) All plot owners shall make provisions for the management of stormwater and the acceptance of runoff and stormwater from higher lying plots.
 - e) Plots of containing more than 10 dwelling units shall make provisions for stormwater attenuation to ensure that maximum runoff volume per hour after development does not exceed the runoff prior to development.

8.5 PROJECTIONS INTO REQUIRED SETBACKS

- a. A roofed, but unenclosed projection in the nature of any entry or portico, not more than 1,2 metres out from the wall of a building, shall be exempt from the requirements of its particular district when the building otherwise is in conformity where required setback is more than 3m.
- b. The projection of the following portions of a building into a required side setback, by a distance of no more than half of the specified setback, shall be exempt from the requirements of its particular zone: eaves, cornice, overhangs, chimneys foundation balconies, open fires stairways; and other similar subsidiary projection.
- c. A carport may be permitted over a driveway in a side yard setback if such structure is open, and provided that no part of the carport is located less than 2.0 meter from the side plot line.
- d. The Town Council may permit the projection of a portion of a building over a pedestrian right of way where zero plot line regulations are in effect with the following conditions:
 - a) Bay windows, which are less than 1 metre in depth, eaves, cornice, overhangs, awning and shading devices.
 - b) In no instance may a projection be positioned in any area measured vertically within 2,5 meters from the finished paved ground surface, or likewise interfere or obstruct pedestrian passage.

- c) In no instant may a portion of a building project over a street or other public right of way used primarily by motor vehicle passage or parking.
- d) The Town Council may impose conditions, as it deems necessary and in line with the Building Regulations, 1969, as amended.

8.6 ACCESSORY BUILDINGS

- a. No accessory building of any kind shall be erected or placed in any required front or side setback.
- b. An open accessory building used for parking purposes only is permitted in the required rear setback.
- c. All other accessory buildings used in conjunction with a residential property may be permitted (temporary) on request to the Town Council anywhere in the required rear setback, provided that the erection or placement thereof would neither cause the maximum plot coverage to be exceeded nor prevent the installation of any required off-street parking and shall be removed on expiry of temporary permit.

8.7 ERECTION OF MORE THAN ONE STRUCTURE ON A PLOT

- a. When more than one building containing a permitted use is erected on a single plot the building shall be situated no closer than six (6,0) metres apart, except in the case where at least one of the two affected buildings is a servants quarters or accessory building where the required distance between them shall be at least three (3,0) metres.
- b. Floor area ratios and plot coverage percentage shall be calculated using the total area of the buildings on the plot, regardless of whether the specific building is the main building or ancillary to the main use.
- c. When erecting multiple buildings on a plot which is to be subdivided, the subdivision will be permitted only if the existing buildings are positioned in accordance with the setback distances from proposed plot lines, relative to the zone in which the plot is located and its requisite zoning regulations.
- d. When building placement is considered on a sub dividable plot, reference shall be made to the zoning requirements within this Scheme to determine setback distances and space between buildings.

8.8 HARMONY IN DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS

- a. No building shall be so constructed or finished or left unfinished that its external appearance would disfigure or tend to depreciate the amenities of the locality.
- b. Where development is proposed on existing surrounding developments, proposal shall be at same level or higher with relation to finished property value and appearance (stories, facades).

8.9 BUILDINGS AND PUBLIC ACCESS

- a. Every building hereafter erected shall be on a plot adjacent to a public right of way and all buildings shall be located as such on plots as to provide safe and convenient access for servicing, refuse pickup, emergency service access, fire protection and required off-street parking
- b. Property owners shall be required to clean and maintain road reserves fronting their plots. Landscaping shall be encouraged as long as it does not reduce road safety or damage infrastructure.
- c. Permission, as per informal trading policy, shall be required for informal trading on road reserve fronting property, unless reserve zoned for informal trading. The property owner has preferential rights to informal trading where he maintains his road reserve frontage.
- d. Road reserve frontage shall not be used for storage of waste, scraps or any other materials.

8.10 PARKING AND STORAGE OF CERTAIN VEHICLES

- a. In all districts, all junked, wrecked, stripped or inoperable motor vehicles or trailers and all motor vehicles without current registration plates displayed shall be parked or stored in a completely enclosed building unless the principal use of the property on which such vehicles or trailers are located involves the repair, storage or disposal thereof.
- b. In residential districts, commercial vehicles designed to carry more than 2 tons of weight and being used for the transport of goods, materials, or people shall be prohibited to be parked or stored on the plot, except with written consent of the Local Authority Authority.
- c. In all districts, no vehicle shall be parked or stored in any front, side, or rear yard setback, except in the bona fide surface parking space designated on the building application.

8.11 FLOOD PLAINS

- a. In flood plains no development shall be permitted, except where any rise in flood heights caused by the proposed development will be fully offset by accompanying improvements, which have been approved by the Town Council engineer.
- b. Any building accessory to the main use listed below, shall be constructed that its ground floor level is situated at the flood profile protection level as determined by the Local Authority engineer.
- c. Uses and activities permitted in flood plains provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other provisions of this Scheme and provided that they do not require structures, fill or storage of materials and equipment are as follows:
 - a) Public recreational uses and activities such as parks, sports fields, picnic grounds, golf courses, swimming areas, hiking and horseback riding trails, wildlife and nature reserves and similar uses.

- b) Opens spaces, gardens, agricultural uses and play areas accessory to residential uses.
- d. Uses and activities permitted in flood plains by special consent, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other provisions of this Scheme and provided that they do not require structures, fill or storage of materials and equipment are as follows:
 - i. Utilities and public facilities, including improvements, such as streets, bridges, transmission lines, pipelines, water and sewage treatment plants, parking and loading areas and other similar or related uses.
 - ii. Private, restricted or commercial recreational uses and activities, such as parks, sports fields, picnic grounds, golf courses, swimming areas, hiking and horseback riding trails, wildlife and nature reserves and similar uses.
 - iii. Structure or building where the lowest habitable room in a storey is at or above the flood profile protection level.
 - iv. The profile protection is designed to place the habitable room at the level high enough to reasonably avoid any potential flood damage.
 - v. Basements which comprised solely of parking areas and various building maintenance rooms, utility rooms and refuse areas shall be permitted with the installation of required flood wall protection.
 - vi. Storage rooms and/or the storage of any equipment of value to the owner or occupant will not be allowed below the determined flood profile level.

8.12 DEPOSIT OF WASTE MATERIAL

- i. The deposition of all waste material shall be in compliance with the National Waste Regulation of 2000 and the Public Health Act of 1969.
- ii. No person shall deposit or cause to be deposited on a public or private plot (whether occupied or not) any disused vehicle, scrap, metal, rubbish, building material, road material organic or inorganic waste, soil and litter, that may cause the degradation of a district, zone, or area without the written permission of the Town Council.
- iii. Where any waste has been deposited in contravention to the regulation, or where the owner of the property has deposited such material on one's own plot, or has allowed the deposit of such on one's plot in contravention to these regulations, the Local Authority Authority may by written notice require the owner of the plot or person responsible for the deposition of the waste to remove it within a specified period.
- iv. In cases where such person is unknown or cannot be found and there is no private owner, the Local Authority Authority may be responsible to remove it and deposit it in a manner as mandated in the Local Government Act 8/1969.

- v. The Local Authority shall retain the power to remove any object which has been abandoned in any public place, or causes an obstruction to any public right of way as granted in the Local Government Act 8/1969.
- vi. The Malkerns Local Authority shall levy fines for the deposit of any material or litter on any plot if the person who deposited, or allowed such material to be deposited, is known; in an amount to be determined by the Local Authority.

8.13 REFUSE COLLECTION

- a) Refuse and waste collection shall be in compliance with the National Waste Regulations 2000, Public Health Act and the local government regulations.
- b) No building shall be hereafter constructed without providing locations on-site for adequate storage of all refuse produced on the site by the occupants. No building or use may be expanded without provision for adequate on-site refuse containers, or if such space is unavailable at the time of enactment of this Scheme, without agreement for off-site refuse storage as specified below.
- c) The location of the on-site storage area shall be shown on the building permit application or site plans as part of the building application approval. Placement of refuse containers shall be at a location acceptable to the Town Council engineer. In determining the size, number and location of refuse containers to be used, the following criteria shall apply:
 - a) The refuse containers and their site(s) shall be of a capacity, determined by the town planner, which is adequate to contain all refuse generated by all of its users without requiring removal at times other than those regularly scheduled for the collection district in which the site is located.
 - b) The location of refuse containers shall be compatible with the Council's refuse pick-up system serving the property. All containers shall be located in areas, which provide for the safe operation of refuse collection vehicles. Where deemed necessary by the Local Authority engineer, adequate vehicle turn-around areas shall be provided on the site and to the greatest extent possible, refuse containers shall be located to minimise the need for backing movements by said vehicles.
 - c) Where differing uses, trades, or occupations are present at any one building or site, the proprietor, owner, or occupier of each use shall provide and maintain separate refuse containers in respect of such differing uses.
- d) Two or more property owners may consolidate their refuse storage at a common site, provided the size and location of the site complies with all relevant provisions of this section and other applicable Local Authority regulations.
- e) All refuse and waste storage areas shall have a capacity to keep waste for a three days or more.

8.14 PROHIBITED USES

- i. No Habitable vehicle or caravan shall be used in any district as permanent dwelling or for any trade or occupation, whether its wheels have been removed or it has been placed on a foundation.
- ii. Any process or assembly, manufacture or treatment constituting a nuisance by reason of odour, smoke, dust or noise shall not be permitted. This, however shall not apply to exclusive industry if such industry, after supplying satisfactory evidence to the Town Council, to be free of the nuisance characteristics typical of its kind, by reason of special design of structure or innovation, in processes or like circumstances.
- iii. The process or assembly, manufacture or treatment constituting an unusually hazardous use and including, but not limited to, such things as the manufacture or bulk storage of explosives and the manufacture or storage of illuminating gas or other explosives or poisonous gases, except as may be necessary and incidental to a permitted industrial process shall not be permitted.
- iv. The storage of crude oil or any of its volatile products or other inflammable liquids in above-ground tanks shall not be permitted, unless such tanks are placed not less than eighteen (18,0) metres from all plot lines, are less than 1,800 litres in capacity and meet the requirements of the Urban Area (Inflammable Liquids and Substances) Regulations, 1962.
- v. Within a utility servitude other than public utility buildings, there shall be no buildings, including fences, nor any other obstruction above or below the surface of the land. This provision shall apply and be controlling in the event of a conflict with setbacks otherwise provided for herein.

8.15 ANCILLARY BUILDINGS

- a) Any Ancillary building may be erected, where permitted in the zoning regulations, provided that the total area of all buildings on a plot does not exceed required floor area ratios and plot coverage percentage allowed.
- b) No ancillary building of any kind shall be erected or placed in any required front or side setback, on a corner plot.
- c) An Ancillary building used solely for open parking purposes is permitted in the required rear setback.

8.16 PANHANDLE PLOTS

- a) All panhandles, which serve a single plot, shall have a minimum width of 4 metres, which shall include a utility stormwater drainage servitude of 1.5 metres.
- b) A panhandle which serves only one plot shall be registered under the Title Deed of that same plot and is to be drawn and surveyed by the Surveyor General's Department as a bona fide part of that plot.

- c) The registered owner of the panhandle shall pave the surface of the panhandle at his expense in accordance with the approved Site Development Plan (SDP) before or simultaneously with the erection of the main building on the plot, and shall maintain the surface in a dust free condition.
- d) The registered owner of the panhandle plot shall erect or provide screening, dense fencing, or solid walls along the boundaries in accordance with the approved (SDP).
- e) The gradient of any panhandle shall not exceed 1:8.
- f) No vehicle parking shall be permitted along the length of the panhandle and its terminus, unless delineated by demarcated parking spaces.
- g) A panhandle which serves multiple plots (two or three) shall remain under the jurisdiction and be maintained by the Local Authority Authority. A multiple plot panhandle shall have a minimum width of 8 metres (carriage way of 1,5 metres, and utility / drainage servitude of 3 metres).
- h) A multiple plot panhandle shall have at its terminus the requisite emergency services vehicle turn around, as specified by the Local Authority Authority or in conjunction with national emergency service standards.
- i) The same paving and screening requirements for a private panhandle shall be mandated for a multiple plot panhandle; to be provided by the developer of the multiple plot; and where there is no private developer, by the Local Authority Authority.

8.17 KEEPING OF ANIMALS

- a) No person shall keep any animal, which is a nuisance or an annoyance to persons residing in or passing by the property.
- b) No person shall keep any domestic animals other than a dog, cat, bird, or rabbit unless a valid permit is obtained in terms of the provisions of the Urban Government Regulations of 1969 and the Public Health Act of 1969.
- c) No person shall keep any cattle, horse, mule, donkey, sheep, pig, goat or other farm animal on any premises of lesser extent than 2.023 hectares, unless a stable or other suitable enclosure has been provided, or keep poultry on any premises which are:
 - a) Situated at least 23 (twenty-three) metres from any dwelling unit or property line.
 - b) Construction in conformity with the requirements of any law relating to building standards which may apply.
 - c) Provided with adequate supply of water, and, if required by the local Authority, with a tap to which a hose can be attached.
 - d) Maintained in a clean state; and manure utilised as fertiliser in a timely manner, or is removed and disposed off-site.

- d) No person shall keep more than 12 (twelve) head of live poultry on any premises of lesser extent than 0.405 hectares, unless such poultry are kept in a properly constructed and maintained fowl-house, runway, which:
 - i. Situated at least 8m from any dwelling unit, and within all setback lines.
 - ii. Constructed in conformity with the requirements of any law relating to building standard which may apply.
 - iii. Maintained in a clean place and free from vermin at all times. The fowl-house is to be lime-washed at least once in every four months. Any fowl food is to be stored in vermin proof containers.
 - iv. Manure is to be utilised as fertiliser in a timely manner, or be removed and disposed off-site.
- e) No person shall stake out, herd, or graze any animal or permit any animal to be grazed in any area of unfenced or public land within the Town Council, except if issued with a valid permit by the Local Authority.
- f) No person shall permit an animal to be kept which is dangerous, ferocious, or suffering from communicable disease. No animal may be left unattended in the area of this scheme.
- g) Any animal referred to above, which is found unattended or in an unfenced area may be dealt with as may be deemed fit by the Local Authority including seizure or impoundment or sale or destruction.

9. CONSOLIDATION AND SUBDIVISION OF LAND

9.1 GENERAL PROVISIONS

- i. All plots shall be subdivided or consolidated as set forth in this regulations.
- ii. Applications approved by the Town Council shall require the consent of the Minister prior to the subdivisions being registered and recorded.
- iii. The “Minimum Plot Size Map” or “Minimum Plot Sizes specified in each zone” of the Development Code, shall be used to guide the minimum plot sizes in each zone for future subdivisions.
- iv. Where uncertainty exists as to the boundaries of zones as shown on the “Minimum Plot Size Map” the rules governing zoning district boundaries shall apply.
- v. In the case of *Estates* subdivisions, they shall be allowed on condition the proposed subdivisions meet this regulations. The processes and procedures outlined here shall be followed.

- vi. The approval of a plot subdivision does not guarantee approval of proposed building or use rights. For building purposes the processes and procedures of the Building and Housing Act 1968 as amended and these regulations or other relevant policies and guidelines shall be followed.

9.2 PROCEDURES

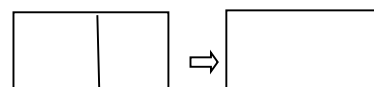
- a) Any application to subdivide or consolidate any plot shall be submitted to the Town Council or Human Settlements Authority (H.S.A) on forms as may be so designated in accordance with this regulations.
- b) All applications shall include information as specified in this regulations.
- c) The Town Council may approve with or without conditions or refuse an application.
- d) A disapproved application shall state the reasons for such refusal to the applicant.
- e) Where a plot is subdivided or consolidated, the action shall be effected in a manner that shall not violate the provisions of this Scheme for setbacks, other open spaces, minimum plot width, minimum plot area, floor area ratio, percentage of plot coverage, parking spaces or loading bays, etc. applicable to that plot or any plot created.
- f) An approved application shall be directed to the Minister for consent.
- g) Approved plans, with such modifications as required by the conditions of approval, shall be registered with the Surveyor General Department within ninety (90) days of the Minister's consent and recorded by the Registrar of Deeds on transfer.
- h) Evidence that the subdivision or consolidation has been registered and recorded shall be provided to the Town Council within fourteen (14) days of such actions.
- i) No plot in any subdivision or consolidation shall be sold, nor shall a permit to erect, alter or repair any building upon land in a subdivision be issued, and no building may be erected in a subdivision unless and until the plan of each subdivision or consolidation has been approved and properly recorded in accordance with the provisions of this section and until the services in connection therewith have been completed to the satisfaction of the Town Council.
- j) After approval of any plot consolidation, the resulting plot shall be thereafter be a single plot and may only be subdivided by following the procedures for subdivision in this regulations.

9.3 FILING REQUIREMENTS

- a) Every application for subdivision or consolidation shall provide the following plans and information:
 - All required forms, plans and documentation submitted in triplicate.
 - Name, address and telephone number of owner and the person who has prepared the application.

- Proof of ownership and/or authority to act on the plot owner's behalf and the names of owners of all properties adjoining the proposed subdivision.
- Intended use of the plots.
- Plot boundaries and dimensions existing in black and the proposed subdivisions shown in red.
- Exact location of all existing buildings.
- Location, width and purpose of servitudes.
- Existing and proposed streets and right of way names, widths and surfacing.
- Utilities on and adjacent to the plot, including the location and size of water lines and hydrants, as well as sewer lines, and locations and servitudes for electricity and telephone lines. If water and sewer main lines are not adjacent to the plot, indicate the direction and distance to the size of the nearest ones.
- Natural features on the plot to include water-courses, rock outcroppings, wooded areas, indigenous trees and isolated trees of 30cm or more in diameter.
- Any planned or proposed public infrastructure improvements.
- General information to include: North Arrow, scale (1: 2500 or bigger in urban areas and 1: 10 000 or appropriate scale for agricultural areas), notation of size for each plot proposed.
- Any other information the Town Council may deem necessary to consider the application.

9.4 APPLICATION FOR CONSOLIDATION



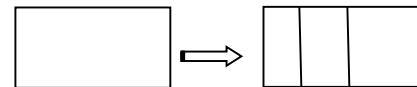
a) A property owner with intention to consolidate his properties shall:

- i. Make an application through a Town Planner on forms (where available) and pay required fees to the Town Council and submit above information (1.12.3).
- ii. The Town Council shall assess the proposed consolidation application if it meet all the scheme regulations and issue a *Conditional Approval* where all scheme conditions are satisfied and a disapproval where scheme conditions are not met.
- iii. The property owner will then take the *Conditional Approval* with certified copies of the Title Deeds of the properties to be consolidated to a surveyor registered with the Surveyor General Department. (*Note: Title Deeds should show same owner*).
- iv. The Surveyor will register the consolidation with Surveyor General Department and obtain the new plot number which he will communicate to plot owner and copy to the Town Council.

- v. The plot number shall be recorded in the Deeds registry when the property is transferred.

Land Consolidation Forms in Appendix		
ITEM	FORM REFERENCE	ACTION
1	CO/1	Land Consolidation Application Form
2	CO/2	Forwarding Application to Surveyor General

9.5 APPLICATION FOR SUBDIVISION



9.5.1 SUBDIVISION OF LESS THAN 5 PLOTS

- a) A property owner with intention to subdivide his plot to less than 5 subdivisions shall:
- Make an application through a Town Planner on forms (where available) and pay required fees to the Town Council and submit above information (1.12.3).
 - All proposed subdivisions shall satisfy the Plot Minimum Areas Map or Development Code Minimum Sizes and Zoning Map.
 - The Town Council shall assess the proposed subdivision application if it meet all the scheme regulations and issue a *Conditional Approval* where all scheme conditions are satisfied and a disapproval where scheme conditions are not met.
 - The Town Planner will then give a Surveyor registered with the Surveyor General Department the *Conditional Approval* for him to carry out the survey of the plots as proposed.
 - On completion of the survey, the Surveyor shall submit the survey diagrams to the Town Council, where they will be forwarded to the Minister for *consent*.
 - On *consent* approval, the Surveyor will register subdivision with Surveyor General's Department and be issued with respective subdivisions plot numbers which he will communicate to plot owner and copy to the Town Council.
 - The plot numbers shall be recorded in the Deeds registry when the property is transferred.

9.5.2 SUBDIVISION OF 5 OR MORE PLOTS

- i. A subdivision of 5 or more plots is considered a human settlement and application for subdivision has to be made to the Human Settlements Authority (H.S.A.) through the Ministry of Housing and Urban Development (MHUD).
- ii. An application form which has all the required details for submission can be obtained from the Ministry.
- iii. A property owner with intention to subdivide his plot to 5 or more plots shall:
 - a) Make an application through a Town Planner on prescribed forms to the H.S.A.
 - b) All proposed subdivisions shall satisfy the Plot Minimum Areas Map or Development Code Zone minimum plot sizes and Zoning Map. Additional zones can be added as necessary for proper functionality of the human settlement, e.g. open spaces, neighbourhood commercial, public facilities, etc.
 - c) Additional zones shall not dominate zone of proposed subdivision area in scheme.
 - d) Where proposed zones are not in line with existing scheme zoning, an application for rezoning as per these regulations shall be required.
- iv. The H.S.A shall assess the proposed subdivision application and also send it to Town Council for comments before making a decision.
- v. On conditional approval by the H.S.A the applicant will be required to obtain the Environment certificate for development and to carry out the survey of the proposed plots, through a surveyor and installation of infrastructure services (roads, electricity, water and sewerage) to the township as per proposed application. The general plan shall be prepared for the human settlement and registered with the Surveyor General's department.
- vi. On completion of infrastructure to the Town Council and H.S.A. satisfaction, the developer will be required to transfer public infrastructure (roads, plots and street furniture) to the Town Council and transfer public services plots to the Government and other services to respective service agencies. On completion of transfers the Deeds Registry will open the Registry for the township and plots can be sold and developed as per scheme requirements.
- vii. An H.S.A application entail rezoning for the additional plots to the dominant zone and process encapsulate this.

Land Subdivision Forms in Appendix		
ITEM	FORM REFERENCE	ACTION
1	SD/1	Land Subdivision Application Form
2	SD/2	Approval of Proposed Land Subdivision
3	SD/3	Forwarding Land Subdivision to Minister

APPENDIX (FORMS)

APPENDIX 1 : VARIANCE APPLICATION FORM

ITEM	FORM REFERENCE	ACTION
1	SV1	Variance Application Form
2	SV2	Main Motivation Report
3	SV3	Affidavit
4	SV4	Variance Public Notice
5	SV5	Forwarding of Variance to Town Planning Board
6	SV6	Town Planning Board Decision

APPENDIX 1



APPLICATION FOR VARIANCE

AS PER SECTION 4.1 OF THE MALKERNS TOWN PLANNING SCHEME 2022-2032

Complete Sections A to C in Block Letters

Reference No.-----

Application Fee: E-----

Date:-----

FORM SV/1			
SECTION A			
DETAILS OF APPLICANT / AUTHORISED AGENT			
Name & Surname:			
Postal Address:			
Telephone: ()		Cellular Phone: ()	
Facsimile: ()		Email Address:	
SECTION B			
REGISTERED OWNER OF THE PROPERTY			
Name & Surname:			
Physical Address (Place of Residence):			
Postal Address:			
Telephone: ()		Cellular Phone: ()	
Facsimile: ()		Email Address:	
SECTION C			
DETAILS OF PROPERTY TO BE DEVELOPED			
Street Address and Township (Including Extension)			

Plot/Farm Number (As per Deeds Registry):		
Rates Clearance Certificate Number:		
Value of Property as per latest Valuation Roll:		
Value of Land:	Value of Improvements:	Total Value:
E	E	E
Is Property subject to Mortgage Bonds (State Details):		
Existing Land Use Zone:		
Existing Land Use Description:		
Estimated Cost of Development:		
E		

SECTION D						
BUILDING RESTRICTIONS						
<i>Existing Building Restrictions</i>						
<i>Height and Stories</i>		<i>Setbacks (Minimum in metres)</i>			<i>Plot Coverage (%)</i>	<i>FAR</i>
<i>Max # Stories</i>	<i>Max height (m)</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Max</i>	<i>Max</i>
Parking and loading bay Requirements:						

Proposed Building Restrictions						
Height and Stories		Setbacks (Minimum in metres)			Plot Coverage (%)	FAR
Max # Stories	Max height (m)	Front	Side	Rear	Max	Max
Parking and loading bay Proposals:						
Applicable Land Use:						
Other conditions:						

I, the undersigned, certify that, to the best of my knowledge, the information provided in this form is correct.

.....
Full Name (Applicant / Authorised Agent)

.....
Signature (Applicant / Authorised Agent)

.....
Submission Date

COMMISSIONER OF OATH

.....
Date Received

.....
Local Authority Official Name

.....
Local Authority Official Signature & Date stamp

FOR OFFICE USE ONLY

FORM SV/2	
SECTION E	
MAIN MOTIVATION REPORT	
<p>A Motivation Report must be submitted in the following format (TWO COPIES)</p> <p>A. Introduction</p> <p>i. Background Assessment</p> <ul style="list-style-type: none"> a) Site / Property Description (Location, Size, Current Land Use, etc.) b) Environmental Assessment (Gradients, Identification of Environmental Sensitive Areas, such as drainage lines, marshy areas, etc.) c) Geotechnical / Soils Assessment d) Traffic Impact and Parking Requirements e) Surrounding Land Use Assessment f) Engineering / Bulk Service Provision, including Roads, Water, Sewerage, Electricity and Telecommunication g) Detail circumstances causing need for variation from required restriction in Development Code <p>ii. Motivation</p> <ul style="list-style-type: none"> i. Need for variance ii. Restrictions of Current standards iii. Desirability of Proposed Development <p>D. Conclusion</p>	
SECTION F	
APPENDICES TO ACCOMPANY THE MAIN MOTIVATION REPORT	

The following should accompany the Application (TWO COPIES)

- a. Title Deed(s) or Agreement of Sale – Obtain certified copies from the Deed's Office/ conveyancing attorneys
- b. Letter of Authorisation or Power of Attorney – Obtain from property owner
- c. Rates Clearance Certificate
- d. Photographs (Existing property and neighbouring properties)
- e. Location Map
- f. Surrounding Land Use Map
- g. Surrounding Zoning Map – Obtained from Malkerns Town Council
- h. Proposed Development Plans (Architectural and Layout Details and Building Restrictions, agricultural use)
- i. Land – Legal Agreements - if applicable

SECTION G

APPLICATION PROCEDURE NOTES

- a. Prior to lodging your application, consult the Malkerns Town Council planning Division about the proposed development for preliminary guidance and advise.
- b. Obtain a Rates Clearance Certificate and property valuation from Malkerns Town Council.
- c. Submit the application as per Form and attach the full set of appendices as listed in Section F of the Form.
- d. Get newspaper advertisement Notice (*Form SV/4*) for publication stamped by local authority.
- e. Publish the required Public Notice in a newspaper for at least once during each of two (2) successive weeks within the twenty-one (21) days public review period.
- f. Submit proof that the required notice has been published in a locally circulating newspaper and on site.


Following the 21 day Public Review Period, the Malkerns Town Council will consider the application (taking cognisance of any objections / comments received from public and other interested parties, and process its recommendations in accordance to the relevant Sections of the Malkerns Town Planning Scheme 2022-2032 and other relevant development policies.

SECTION H

ADVERTISEMENT PROCEDURE NOTES

- a. Display an On Site Public Notice where it will be recognisable and maintain it on the property for a period of twenty-one (21) days.
- b. Submit proof, by means of photographs, that the Public Notice was displayed on the site.
- c. Publish the required Public Notice in a newspaper for at least once during each of two (2) successive weeks before the twenty-one (21) days public review period.
- d. Submit proof that the required notice has been published within a locally circulating newspaper during each of the two (2) successive weeks.
- e. Submit an affidavit (**Form SV/3**) to confirm that the prescribed notice was displayed on the property for the prescribed period of twenty-one (21) days.

FORM SV/3	<i>(to be submitted after 21 days after final notice publication)</i>
AFFIDAVIT	
<i>Attach notices from newspaper and pictures of notice displayed on site</i>	
Application for Variance on Plot/Farm No.----- Zone:----- (zone) Variance Use:-----	
<p>I ----- (agent) confirm that following submission of the above Variance application to the Council on the -----(date), The Notice was displayed on site as from -----(date) and advertisements issued in the -----(name) newspaper on the -----(date) and -----(date). The 21 days' notice expired on the -----(date).</p> <p>Find attached copies of the notices and pictures to complete the application process.</p> <p>Thus signed at----- (place) on the ----- day of -----month -----year.</p> <p>Agent : Signature----- Name:-----</p> <p style="text-align: center;">COMMISSIONER OF OATH</p> <p>Thus signed in my presence at----- (place) on the ----- day of -----month -----year.</p> <p>Signature:----- Name:-----</p> <p style="text-align: center;">Stamp</p>	

Form SV/4 	<p style="text-align: center;">PUBLIC NOTICE FOR</p> <p style="text-align: center;">APPLICATION FOR A VARIANCE</p> <p style="text-align: center;">In Terms of the Malkerns Town Planning Scheme 2022-2032</p>	
<p>I/We _____, the owner(s) of the property in question, hereby make a Public Notice in terms of Clause 4.1 of the Malkerns Town Planning Scheme 2022-2032, that I / We wish to apply for a VARIATION in the (describe the variation) from _____ to _____ on _____ Plot _____.</p> <p>Detail design proposals are available at the Town Council offices for inspection during working hours, where written objections can also be submitted in writing, with the Malkerns Town Council at P.O. Box 100, Malkerns, Eswatini before the expiry of 21 days (date expiry),</p>		
<p style="text-align: center;">Local Authority stamp and date</p>	<p style="text-align: center;"><i>To completed by applicant/agent and taken for newspaper advertisement & site on submission of application to local authority</i></p>	

Form SV/5		Reference: ----- <i>(submission reference form SV/1)</i>
✓ tick response	FORWARDING OF APPLICATION TO THE TOWN PLANNING BOARD	
	<p>This serves to confirm that the Malkerns Town Council considered your application for scheme variation on Plot/Farm no:----- from -----<i>(current zone)</i> to use as ----- <i>(proposed use)</i> which requires a variation to be allowed in this zone on its meeting of the ----- <i>(date)</i>. The local authority has since submitted the application to the Town Planning Board together with their recommendations. You will be informed of the Town Planning Board decision once received.</p>	
Or		
	<p>This serves to confirm that the Malkerns Town Council considered your application for scheme variance on Plot/Farm no:----- from -----<i>(current zone)</i> to use as ----- <i>(proposed use)</i> which requires a variation to be allowed in this zone on its meeting of the ----- <i>(date)</i>. The local authority has deferred your application pending submission of the following information:</p> <p>List missing details</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>the application will not be submitted to the Town Planning Board as it is incomplete pending receipt of required information.</p> <p>Or</p> <p>Your application was denied because of the following reasons:</p> <p>List reasons:</p> <p>-----</p> <p>-----</p> <p>-----</p>	
	<p>Date:-----</p> <p style="text-align: right;"><i>(official name and position)</i></p> <p style="text-align: right;">For: Malkerns Town Council</p>	
	<i>To be completed by local authority</i>	

Form SV/6		Reference: ----- <i>(submission reference form SV/1)</i>
✓ tick response	TOWN PLANNING BOARD DECISION	
	<p>The Town Planning Board reviewed your application for variance on plot no:----- ----- from -----<i>(current zone)</i> to use as ----- <i>(proposed use)</i> on its meeting of the ----- <i>(date)</i>.</p> <p>The Town Planning Board approved your scheme variation application with the following condition(s):</p> <p>1.....</p> <p>2.....</p> <p><i>See attached letter</i></p>	
	<i>You can now proceed with submission of building plans as per your proposals</i>	
	<p>Note:</p> <p>1. The variance application will expire at the end of two years (date)----- where development has not commenced.</p> <p>2. An extension can be requested from the local authority where delays caused by development planning permit application processes.</p> <p>3. Where variance application permit expire the plot shall revert to original planning zone conditions.</p>	
Or		
	<p>The Town Planning Board denied/deferred your rezoning application because of the following reason(s):</p> <p>1.-----</p> <p>2.-----</p> <p>3.-----</p> <p><i>(see attached letter)</i></p>	
	<p>Date:-----</p> <p style="text-align: right;"><i>(official name and position)</i></p> <p style="text-align: right;">For: Malkerns Town Council</p>	
	<i>To be completed by local authority</i>	
	Approved variance to be added to Town Planning Scheme as addendum including gazette confirming variance.	

APPENDIX 2: SPECIAL CONSENT APPLICATION FORMS

ITEM	FORM REFERENCE	ACTION
1	SC1	Special Consent Application Form
2	SC2	Main Motivation Report
3	SC3	Affidavit
4	SC4	Special Consent Public Notice
5	SC5	MKTC Decision

APPENDIX 2



APPLICATION FOR SPECIAL CONSENT

AS PER CLAUSE 4.2 OF THE
MALKERNS TOWN PLANNING
SCHEME 2022-2032

Reference No.-----

Application Fee: E-----

Date:-----

Complete Sections A to C in Block Letters

FORM SC/1	
SECTION A	
DETAILS OF APPLICANT / AUTHORISED AGENT	
Name & Surname:	
Postal Address:	
Telephone: ()	Cellular Phone: ()
Facsimile: ()	Email Address:
SECTION B	
REGISTERED OWNER OF THE PROPERTY	
Name & Surname:	
Physical Address (Place of Residence):	
Postal Address:	
Telephone: ()	Cellular Phone: ()
Facsimile: ()	Email Address:

SECTION C		
DETAILS OF PROPERTY TO BE DEVELOPED		
Street Address and Township (Including Extension)		
Plot/Farm Number (As per Deeds Registry):		
Rates Clearance Certificate Number:		
Value of Property as per latest Valuation Roll:		
Value of Land:	Value of Improvements:	Total Value:
E	E	E
Is Property subject to Mortgage Bonds (State Details):		
Existing Land Use Zone:		
Existing Land Use Description:		
Proposed Land Use Description:		
Estimated Cost of Development:		
E		

I, the undersigned, certify that, to the best of my knowledge, the information provided in this form is correct.

.....
Full Name (Applicant / Authorised Agent)

COMMISSIONER OF OATH

Signature:-----

.....
Signature (Applicant / Authorised Agent)

.....
Submission Date

.....
Date Received

.....
Local Authority Official Name

.....
Local Authority Official Signature & Date stamp

FOR OFFICE USE ONLY

FORM SC/2	
SECTION D	
MAIN MOTIVATION REPORT	
<p>A Motivation Report must be submitted in the following format (TWO COPIES)</p> <p>A. Introduction</p> <p>B. Background Assessment</p> <ul style="list-style-type: none"> a). Site / Property Description (Location, Size, Current Land Use, etc.) b) Environmental Assessment (Gradients, Identification of Environmental Sensitive Areas, such as drainage lines, marshy areas, etc.) c). Geotechnical / Soils Assessment d). Traffic Impact and Parking Requirements e). Surrounding Land Use Assessment f). Engineering / Bulk Service Provision, including Roads, Water, Sewerage, Electricity and Telecommunication <p>c. Motivation</p> <ul style="list-style-type: none"> a). Need for rezoning/ special consent/Planned Unit Development/variance b). How does the proposed development respond to surrounding land uses as well as open space resources? c). Restrictions of Current Zoning d). Need for Proposed Development e). Desirability of Proposed Development f). Details of Proposed Zone <p>D. Conclusion</p>	
SECTION E	
APPENDICES TO ACCOMPANY THE MAIN MOTIVATION REPORT	
<p>The following should accompany the Application (TWO COPIES)</p> <ul style="list-style-type: none"> 1. Title Deed(s) or Agreement of Sale – Obtain certified copies from the Deed's Office/ conveyancing attorneys 2. Letter of Authorisation – Obtain from property owner 3. Rates Clearance Certificate 4. Photographs (Existing property and neighbouring properties) 5. Location Map 	

6. Surrounding Land Use Map
7. Surrounding Zoning Map – Obtained from Malkerns Town Council
8. Proposed Development Plans (Architectural and Layout Details and Building Restrictions, agricultural use)
9. Land – Legal Agreements - if applicable

SECTION F

APPLICATION PROCEDURE NOTES

1. Prior to lodging your application, consult the Malkerns Town Council Planning Division about the proposed development for preliminary guidance and advise by the Local Authority.
2. Obtain a Rates Clearance Certificate and property valuation from Malkerns Town Council.
3. Submit the application as per Form and attach the full set of appendices as listed in Section E of the Form.
4. Get newspaper advertisement Notice (**Form SC/4**) for publication stamped by local authority.
5. Publish the required Public Notice in a newspaper for at least once during each of two (2) successive weeks within the twenty-one (21) days public review period.
6. Submit proof that the required notice has been published in a locally circulating newspaper and on site.

Following the 21 day Public Review Period, the Malkerns Town Council will consider the application taking cognisance of any objections / comments received from public and other interested parties, and process its recommendations in accordance to the relevant Sections of the Malkerns Town Planning Scheme 2022-2032 and other relevant development policies.

SECTION G

ADVERTISEMENT PROCEDURE NOTES

1. Display an On Site Public Notice where it will be recognisable and maintain it on the property for a period of twenty-one (21) days.
2. Submit proof, by means of photographs, that the Public Notice was displayed on the site.
3. Publish the required Public Notice in a newspaper for at least once during each of two (2) successive weeks within the twenty-one (21) days public review period.
4. Submit proof that the required notice has been published within a locally circulating newspaper during each of the two (2) successive weeks.
5. Submit an affidavit (**Form SC/3**) to confirm that the prescribed notice was displayed on the property for the prescribed period of twenty-one (21) days.

FORM SC/3	<i>(to be submitted after 21 days of after final notice publication)</i>
AFFIDAVIT	
<i>Attach notices from newspaper and pictures of notice displayed on site</i>	
Special Consent of Plot/Farm No.-----	
Zone:----- (zone) Special Consent Use:-----	

I ----- (agent) confirm that following submission of the above Special Consent application to the Board on the -----(date), The Notice was displayed on site as from -----(date) and advertisements issued in the -----(name) newspaper on the -----(date) and -----(date). The 21 days notice expired on the -----(date).

Find attached copies of the notices and pictures to complete the application process.

Thus signed at----- (place) on the ----- day of -----month -----year.


Agent : Signature----- Name:-----

COMMISSIONER OF OATH

Thus signed in my presence at----- (place) on the ----- day of -----month -----year.

Signature: ----- Name: -----

Stamp

<p>Form SC/4</p> 	<p align="center">PUBLIC NOTICE FOR</p> <p align="center">APPLICATION FOR A SPECIAL CONSENT</p> <p align="center">In Terms of the Malkerns Town Planning Scheme 2022-2032</p>	
<p>I/We _____, the owner(s) of the property in question, hereby make a Public Notice in terms of Clause 4.2 of the Malkerns Town Planning Scheme 2022-2032, that I / We wish to apply for a SPECIAL CONSENT to establish (description of development)</p> <p>_____</p> <p>_____</p> <p>_____ on Plot _____ which is zoned_____.</p> <p>Detail design proposals are available at the Town Council offices for inspection during working hours, where written objections can also be submitted in writing, with the Malkerns Town Council at P.O. Box 100, Malkerns, Eswatini before the expiry of 21 days (date expiry).</p>		
<p align="center">Local Authority stamp and date</p>		<p align="center"><i>To completed by applicant/agent and taken for newspaper advertisement & site on submission of application to local authority</i></p>

Form SC/5		Reference: ----- <i>(submission reference form SC/1)</i>
✓ tick response	MALKERNS TOWN COUNCIL DECISION	
	<p>The Local Authority reviewed your application for Special Consent on plot/farm no:----- ----- in -----<i>(current zone)</i> to utilise for ----- -----<i>(describe proposed use)</i> by Special Consent on its meeting of the ----- <i>(date)</i>.</p> <p>The Board approved your Special Consent application with the following condition(s):</p> <p>1.....</p> <p>2.....</p> <p><i>The Special Consent is valid for a period of ----- months from -----<i>(date)</i> to ----- ----- <i>(date)</i></i></p> <p><i>You can now proceed with submission of building plans or application for use of building or land as per your proposals</i></p> <p>Note:</p> <p>1. The Special Consent application will expire at the end of two (2) years where development has not commenced.</p> <p>2. An extension can be requested from the local authority where delays caused by development planning permit application processes.</p> <p>3. Where Special Consent application permit expire the plot shall revert to original planning zone.</p>	
Or		
	<p>The Board denied/deferred your Special Consent application because of the following reason(s):</p> <p>1.-----</p> <p>2.-----</p> <p>3.-----</p>	
	<p>Date:----- <i>(official name and position)</i></p> <p style="text-align: right;">For: Malkerns Town Council</p>	
	<i>To be completed by local authority</i>	
	<p>Approved Special Consent to be added to Town Planning Scheme as addendum confirming zone/land/building use.</p>	

APPENDIX 3: REZONING APPLICATION FORMS

ITEM	FORM REFERENCE	ACTION
1	R/1	Rezoning Application Form
2	R/2	Main Motivation Report
3	R/3	Affidavit
4	R/4	Rezoning Public Notice
5	R/5	Forwarding of Rezoning to Town Planning Board
6	R/6	Town Planning Board Decision

APPENDIX 3



APPLICATION FOR

REZONING

AS PER CLAUSE 4.3 OF THE
MALKERNS TOWN PLANNING
SCHEME 2022-2032

Reference No.-----

Application Fee: E-----

Date:-----

Complete Sections A to C in Block Letters

FORM R/1	
SECTION A	
DETAILS OF APPLICANT / AUTHORISED AGENT	
Name & Surname:	
Postal Address:	
Telephone: ()	Cellular Phone: ()
Facsimile: ()	Email Address:
SECTION B	
REGISTERED OWNER OF THE PROPERTY	
Name & Surname:	
Physical Address (Place of Residence):	
Postal Address:	
Telephone: ()	Cellular Phone: ()
Facsimile: ()	Email Address:
SECTION C	
DETAILS OF PROPERTY TO BE DEVELOPED	
Street Address and Township (Including Extension)	

Plot/Farm Number (As per Deeds Registry):		
Rates Clearance Certificate Number:		
Value of Property as per latest Valuation Roll:		
Value of Land:	Value of Improvements:	Total Value:
E	E	E
Is Property subject to Mortgage Bonds (State Details):		
Existing Land Use Zone:		
Existing Land Use Description:		
Proposed Land Use Zone Description:		
Estimated Cost of Development:		
E		

I, the undersigned, certify that, to the best of my knowledge, the information provided in this form is correct.

.....
Full Name (Applicant / Authorised Agent)

.....
Signature (Applicant / Authorised Agent)

.....
Submission Date

COMMISSIONER OF OATH

Signature:-----

Date:-----

.....
Date Received

.....
Local Authority Official Name

.....
Local Authority Official Signature & Date stamp

FOR OFFICE USE ONLY

FORM R/2	
SECTION D	
MAIN MOTIVATION REPORT	
<p>A Motivation Report must be submitted in the following format (TWO COPIES)</p> <p>A. Introduction</p> <p>B. Background Assessment</p> <ol style="list-style-type: none"> i. Site / Property Description (Location, Size, Current Land Use, etc.) ii. Environmental Assessment (Gradients, Identification of Environmental Sensitive Areas, such as drainage lines, marshy areas, etc.) iii. Geotechnical / Soils Assessment iv. Traffic Impact and Parking Requirements v. Surrounding Land Use Assessment vi. Engineering / Bulk Service Provision, including Roads, Water, Sewerage, Electricity and Telecommunication <p>C. Motivation</p> <ol style="list-style-type: none"> i) Need for rezoning/ special consent/Planned Unit Development ii) How does the proposed development respond to surrounding land uses as well as open space resources? iii) Restrictions of Current Zoning iv) Need for Proposed Development v) Desirability of Proposed Development vi) Details of Proposed Zone <p>D. Conclusion</p>	
SECTION E	
APPENDICES TO ACCOMPANY THE MAIN MOTIVATION REPORT	
<p>The following should accompany the Application (TWO COPIES)</p> <ol style="list-style-type: none"> 1. Title Deed(s) or Agreement of Sale – Obtain certified copies from the Deed's Office/ conveyancing attorneys 2. Letter of Authorisation – Obtain from property owner 3. Rates Clearance Certificate 4. Photographs (Existing property and neighbouring properties) 5. Location Map 6. Surrounding Land Use Map 7. Surrounding Zoning Map – Obtained from Malkerns Town Council 	

8. Proposed Development Plans (Architectural and Layout Details and Building Restrictions, agricultural usage)
9. Land – Legal Agreements- if applicable

SECTION F

APPLICATION PROCEDURE NOTES

1. Prior to lodging your application, consult the Malkerns Town Council Planning Division about the proposed development for preliminary guidance and advise by the Local Authority.
2. Obtain a Rates Clearance Certificate and property valuation from Malkerns Town Council.
3. Submit the application as per Form and attach the full set of appendices as listed in Section E of the Form.
4. Get newspaper advertisement Notice (**Form R/4**) for publication stamped by local authority.
5. Publish the required Public Notice in a newspaper for at least once during each of two (2) successive weeks within the twenty-one (21) days public review period.
6. Submit proof that the required notice has been published in a locally circulating newspaper and on site.


Following the 21 day Public Review Period, the Malkerns Town Council will consider the application taking cognisance of any objections / comments received from public and other interested parties, and process its recommendations in accordance to the relevant Sections of the Malkerns Town Planning Scheme 2018-2028 and other relevant development policies.

SECTION G

ADVERTISEMENT PROCEDURE NOTES

1. Display an On Site Public Notice where it will be recognisable and maintain it on the property for a period of twenty-one (21) days.
2. Submit proof, by means of photographs, that the Public Notice was displayed on the site.
3. Publish the required Public Notice in a newspaper for at least once during each of two (2) successive weeks within the twenty-one (21) days public review period.
4. Submit proof that the required notice has been published within a locally circulating newspaper during each of the two (2) successive weeks.
5. Submit an affidavit (**Form R/3**) to confirm that the prescribed notice was displayed on the property for the prescribed period of twenty-one (21) days.

FORM R/3	<i>(to be submitted after 21 days of initial notice publication)</i>
AFFIDAVIT	
<i>Attach notices from newspaper and pictures of notice displayed on site</i>	
Rezoning of Plot No.----- From:-----(zone) To:-----(zone)	
<p>I ----- (agent) confirm that following submission of the above rezoning application to the Board on the -----(<i>date</i>), The Notice was displayed on site as from -----(<i>date</i>) and advertisements issued in the -----(<i>name</i>) newspaper on the -----(<i>date</i>) and -----(<i>date</i>). The 21 days notice expired on the -----(<i>date</i>).</p> <p>Find attached copies of the notices and pictures to complete the application process.</p> <p>Thus signed at----- (<i>place</i>) on the ----- day of -----month -----year.</p> <p>Agent : Signature----- Name:-----</p>	
COMMISSIONER OF OATH	
<p>Thus signed in my presence at-----(<i>place</i>) on the ----- day of -----month -----year.</p> <p>Signature:----- Name:-----</p>	
<i>Stamp</i>	

<p>Form R/4</p> 	<p align="center">PUBLIC NOTICE FOR</p> <p align="center">APPLICATION FOR REZONING</p> <p align="center">In Terms of the Malkerns Town Planning Scheme 2022-2032</p>	
<p>I/We _____, the owner(s) of the property in question, hereby make a Public Notice in terms of Clause 4.3 of the Malkerns Town Planning Scheme 2022-2032, that I / We wish to apply for a REZONING of Plot (s)</p> <p>_____ from _____</p> <p>_____ to _____ in order to develop the sites as _____.</p> <p>Detail design proposals are available at the Town Council offices for inspection during working hours, where written objections can also be submitted in writing, with the Malkerns Town Council at P.O. Box 100, Malkerns, Eswatini before the expiry of 21 days (date expiry).</p>		
<p align="center">Local Authority stamp and date</p>	<p align="center"><i>To completed by applicant/agent and taken for newspaper advertisement on & site submission of application to local authority</i></p>	

Form R/5		Reference: -----(<i>submission reference form R/1</i>)
√ tick response	FORWARDING OF APPLICATION TO THE TOWN PLANNING BOARD	
	<p>This serves to confirm that the Malkerns Town Council considered your application for rezoning of Plot/Farm no:----- from -----(<i>current zone</i>) to ----- (<i>new zone</i>) on its meeting of the ----- (<i>date</i>). The local authority has since submitted the application to the Town Planning Board together with their recommendations. You will be informed of the Town Planning Board decision once received.</p>	
Or		
	<p>This serves to confirm that the Malkerns Town Council considered your application for rezoning of Plot/Farm no:----- from -----(<i>current zone</i>) to ----- (<i>new zone</i>) on its meeting of the ----- (<i>date</i>). The local authority has deferred your application pending submission of the following information:</p> <p>List missing details</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>the application will not be submitted to the Town Planning Board as it is incomplete pending receipt of required information.</p>	
	<p>Date:----- (<i>official name and position</i>)</p> <p>For: Malkerns Town Council</p>	
	<i>To be completed by local authority</i>	

Form R/6		Reference: ----- <i>(submission reference form R/1)</i>
√ tick response	TOWN PLANNING BOARD DECISION	
	<p>The Town Planning Board reviewed your application for rezoning of plot no:----- ----- from -----<i>(current zone)</i> to ----- <i>(new zone)</i> on its meeting of the ----- <i>(date)</i>.</p> <p>The Town Planning Board approved your rezoning application with the following condition(s):</p> <p>1.....</p> <p>2.....</p> <p><i>See attached letter</i></p>	
	<i>You can now proceed with submission of building plans as per your proposals</i>	
	<p>Note:</p> <ol style="list-style-type: none"> 1. The rezoning application will expire at the end of two years (date)----- where development has not commenced. 2. An extension can be requested from the local authority where delays caused by development planning permit application processes. 3. Where rezoning application permit expire the plot shall revert to original planning zone. 	
Or		
	<p>The Town Planning Board denied/deferred your rezoning application because of the following reason(s):</p> <p>1.-----</p> <p>2.-----</p> <p>3.-----</p> <p><i>(see attached letter)</i></p>	
	<p>Date:----- <i>(official name and position)</i></p> <p style="text-align: right;">For: Malkerns Town Council</p>	
	<i>To be completed by local authority</i>	
	Approved Rezoning to be added to Town Planning Scheme as addendum including gazette confirming zone change	

NOTE: 1. *Applicant should submit as much information as necessary to make ease on decision of matter*

2. *The approval of a rezoning does not approve the proposed development. Development application permission has to be sought according to the scheme requirements.*

APPENDIX 4: PLANNED UNIT DEVELOPMENT (PUD) APPLICATION FORMS

ITEM	FORM REFERENCE	ACTION
1	PUD/1	PUD Application Form
2	PUD/2	Main Motivation Report
3	PUD/3	Affidavit
4	PUD/4	PUD Public Notice
5	PUD/5	Forwarding of PUD Application to Town Planning Board
6	PUD/6	Town Planning Board Decision

APPENDIX 4



APPLICATION FOR A PLANNED UNIT DEVELOPMENT (PUD)

AS PER CLAUSE 4.4 OF THE MALKERNS
TOWN PLANNING SCHEME 2022-2032

Complete Sections A to C in Block Letters

Reference No.-----

Application Fee: E-----

Date:-----

FORM PUD/1			
SECTION A			
DETAILS OF APPLICANT / AUTHORISED AGENT			
Name & Surname:			
Postal Address:			
Telephone: ()		Cellular Phone: ()	
Facsimile: ()		Email Address:	
SECTION B			
REGISTERED OWNER OF THE PROPERTY			
Name & Surname:			
Physical Address (Place of Residence):			
Postal Address:			
Telephone: ()		Cellular Phone: ()	
Facsimile: ()		Email Address:	
SECTION C			

DETAILS OF PROPERTY TO BE DEVELOPED		
Street Address and Township (Including Extension)		
Plot/Farm Number (As per Deeds Registry):		
Rates Clearance Certificate Number:		
Value of Property as per latest Valuation Roll:		
Value of Land:	Value of Improvements:	Total Value:
E	E	E
Is Property subject to Mortgage Bonds (State Details):		
Existing Land Use Zone:		
Existing Land Use Description:		
Proposed Land Use Zone Description and:		
Estimated Cost of Development:		
E		

SECTION D			
PROPOSED LAND USES			
ITEM	NUMBER OF PLOTS	AREA (M ²)	PROPOSED ZONE
1			
2			
3			
4			
5			

SECTION E						
BUILDING RESTRICTIONS						
<i>Existing Zone Building Restrictions</i>						
<i>Height and Stories</i>		<i>Setbacks (Minimum in metres)</i>			<i>Plot Coverage (%)</i>	<i>FAR</i>
<i>Max # Stories</i>	<i>Max height (m)</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Max</i>	<i>Max</i>

Parking and loading bay Requirements:

<i>Proposed Building Restrictions</i>						
<i>Height and Stories</i>		<i>Setbacks (Minimum in metres)</i>			<i>Plot Coverage (%)</i>	<i>FAR</i>
<i>Max # Stories</i>	<i>Max height (m)</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>	<i>Max</i>	<i>Max</i>

Parking and loading bay Proposals:

Applicable Land Use:

Other conditions:

A table for each zone is required if more than one

I, the undersigned, certify that, to the best of my knowledge, the information provided in this form is correct.

.....
Full Name (Applicant / Authorised Agent)

.....
Signature (Applicant / Authorised Agent)

.....
Submission Date

COMMISSIONER OF OATH

Signature:-----

Date:-----

.....
Date Received

.....
Local Authority Official Name

.....
Local Authority Official Signature & Date stamp

FOR OFFICE USE ONLY

FORM PUD/2	
SECTION F	
MAIN MOTIVATION REPORT	
<p>A Motivation Report must be submitted in the following format (TWO COPIES)</p> <p>A. Introduction</p> <p>B. Background Assessment</p> <ol style="list-style-type: none"> 1. Site / Property Description (Location, Size, Current Land Use, etc.) 2. Environmental Assessment (Gradients, Identification of Environmental Sensitive Areas, such as drainage lines, marshy areas, etc.) 3. Geotechnical / Soils Assessment 4. Traffic Impact and Parking Requirements 5. Surrounding Land Use Assessment 6. Engineering / Bulk Service Provision, including Roads, Water, Sewerage, Electricity and Telecommunication <p>C) Motivation</p> <ol style="list-style-type: none"> a. Need for rezoning/ special consent/Planned Unit Development b. How does the proposed development respond to surrounding land uses as well as open space resources? c. Restrictions of Current Zoning d. Need for Proposed Development e. Desirability of Proposed Development f. Details of Proposed Zone <p>D) Conclusion</p>	
SECTION G	
APPENDICES TO ACCOMPANY THE MAIN MOTIVATION REPORT	
<p>The following items shall be enclosed with the Application (TWO COPIES)</p> <ol style="list-style-type: none"> 1. Title Deed(s) or Agreement of Sale – Obtain certified copies from the Deed's Office/ conveyancing attorneys 2. Letter of Authorisation – Obtain from property owner 3. Rates Clearance Certificate 4. Photographs (Existing property and neighbouring properties) 5. Location Map 6. Surrounding Land Use Map 7. Surrounding Zoning Map – Obtained from Malkerns Town Council 	

8. Proposed Development Plans (Architectural and Layout Details and Building Restrictions, agricultural usage)
9. Land – Legal Agreements- if applicable

SECTION H

APPLICATION PROCEDURE NOTES

- a) Prior to lodging your application, consult the Malkerns Town Council Planning Division about the proposed development for preliminary guidance and advise by the Local Authority.
- b) Obtain a Rates Clearance Certificate and property valuation from Malkerns Town Council.
- c) Submit the application as per Form and attach the full set of appendices as listed in Section G of the Form.
- d) Get newspaper advertisement Notice (**Form PUD/4**) for publication stamped by local authority.
- e) Publish the required Public Notice in a newspaper for at least once during each of two (2) successive weeks within the twenty-one (21) days public review period.
- f) Submit proof that the required notice was published in a locally circulating newspaper and on site.


Following the 21 days (after last notice publication) Public Review Period, the Malkerns Town Council will consider the application taking cognisance of any objections / comments received from public and other interested parties, and process its recommendations in accordance to the relevant Sections of the Malkerns Town Planning Scheme 2018-2028 and other relevant development policies.

SECTION I

ADVERTISEMENT PROCEDURE NOTES

1. Display an On Site Public Notice where it will be recognisable and maintain it on the property for a period of twenty-one (21) days.
2. Submit proof, by means of photographs, that the Public Notice was displayed on the site.
3. Publish the required Public Notice in a newspaper for at least once during each of two (2) successive weeks within the twenty-one (21) days public review period.
4. Submit proof that the required notice has been published within a locally circulating newspaper during each of the two (2) successive weeks.
5. Submit an affidavit (**Form PUD/3**) to confirm that the prescribed notice was displayed on the property for the prescribed period of twenty-one (21) days after last published notice.

FORM PUD/3	<i>(to be submitted after 21 days of final notice publication)</i>
AFFIDAVIT	
<i>Attach notices from newspaper and pictures of notice displayed on site</i>	
PUD Application of Plot No.-----	
From:-----(zone) To:-----(zone)	
<p>I ----- (agent) confirm that following submission of the above PUD application to the Board on the -----(date), The Notice was displayed on site as from -----(date) and advertisements issued in the -----(name) newspaper on the -----(date) and -----(date). The 21 days notice expired on the -----(date).</p> <p>Find attached copies of the notices and pictures to complete the application process.</p> <p>Thus signed at----- (place) on the ----- day of -----month -----year.</p> <p>Agent : Signature----- Name:-----</p> <p style="text-align: center;">COMMISSIONER OF OATH</p> <p>Thus signed in my presence at----- (place) on the ----- day of -----month -----year.</p> <p>Signature:----- Name:-----</p> <p style="text-align: center;"><i>Stamp</i></p>	

Form PUD/4 	<p style="text-align: center;">PUBLIC NOTICE FOR</p> <p style="text-align: center;">APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD)</p> <p style="text-align: center;">In Terms of the Malkerns Town Planning Scheme 2022-2032</p>
<p>I/We _____, the owner(s) of the property in question, hereby make a Public Notice in terms of Clause 4.4 of the Malkerns Town Planning Scheme 2022-2032, that I / We wish to apply for the simultaneous application of PUD and REZONING of Plot (s)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>to _____</p> <p>_____ in order to develop the site as</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Detail design proposals are available at the Town Council offices for inspection during working hours, where written objections can also be submitted in writing, with the Malkerns Town Council at P.O. Box 100, Malkerns, Eswatini before the expiry of 21 days (date expiry).</p>	
<p style="text-align: center;">Local Authority stamp and date</p>	<p style="text-align: center;"><i>To be completed by applicant/agent and taken for newspaper advertisement & site on submission of application to local authority</i></p>

Form PUD/5		Reference: ----- <i>(submission reference form PUD/1)</i>
✓ tick response	FORWARDING OF APPLICATION TO THE TOWN PLANNING BOARD	
	<p>This serves to confirm that the Malkerns Town Council considered your application for PUD of Plot/Farm no:----- from -----<i>(current zone)</i> to ----- <i>(new zone)</i> on its meeting of the ----- <i>(date)</i>. The local authority has since submitted the application to the Town Planning Board together with their recommendations. You will be informed of the Town Planning Board decision once received.</p>	
Or		
	<p>This serves to confirm that the Malkerns Town Council considered your application for PUD of Plot/Farm no:----- from -----<i>(current zone)</i> to ----- <i>(new zone)</i> on its meeting of the ----- <i>(date)</i>. The local authority has deferred your application pending submission of the following information:</p> <p>List missing details</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>the application will not be submitted to the Town Planning Board as it is incomplete pending receipt of required information.</p>	
	<p>Date:----- <i>(official name and position)</i></p> <p>For: Malkerns Town Council</p>	
	To be completed by local authority	

Form PUD/6		Reference: ----- <i>(submission reference form PUD/1)</i>
✓ tick response	TOWN PLANNING BOARD DECISION	
	<p>The Town Planning Board reviewed your application for PUD of plot no:----- ----- from -----<i>(current zone)</i> to ----- <i>(new zone)</i> on its meeting of the ----- <i>(date)</i>.</p> <p>The Town Planning Board approved/approved your PUD application with the following condition(s):</p> <p>1.....</p> <p>2.....</p> <p><i>See attached letter</i></p>	
	<i>You can now proceed with submission of building plans as per your proposals</i>	
	<p>Note:</p> <p>1. The PUD rezoning application will expire at the end of two years (date)- ----- where development has not commenced.</p> <p>2. An extension can be requested from the local authority where delays caused by development planning permit application processes.</p> <p>3. Where PUD rezoning application permit expire the plot shall revert to original planning zone.</p>	
Or		
	<p>The Town Planning Board denied/deferred your PUD rezoning application because of the following reason(s):</p> <p>1.-----</p> <p>2.-----</p> <p><i>(see attached letter)</i></p>	
	<p>Date:-----</p> <p>----- <i>(official name and position)</i> For: Malkerns Town Council</p>	
	<i>To be completed by local authority</i>	
	Approved PUD rezoning to be added to the Town Planning Scheme as addendum including gazette confirming zone change	

APPENDIX 5: LAND CONSOLIDATION APPLICATION FORMS

ITEM	FORM REFERENCE	ACTION
1	CO/1	Land Consolidation Application Form
2	CO/2	Forwarding Application to Surveyor General

APPENDIX 5



APPLICATION FOR

LAND CONSOLIDATION

AS PER SECTION 9.4 OF THE MALKERNS
TOWN PLANNING SCHEME 2022-2032Complete Sections A to D in Block Letters

Reference No.-----

Application Fee: E-----

Date:-----

FORM CO/1	
SECTION A	
DETAILS OF APPLICANT / AUTHORISED AGENT	
Name & Surname:	
Postal Address:	
Telephone: ()	Cellular Phone: ()
Facsimile: ()	Email Address:
SECTION B	
REGISTERED OWNER OF THE PROPERTY	
Name & Surname:	
Physical Address (Place of Residence):	
Postal Address:	
Telephone: ()	Cellular Phone: ()
Facsimile: ()	Email Address:
SECTION C	

DETAILS OF PROPERTY TO BE DEVELOPED			
Street Address and Township (Including Extension)			
Plot/Farm Number (As per Deeds Registry):			
Rates Clearance Certificate Number (s):			
Value of Property as per latest Valuation Roll:			
Plots	Value of Land (E)	Value of Improvements (E)	Total Value (E)
Plot 1			
Plot 2			
Plot 3			
Plot 4			
Is Property (ies) subject to Mortgage Bonds (State Details):			
Existing Land Use Zone(s):			
Existing Land Use Description:			
Proposed Land Use Description:			
Estimated Valuation of proposed land consolidation(s):			
Portion 1	Portion 2	Portion 3	Portion 4
E	E	E	E
SECTION D			
PROPOSED PLOTS AND SIZES			

Portion 1	Portion 2	Portion 3	Portion 4
M ²	M ²	M ²	M ²
MOTIVATION FOR CONSOLIDATION OF LAND AND INTENDED LAND USE			

I, the undersigned, certify that, to the best of my knowledge, the information provided in this form is correct.

<p>-----</p> <p>Full Name (Applicant / Authorised Agent)</p> <p>.....</p> <p>Signature (Applicant / Authorised Agent)</p> <p>.....</p> <p>Submission Date</p>	<p>COMMISSIONER OF OATH</p> <p>Signature:-----</p> <p>Date & Stamp:-----</p>
<p>.....</p> <p>Date Received</p> <p>.....</p> <p>Local Authority Official Name</p> <p>.....</p> <p>Local Authority Official Signature & Date stamp</p>	<p>FOR OFFICE USE ONLY</p>

SECTION E

MAIN MOTIVATION REPORT

A Motivation Report (Form CO/1 Section D) must be submitted in the following format (TWO COPIES)

A. Introduction

B. Background Assessment

1. Site / Property Description (Location, Size, Current Land Use, etc.)
2. Environmental Assessment (Gradients, Identification of Environmental Sensitive Areas, such as drainage lines, marshy areas, etc.)
3. Geotechnical / Soils Assessment
4. Surrounding Land Use Assessment
5. Engineering / Bulk Service Provision, including Roads, Water, Sewerage, Electricity and Telecommunication
6. Intended use of the properties

C. Motivation

1. Need for land consolidation
2. How does the proposed development respond to surrounding land uses as well as open space resources?
3. Desirability of Proposed land consolidation
4. Details of Proposed Zone(s)

D. Conclusion

SECTION F

APPENDICES TO ACCOMPANY THE MAIN MOTIVATION REPORT

The following should accompany the Application (TWO COPIES)

1. Title Deed(s) or Agreement of Sale – Obtain certified copies from the Deed's Office/ conveyancing attorneys
2. Letter of Authorisation – Obtain from property owner
3. Rates Clearance Certificate
4. Photographs (Existing property and neighbouring properties)
5. Location Map
6. Surrounding Land Use Map
7. Surrounding Zoning Map – Obtained from Malkerns Town Council
8. Land – Legal Agreements- if applicable

SECTION G**APPLICATION PROCEDURE NOTES**

1. Prior to lodging your application, consult the Malkerns Town Council Planning Division about the proposed development for preliminary guidance and advise by the Local Authority.
2. Obtain a Rates Clearance Certificate and property valuation from Malkerns Town Council.
3. Submit the application as per Form and attach the full set of appendices as listed in Section F of the Form.

SECTION H**LAND CONSOLIDATION GUIDANCE NOTES**

Plans should indicate the following in compliance with town planning scheme:

1. Existing plot boundaries and dimensions in black
2. Proposed subdivision and dimensions in red
3. All plot lines to be removed in dashed red line
4. Exact location of all existing buildings
5. Location, width and purpose of servitudes
6. Existing and proposed streets and right of way names, width and surfacing
7. Utilities on and adjacent to the plot including location and size of water lines and hydrants and sewer lines and location and servitudes for electricity and telephone lines. If water and sewer main lines are not adjacent to the plot, indicate the direction and distance to the size of the nearest ones.
8. Natural features on the plot including water courses, rock outcroppings, wooded areas, indigenous trees and isolated trees of 30cm or more in diameter
8. Any planned or proposed public infrastructure improvements
9. General information: North arrow, Scale (1: 2 500) or bigger, notation of proposed plot sizes
10. Any other relevant information to assess application as maybe required by the Board
11. Check engineering standard for road servitudes, panhandles, splays, etc. for your proposal
12. All plots should have access and be usable (except if for conservation)

NOTE: Information or details can be included as part of motivation report or Forms or maps

Form CO/2		Reference: ----- (submission reference form CO/1)
✓ tick response	FORWARDING OF APPLICATION TO THE SURVEYOR GENERAL	
	<p>This serves to confirm that the Malkerns Town Council considered your application for land consolidation of Plot/Farm no:----- into ----- (number of plot(s)) plots measuring -----m², ----- m², ----- m², and ----- m² on its meeting of the ----- (date). The local authority approved your application. Your Surveyor can lodge your consolidation with the Surveyor General's Department.</p>	
Or		
	<p>This serves to confirm that the Malkerns Town Council considered your application for consolidation of Plot/Farm no:----- and ----- into ----- (number of plots) plots measuring -----m², ----- m², ----- m², and ----- m² on its meeting of the ----- (date). The local authority has deferred your application pending submission of the following information:</p> <p>List missing details</p> <p>-----</p> <p>-----</p> <hr/> <p>Or Your application was denied as it fall short of the Town Planning Scheme in terms of:</p> <p>-----</p> <p>-----</p> <p>-----</p>	
	<p>Date:----- (official name and position)</p> <p>For: Malkerns Town Council</p>	
	To be completed by local authority	

APPENDIX 6: LAND SUBDIVISION APPLICATION FORMS

ITEM	FORM REFERENCE	ACTION
1	SD/1	Land Subdivision Application Form
2	SD/2	Approval of Proposed Land Subdivision
3	SD/3	Forwarding Land Subdivision to Minister



APPLICATION FOR LAND SUBDIVISION

**AS PER SECTION 9.5 OF THE MALKERNS
TOWN PLANNING SCHEME 2022-2032**

Complete Sections A to D in Block Letters

Reference No.-----

Application Fee: E-----

Date:------

FORM SD/1			
SECTION A			
DETAILS OF APPLICANT / AUTHORISED AGENT			
Name & Surname:			
Postal Address:			
Telephone:		Cellular Phone:	
()		()	
Facsimile:		Email Address:	
()			
SECTION B			
REGISTERED OWNER OF THE PROPERTY			
Name & Surname:			
Physical Address (Place of Residence):			
Postal Address:			
Telephone:		Cellular Phone:	
()		()	
Facsimile:		Email Address:	
()			
SECTION C			
DETAILS OF PROPERTY TO BE SUBDIVIDED			
Street Address and Township (Including Extension)			

Plot/Farm Number (As per Deeds Registry):			
Rates Clearance Certificate Number:			
Value of Property as per latest Valuation Roll:			
Value of Land:	Value of Improvements:	Total Value:	
E	E	E	
Is Property subject to Mortgage Bonds (State Details):			
Existing Land Use Zone:			
Existing Land Use Description:			
Proposed Land Use Description:			
Estimated Valuation of proposed land subdivision(s):			
Remainder	Subdivision 1	Subdivision 2	Subdivision 3
E	E	E	E
SECTION D			
PROPOSED PLOTS AND SIZES			
Remainder	Subdivision 1	Subdivision 2	Subdivision 3
M ²	M ²	M ²	M ²
MOTIVATION FOR SUBDIVISION OF LAND AND INTENDED LAND USE			

I, the undersigned, certify that, to the best of my knowledge, the information provided in this form is correct.

.....
Full Name (Applicant / Authorised Agent)

.....
Signature (Applicant / Authorised Agent)

.....
Submission Date

COMMISSIONER OF OATH

Signature:-----

Date:-----

.....
Date Received

.....
Local Authority Official Name

.....
Local Authority Official Signature & Date stamp

FOR OFFICE USE ONLY

SECTION E

MAIN MOTIVATION REPORT

A Motivation Report must be submitted in the following format (TWO COPIES)

1. Introduction

2. Background Assessment

- A. Site / Property Description (Location, Size, Current Land Use, etc.)
- B. Environmental Assessment (Gradients, Identification of Environmental Sensitive Areas, such as drainage lines, marshy areas, etc.)
- C. Geotechnical / Soils Assessment
- D. Surrounding Land Use Assessment
- E. Engineering / Bulk Service Provision, including Roads, Water, Sewerage, Electricity and Telecommunication
- F. Intended use of the properties

3. Motivation

- a) Need for land subdivision
- b) How does the proposed development respond to surrounding land uses as well as open space resources?
- c) Desirability of Proposed land subdivision
- d) Details of Proposed Zones

4. Conclusion

SECTION F

APPENDICES TO ACCOMPANY THE MAIN MOTIVATION REPORT

The following should accompany the Application (TWO COPIES)

- a) Title Deed(s) or Agreement of Sale – Obtain certified copies from the Deed's Office/ conveyancing attorneys
- b) Letter of Authorisation – Obtain from property owner
- c) Rates Clearance Certificate
- d) Photographs (Existing property and neighbouring properties)
- e) Location Map
- f) Surrounding Land Use Map
- g) Surrounding Zoning Map – Obtained from Malkerns Town Council
- h) Land – Legal Agreements- if applicable

SECTION G

APPLICATION PROCEDURE NOTES

1. Prior to lodging your application, consult the Malkerns Town Council Planning Division about the proposed development for preliminary guidance and advise by the Local Authority.
2. Obtain a Rates Clearance Certificate and property valuation from Malkerns Town Council.
3. Submit the application as per Form and attach the full set of appendices as listed in Section E of the Form.

SECTION H

LAND SUBDIVISION GUIDANCE NOTES

Plans should indicate the following in compliance with town planning scheme:

1. Existing plot boundaries and dimensions in black
2. Proposed subdivision and dimensions in red
3. All plot lines to be removed in dashed red line
4. Exact location of all existing buildings
5. Location, width and purpose of servitudes
6. Existing and proposed streets and right of way names, width and surfacing
7. Utilities on and adjacent to the plot including location and size of water lines and hydrants and sewer lines and locations and servitudes for electricity and telephone lines. If water and sewer main lines are not adjacent to the plot, indicate the direction and distance to the size of the nearest ones.
8. Natural features on the plot including water courses, rock outcroppings, wooded areas, indigenous trees and isolated trees of 30cm or more in diameter
9. Any planned or proposed public infrastructure improvements
10. General information: North arrow, Scale (1: 2 500) or bigger, notation of proposed plot sizes
11. Any other relevant information to assess application as maybe required by Board
12. Check engineering standard for road servitudes, panhandles, splays, etc.
13. All subdivided plots should be equal or bigger than scheme proposed minimum areas
14. Land subdivision application does not entail rezoning, so plots should meet requirements of scheme land zoning

Form SD/2		Reference: ----- <i>(submission reference form SD/1)</i>
✓ tick response	APPROVAL OF PROPOSED SUBDIVISION	
	<p>This serves to confirm that the Malkerns Town Council considered your application for land subdivision of Plot/Farm no:----- into ----- <i>(number of subdivisions)</i> plots measuring -----m², ----- m², ----- m², and ----- m² on its meeting of the ----- <i>(date)</i>. Your application has been approved/approved with the following condition (s):</p> <p>-----</p> <p>-----</p> <p>You can now engage your Surveyor to carry out the plot survey and pegging as proposed and resubmit to the Board the survey diagrams (scaled appropriately) for submission to the Minister of Local Government for Consent.</p>	
Or		
	<p>This serves to confirm that the Malkerns Town Council considered your application for subdivision of Plot/Farm no:----- into ----- <i>(number of subdivisions)</i> plots measuring -----m², ----- m², ----- m², and ----- m² on its meeting of the ----- <i>(date)</i>. The local authority has deferred your application pending submission of the following information:</p> <p>List missing details</p> <p>-----</p> <p>-----</p> <hr/> <p>Or Your application was denied as it fall short of the Town Planning Scheme in terms of:</p> <p>-----</p> <p>-----</p> <p>-----</p>	
	Date: ----- <i>(official name and position)</i>	

	<i>For: Malkerns Town Council</i>
	<i>To be completed by local authority</i>

Form SD/3		Reference: ----- <i>(submission reference form SD/1)</i>
✓ tick response	FORWARDING OF APPLICATION TO THE MINISTER OF LOCAL GOVERNMENT	
	<p>This serves to confirm that the Malkerns Town Council received your land subdivision survey diagrams following its approval on its meeting of the ----- (date). The local authority has since submitted the application to the Minister of Local Government together with their recommendations for Consent. You will be informed of his decision once received or your surveyor can follow up with the Ministry on progress.</p> <p>1. On obtaining the Minister's consent certificate your Surveyor will then lodge your subdivision as proposed to the Surveyor General's Department.</p> <p>2. Your Surveyor is required to inform Board once new plot numbers have been given for Subdivisions.</p>	
	Date: -----	----- <i>(official name and position)</i>
	For: Malkerns Town Council	
	To be completed by local authority	

APPENDIX 7: HUMAN SETTLEMENT AUTHORITY FORMS

SCHEDULE 2**[Under Section 16(a)]****HUMAN SETTLEMENTS AUTHORITY****APPLICATION FOR PERMISSION TO ESTABLISH A HUMAN SETTLEMENT**

TO: THE SECRETARY
HUMAN SETTLEMENTS AUTHORITY
P.O. Box 1832
MBABANE

We hereby apply for permission to establish a human settlement or housing scheme in accordance with Section 10(2) of the Human Settlements Authority Act (1988). The proposed human settlement or housing scheme is as described in this application and attached drawings.

NAME OF APPLICANT:

ADDRESS:

TELEPHONE:

NAME OF AGENT:

ADDRESS:

TELEPHONE:

DETAILS OF PROPOSED HUMAN SETTLEMENT

1. NAME OF PROPOSED HUMAN SETTLEMENT:

2. BRIEF DESCRIPTION OF PROPOSED HUMAN SETTLEMENT:

3. PURPOSE FOR ESTABLISHING HUMAN SETTLEMENT:

4. PROPERTY LOCATION (Full description including farm number, lot number and title number as appropriate):

5. APPLICANT'S INTEREST IN PROPERTY:

6. (a) SERVITUDES AND ENCUMBRANCES, IF ANY:

(b). BONDS OVER THE PROPERTY, IF ANY:

7. SPECIAL CONDITIONS TO BE INSERTED IN DEEDS OF TRANSFER OF PLOTS:

8. TOTAL AREA (ha) OF PROJECT SITE:

9. (a) EXISTING USE OF LAND AND BUILDINGS:

(b) PROPOSED APPORTIONMENT OF LAND:

(c) TOTAL NUMBER OF DWELLING UNITS:

(d) ESTIMATED NUMBER OF INHABITANTS AT COMPLETION:

10. DISTANCE TO THE NEAREST:

(a) Primary School:

School Name:

❖ Secondary/High School:

School name:

❖ Health Clinic or Hospital:

Facility name:

❖ Local Shopping Centre:

Facility Name:

❖ Fire Station:

Station Name:

❖ Police Station:

Station Name:

11. ENVIRONMENTAL ASSESSMENT: Describe the nature of existing resources and the impact of the proposed human settlement on the resources:-

❖ Slopes/Terrain:

(b) Trees/Vegetation:

(c) Soil:

(d) Surface Water:

(e) Drainage Courses:

12. SERVICES TO THE HUMAN SETTLEMENT: State the means by which the following urban services will be provided:-

(a) Water Supply and Maintenance:

Source of Water:

(b) Sewerage/Sanitation Services:

(c) Road Construction and Maintenance:

(d) Surface Drainage and Maintenance:

(e) Refuse Removal:

(f) Fire Protection:

(g) Electricity Services:

13. PROPOSED MEANS OF FINANCING THE PROJECT:

14. PROPOSED MANAGEMENT FACILITY THAT WILL OPERATE AND MAINTAIN THE PROJECT FACILITIES FOLLOWING COMPLETION:

We, the undersigned, attest that the information given on this form is true to the best of my/our knowledge.

SIGNED: -----

APPLICANT (S) or AGENT

DATE: -----

Note:

At any time while the application is under consideration the Authority may require that the applicant furnish it with such further particulars, information, plans or diagrams as it may deem fit.

SCHEDULE 3**[Under Section 16(a)]****Human Settlements Authority****STATEMENT OF LAND OWNERSHIP TO BE SUBMITTED WITH APPLICATION TO ESTABLISH A
HUMAN SETTLEMENT OR HOUSING SCHEME**

I/We, the undersigned, do hereby certify by the signature(s) below that we are authorised to sign as owner(s) for the property being further described as -----
----- such property being included in an application to establish a human settlement or housing scheme.

Signature:-----

Date:-----

Note: The following persons are authorised to sign this form:

- i. If the land is held under individual ownership, the statement shall be signed by the registered owner of the land or his duly authorised agent. Any person acting on behalf of the owner shall submit a certified copy of the power of attorney or other instrument under which he is authorised to act.
- ii. If the land is held in joint ownership, the statement shall be signed by each registered owner of a share therein or by his duly authorised agent.
- iii. If the land is registered in the name of a partnership, the application may be signed by the firm.
- iv. If the application is made on behalf of a company, a properly certified copy of the resolution of the directorate shall be filed.
- v. If the land is held by the government of the Kingdom of Swaziland, the statement shall be signed by the Principal Secretary.

ANNEXURE A



GOVERNMENT OF ESWATINI
MINISTRY OF HOUSING & URBAN DEVELOPMENT

APPLICATION CHECKLIST FOR THE DEVELOPMENT OF A HUMAN SETTLEMENT (TOWNSHIP DEVELOPMENT):

Note: One copy of the full application (with all attachments) must first be submitted for review before more copies are made.

	YES	NO
1. Application form		
<input type="checkbox"/> Has the application form been completed and signed at the end by the property owner/applicant?		
2. If an agent is applying, has a Power of Attorney giving them authority to make the application been attached?		
3. Title Deed		
<input type="checkbox"/> Has the applicant produced a Title Deed for the property where proposed township is found?		
<input type="checkbox"/> Do the names reflected on the Title Deed match the name of the applicant?		
Does the property description match the one stated in the Title Deed?		
4. If property is on government land, has a letter from the PS been submitted?		
5. Letter of Categorization		
<input type="checkbox"/> Has the applicant produced a letter of categorization from the Eswatini Environment Authority?		
6. Site Plan		
<input type="checkbox"/> Is the scale of the site plan 1: 500?		
<input type="checkbox"/> <u>Does the site plan show positioning of the following:</u>		
➤ Proposed subdivisions and sizes		
➤ Access to public road		
➤ Existing buildings		
➤ Sewerage and drainage		

➤ Water Reticulation layout showing position of Fire Hydrants		
➤ Electricity network		
7. Has the applicant submitted letters from relevant utility agencies (EEC, EWSC etc.) stating capacity of the site to handle new connections from the proposed development?		



GOVERNMENT OF ESWATINI
MINISTRY OF HOUSING & URBAN DEVELOPMENT

8. Location <input type="checkbox"/> Is the proposed human settlement within the urban area boundaries?		
<input type="checkbox"/> If yes, has the applicant provided a letter from Local Authorities acknowledging the proposed development?		
9. If it is outside an urban area, ➤ Has the applicant engaged the Chief Townships Engineer from the Ministry of Housing and Urban Development?		
➤ Have township conditions that will regulate the area been included?		
➤ Has the applicant engaged a private company that will manage the township? (The applicant must have provided a management document, stating the name of the company that will manage the proposed development and how).		
10. Locality Map <input type="checkbox"/> Is the scale of the locality map 1: 5000, (standard scale as per building requirements)		
<input type="checkbox"/> Does the locality map show the situation of the proposed human settlement/ township and adjacent properties?		
<input type="checkbox"/> Does it show cadastral and topographical features e.g. contours to show geographical features like rivers, mountains etc.		
11. Financial ability <input type="checkbox"/> Has the applicant stated the source of funds for the project?		
<input type="checkbox"/> Has the applicant provided proof or supporting documents proving the applicants ability to finance the project to completion?		

<input type="checkbox"/> Has the applicant provided a breakdown of costs for the entire development?		

NB:**CALL FOR OBJECTIONS**

The applicant is required to advertise in a local newspaper (quarter page) for two (2) days, seven days apart. The Human Settlements Authority will inform applicants when to advertise. This allows for public comments and objections regarding the application to establish the human settlement.

Approved by the HUMAN SETTLEMENTS AUTHORITY

ANNEXURE B**HUMAN SETTLEMENTS AUTHORITY**

The following is a list of the criteria that are used by the Human Settlements Authority when reviewing applications for human settlements or housing schemes:

A. CRITERIA TO DETERMINE CONSIDERATION OF APPLICATION

- (b) The proposed human settlement must be within the boundaries of an existing urban area.
- (c) If the proposed human settlement is outside an urban area, the maintenance of infrastructure services must be undertaken by one of the following agencies:
 - a. A private company
 - b. City Council
 - c. The Township Engineer

B. CRITERIA TO DETERMINE APPROVAL OF THE APPLICATION**1. Physical/Social Criteria:**

- (a) The desirability and necessity of establishing a human settlement or housing scheme in the proposed area.

- (b) Compatibility of the proposed human settlement with municipal and regional goals, plans and development programmes, and with the national physical development plan (NPDP).
- (c) The allocation of areas or zones within the proposed human settlement for residential, commercial, industrial or other needed uses.
- (d) The condition which should be imposed if the application is approved.
- (e) Suitability of the proposed site with regard to impact on surrounding area, position, water supply, soil, slope of the land, possibility of extension, grade of services, accessibility and other relevant circumstances.
- (f) Regulation of buildings with respect to the maximum number allowed on each plot, position of buildings, plot coverage, floor area ratio (FAR), character and harmony of design.
- (g) Suitability of the layout with regard to dimensions of plots, sewerage, drainage, probable traffic requirements both within the proposed human settlement and in relation to the surrounding district and also to aesthetic considerations.
- (h) Provision of land for new roads or improvement of existing roads, recreational parks, parking facilities, open spaces and other matters or public use.
- (i) The existence of servitude or encumbrances which may affect the prosperity of the proposed human settlement.
- (j) Sensitivity to environmental protection and conservation.
- (k) Suitability of the name of the proposed human settlement and any public place therein.

2. Economic Criteria:

- 1. Financial ability of the applicant to initiate and diligently undertake construction of the project to completion within the stipulated conditions of approval.
- 2. Ability of the applicant to fulfil any and all social, financial and legal obligations imposed on him due to the project.
- 3. The regulation of the sale of plots within the proposed human settlement.
- 4. The endowment, if any, which shall be made to the government and the form of such endowment.
- 5. Any matters which the authority considers relevant to the proposed human settlement.

3. Engineering Criteria:

- 1. Provision of roads, water, sewerage and drainage.

2. The necessity for including in all transfers a servitude clause for drainage, sewerage, water supply, power supply, electricity substations, passenger transport shelters and any other public purpose.

SCHEDULES A:

INFRASTRUCTURE SERVICE STANDARDS & SPECIFICATIONS

A.1 ROAD SERVICE LEVELS

MINIMUM ROAD RESERVE / ROADWAY WIDTHS	ROAD HIERARCHY	SERVICE LEVEL REFERENCE	ROAD FURNITURE	TRAFFIC CONTROL & CALMING MEASURES	MINIMUM SERVICE DESCRIPTION	MALKERNS TOWN COUNCIL IMPLICATIONS
38m/ 12.8m	Main Roads (MR national roads)	Double seal bitumen surface/premix surface, kerbing, storwater drainage channels, Paved walkways, street lights, public transport collection points, emergency parking areas, Other services (water, electricity, telecommunications)	Kerbing, safety barriers, guardrails, road signs, cat eye reflector, white/yellow road marking with yellow shoulder markings	Road signage, street lights	Paved/ unpaved	Allow or plan for controlled exit and access as roads to connect towns rather than servicing locality.
16-20m/7m	District Roads (D regional roads)	Double seal bitumen surface/premix surface, kerbing, storwater drainage channels, Paved walkways, street lights, public transport collection points, emergency parking areas, Other services (water, electricity, telecommunications)	Kerbing, safety barriers, guardrails, road signs, cat eye reflector, white/yellow road marking with yellow shoulder markings	Road signage, street lights, speed grids, humps, traffic circles	Paved/ unpaved	Allow or plan for limited controlled exit and access as roads to connect towns rather than servicing locality. Use as service roads where traffic low. Use standard for industrial roads/ main locality service roads

12m/6m	Local streets	Double seal bitumen surface/premix surface, block pavers, kerbing, storwater drainage channels parking areas, Other services (water, electricity, telecommunications)	Kerbing, safety barriers, road signs, cat eye reflector, white/yellow road marking	Road signage, street lights, speed grids, humps, traffic circles	Paved/ unpaved	Local access road – collector- services townships
8-12m/5m	streets	Double seal bitumen surface/premix surface, block pavers, kerbing, storwater drainage channels parking areas, Other services (water, electricity, telecommunications)	Road signs, cat eye reflector, white/yellow road marking	Road signage	paved	Township service roads
8-12m/4.8	township streets	Double seal bitumen surface/premix surface, block pavers, kerbing, storwater drainage channels parking areas, Other services (water, electricity, telecommunications)	Road signs, cat eye reflector, white/yellow road marking	Road signage	paved	Township service roads (allowed where developer install all infrastructure and in upgrading areas)

A.2 SPECIFICATIONS FOR TOWNSHIP ROADS AND STORM WATER DRAINAGE

These specifications should be read in conjunction with and supersede where applicable section 4-7 of the Guidelines for the Provision of Engineering Services and Amenities in Residential Township Development as amended (commonly referred to as the Red Book).

- **ROADS**

- **General Requirements**

- **Road Reserve**

- The minimum road reserve width on all residential access link (RAL) roads should be 8m in order to provide adequate space for undergrounding services and storm water drains.

- **Gradients**

- The recommended maximum gradient on all RAL roads should be 10%. A maximum gradient of 12.5% could be used for short sections that do not exceed 70m in length.

Residential driveways (plot access from roadway) should be constructed at a maximum gradient of 1:5 and the general slopes on grassed pavements should not exceed 1:3. For commercial and industrial driveways the maximum gradient should be 8%.

- **Roadway Widths**

- The minimum roadway (carriageway) width for all RAL roads should be 2.5m for surfaced roads.

- **Positioning of Services**

- The placing of engineering services in RAL road reserves, should be as follows:

- **Higher Side of Road**

- 1. Stormwater drains
 2. Electricity
 3. Sewers

- **Lower Side of Road**

- 1. Water supply
 2. Telecommunication lines

- **Vertical Clearances**

- The standard minimum vertical clearance from point in a roadway to an overhead structure or cable should be 5.1m.

- **Design Criteria**

The structural design of all roads should be based on the relevant specifications and standards set out in SABS 1200.

- **Structural Design Period**

For residential collector roads a minimum structural design period of 10 years should be used. No minimum structural design period would be applicable for RAL roads due low traffic volumes generally experienced on these roads.

- **Road Layers**

The following minimum standards should apply to road layers:

- a. Sub-grade: 100mm-150mm layer, compacted to 93 % MOD AASHTO.
- b. Sub-base: 150mm layer of selected material compacted to 95% MOD AASHTO.
- c. Base-Course: 150mm layer of selected material compacted to 98% MOD AASHTO.

All minor local access roads, for 10 or less properties should have a minimum of 2 layers (sub-base and base course) of road formation.

Road with gradients of 7% and steeper should be bitumen sealed.

- **Wearing course**

For local distributor roads, including bus routes all roads should have a double-seal wearing course. All minor access roads, for 10 or less properties, could have a single-seal wearing course.

- **Road Kerbs**

Barrier kerbs or semi-mountable (45° slope) kerbs should be placed at main intersections to ensure visibility.

- **STORM WATER**

- **General Requirements**

Storm water should generally be accommodated in open drains or channels. Other structures that could also be incorporated in the storm water network include kerb inlets, chambers and concrete storm water pipes and portal culverts.

- **Design Criteria**

The design of stormwater structures should be based on a design flood recurrence interval of between 1 and 5 years.

- **Structures and Materials**

- **Drains and Channels**

Stormwater drains and channels should be placed at least 1,0m away from the edge of roadways.

Storm drains and channels should be grassed lined. In situations where 3% or steeper gradients occur, these channels should be lined by using one of the following means: concrete, stone pitching, rip rap, gabions and mats of various materials.

- **Concrete Pipe Culverts**

In cases, such as underneath driveways, concrete pipe culverts could be used to accommodate storm water. These pipe culverts should have a minimum diameter of 450mm and should comply with the requirements of SABS 677.

- **Concrete Portal Culverts**

All concrete portals used as part of the stormwater system, should comply with the requirements of SABS 986.

A.3 STANDARDS AND SPECIFICATIONS FOR TREATED WATER SUPPLY

These specifications should be read in conjunction with and supersede where applicable section 8 of the Guidelines for the Provision of Engineering Service and Amenities in residential Township Developments as amended (commonly referred to as the Red Book).

- **GENERAL REQUIREMENTS**

- **Physical Assets (Above Ground)**

- **Retained Civil Engineering Structures**

Existing Engineering structures such as reservoirs should have a minimum residual life of 25 years.

- **Electrical and Mechanical Major Overhauls**

Electrical and mechanical installations should not require:

- A major overhaul for a minimum of 5 years.
 - More than one major overhaul in the first 10 years period.
 - More than two major overhauls in the second 10 year period.

- **Health and Safety**

Protection e.g. covers, handrails, chains, step irons, ladders etc. should be provided for all manholes, tank, lagoons, etc. where personnel could fall a distance of 2 meters or more.

All facilities should meet the requirements of the “National Occupational Safety Association of South Africa” 5 star (NOSA 5star) Standards or Eswatini standard as available.

- **Site security**

All sites should have:

- 1.8m security fencing with lockable gate, minimum opening 3m.
- 1. A security gate house
- All vulnerable valves and penstocks, etc., should be protected from vandals and unauthorised use by the provision of locking devices.

- **Operational Security**

All sites requiring an electricity supply should have an automatic start-up provision to restore power automatically after a power failure.

- **Access**

The freehold of land, occupied by any physical assets (above ground), should be registered to the Eswatini Water Services Corporation (EWSC), free of charge.

The compound areas should permit reasonable access for any necessary plant and vehicles required for the repair and maintenance of the works. Adequate turning facilities should be provided either inside or adjacent to the compound.

The existing authority should provide EWSC with unobstructed rights of vehicle access along all access roads. These rights should be given to EWSC either by passing over the freehold ownership or by a shared agreement with all the other users of the access road.

- **Performance of Plant**

The works must have sufficient capacity to provide sufficient water to existing customers plus any development planned during the preceding five years.

The owner of the existing Water Treatment Works should prove, over a period of three months, that the works are capable of producing potable water to EWSC’s minimum standards (see Table 2).

During this period EWSC should either operate or monitor the operation of the works, on a rechargeable basis.

- **Sampling Points**

Water Treatment Works: Sampling points should be provided at the inlet of the works and at the outlet of each treatment process stage, including entry into the distribution system.

Table 2					
Grade	1	2	3	4	5
Condition	Good as new <10% deformation	>10%<25% Deformation	>25%<50% Deformation	>50%<75% Deformation	>75% to collapsed

○ **NETWORKS**

▪ **Structural Condition**

The Structural condition of pipelines are classified in the following five condition grades:

▪ **Fault Diagnosis System**

An item can be rehabilitated if it is constructed to an approved standard, but is either faulty or in poor condition. It would have to be replaced if it were not constructed to an approved standard.

An item can be replaced if it is classified as Grade 3, 4 or 5.

▪ **Hydraulic Capacity**

All properties should receive a water supply with a minimum of 10m head and an average velocity of 1,5m/s.

▪ **Maximum Leakage or Infiltration Levels**

Water Mains: Maximum allowable leakage, from water mains, should not exceed the level indicated in the performance contract with the EWSC.

No infiltration is allowed in the water network.

▪ **Metering Policy**

In existing areas where there are no meters, EWSC requires meters to be installed to all properties receiving a water supply.

All meters should be in full working order and be:

- Placed above ground, just outside the boundary of the property
- Kent Type or equivalent
- Less than three years old

▪ **Suitability of Materials**

- All materials must be SABS approved or better

- Valves should be rated to 1,5x working pressure.
- The working pressure of all pipes should be less than their pipe class.

- **SPECIFICATIONS AND STANDARDS**

- **Water Supply Network**

- **General requirement**

Pipelines are preferably to be placed a minimum of 1,0m from the road reserve boundary on the lower side of the street. A minimum cover of 1.0m should be maintained under roads and sidewalks, and a maximum cover of 1,5m where other services are encountered or where gradients of roads required this. The position of street crossings of main pipelines, network pipelines and communication pipes should be visibly and clearly marked with a 75mm high W mark.

- **Materials**

- **High Density Polyethylene Pipes And Fittings (HDPE)**

HDPE high- pressure pipes should comply with the acceptable requirements of SABS 533, Type IV, for a working pressure of 1000kPa.

Acceptable nominal pipe diameters for HDPE high-pressure pipes are 25mm, 40mm, 50mm, 63mm, 75mm and 90mm.

Only fitting that the EWSC approves are permitted for use with HDPE high-pressure pipes. Under no circumstances may saddles or welded adapters be used with HDPE pipes.

The material used for communication pipes should be minimum Class 10 high-density polyethylene (HDPE) pressure pipes with a diameter of 25mm.

- **Unplasticised Polyvinylchloride Pressure Pipes and Fittings (UPVC)**

UPVC pipes should comply with the requirements of SABS 966, 1998 Part 1, for Class 9 pressure pipes. They should be fitted with spigot and socket joints with rubber sealing joints. Except for uPVC bends with a factory-made socket joint and spigot, all fittings used with uPVC pipes should be made of cast-iron. Wall thickness must be in accordance with SABS 546, and socket dimensions with SABS 966. Welding adapters for uPVC pressure pipes are not allowed.

Acceptable nominal diameters for uPVC pressure pipes are 75mm, 90, 110mm, 160mm, 200mm, 250mm, 315mm and 400mm.

75mm Diameters will only be allowed when network analyses proves that the water demand for firefighting will be satisfied.

UPVC products should be stored out of the sun and must be backfilled as soon as practicable after they have been laid.

c) Galvanized Mild Steel Pipes and Fitting (GMS)

GMS pipes should be solid drawn, seamless, medium duty, screw-and socket pipes, which comply with the requirements of SABS 62. GMS pipes may not be welded.

Pipe fitting should be made of malleable cast-iron and must comply with the requirements of SABS 509.

Pipes and fitting should be galvanized inside and outside in accordance with the requirements of SABS 763.

d) Mild Steel Pipes, Fitting and Specials

General

All mild steel pipes with a diameter exceeding 150mm should comply with the requirements of SABS 719, and specials should be fabricated from straight pipes in accordance with the applicable requirements of SABS 534. All welding of pipes and specials should be done in accordance with applicable SABS prescriptions.

All bends used should be long radius bends with minimum outer leg lengths of 1,5m.

Acceptable nominal mild steel pipe diameters are 200mm to 1200mm, with 50mm intervals up to and including 500mm, and after that with 100mm intervals up to 1200mm.

Flexible Couplings

All flexible couplings for plain-ended steel pipes and fitting should be of the slip-on type without a center register, such as Viking Johnson or an approved equivalent, and they should comply with the applicable requirements of BS 534.

Valves and Hydrants

All valves should be at least class 12 valves, which are suitable for dealing with a maximum working pressure of 1200kPa. Valves should be able to open and close under an unbalanced pressure equal to the specified maximum working pressure.

Valves should be installed on street corners, directly opposite the splay corner of the stand. Line valves on supply pipelines should be installed every 500m or as agreed by the EWSC.

Where practically possible, a strategically placed fire hydrant may replace a scour valve.

Resilient Seal Gate Valves

Anti-clockwise closing gate valves for water works, with compression –type seals and non-rising spindles should be used. The valve should confirm to the requirements of the latest edition of SABS 664, subject to the following additional requirements:

- The valve should have socketed ends to fit uPVC pipes. Where double-flanged valves are specified the dimensions and drilling should be to SABS 1123: 1977 table 1600 (or 2500 when specified).
- The body and bonnet should be coated internally and externally.
- The valve should operate via a cap top (or hand wheel when specified).
- The valve should be provided with a straight, unobstructed body passage without any pocket and a gate should be completely clear of the waterway in the fully open position.
- The gate guides should be of substantial design to eliminate deposits in the valve body.
- The gate guides should be of substantial design to support the gate until the point of closure.

Air valves

Air valves should be positioned at all points where there is a great change in slope or where a local high point occurs. In networks a fire hydrant should be used instead of an air valve. On supply pipelines, a double-acting air valve with a large opening should be used.

Air valves should be able to operate both ways and should be manufactured to the same standards of quality and finish as laid down in SABS 664 for gate valves. Sizes less than 80mm in diameter should, in accordance with SABS 62 1971, have screwed inlets, and larger sizes should be flanged in accordance with SABS 1123.

Air valves should withstand twice the maximum rate working pressure and ensure a positive droptight seal from a minimum pressure of 50kPa to the maximum rated working pressure.

Valve boxes

Only valve boxes approved by the EWSC should be used.

Accessories and Related Materials

Flanges: unless otherwise specified, holes in the flanges of flanged pipes and fittings should be drilled in accordance with SABS 1123, Table 16, for pipes and fittings with diameters of 150mm and less, and in

accordance with table 10 for diameters greater than 150mm. where pressure is specified , the flange should be drilled in accordance with the require pressure class.

Loose flanges for galvanized steel pipes should be provided with screw threads, which fit the thread of the pipe. Loose flanges to be welded on to steel pipes should be made of the same steel as specified for the pipes and these should be either flat or raised in accordance with SABS 1123.

2.1.3 Fire installation

a) General Requirements

The design of all fire-flow installations should adhere to the standards set out in SABS 0400-1990.

b) Capacities

The minimum Flow Pressure should be 3000 kPa (3Bar) and the minimum Flow Rate should be 0.51/s for hose reels and 20l/s for hydrants.

c) Pipe Sizes

The minimum pipe size for hose reels (single story building s) should be 25mm to supply 1-2 reels and 50mm for 5 or more reels.

The minimum pipe size for hydrants should be 75mm, except where hydrants are placed further than 50m from the main piple.in the letter case the minimum pipe size should be 100 mm.

The table below sets out the required fire hydrants flow and spacing for various fire risk categories:

Table 1: Required Fire Hydrants Flow and Spacing			
Fire risk Category	Distance between Hydrants	Required Flow from each hydrant	Duration in hours
High \risk	120m	1500\min	6 hours
Moderate Risk	200m	1500\min	4hours
Low risk: Group 1	200m	900\min	2 hours
Low risk: Group 2	200m	500\min	1 hour
low risk: Group 3	200m	350\min	-

Low risk Group 4	200m	-	-
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Table 2: Guidelines for the Quality of Treated Water		
Parameter/substance	Unit of measurement	Provision limit
PH	PH units	6.5-8.5
Color	Mg/lPt Scale	<10
Temperature	Degree C	12-25
Turbidity	NTU	<1
Conductivity	Ms/m	30-300
Alkalinity (CaCO ₃)	Mg/l	30-500
Chlorides	Mg/l	200-600
Hardness (Ca)	Mg/l	5-300
Hardness Total	Mg/l	300-650
Sulphates	Mg/l	200-600
Total Dissolved Solids	Mg/l	500-1500
Suspended Solids	Mg/l	25
Nitrates	Mg/l	10
Aluminum	Mg/l	0.2
Iron	µg/l	<300
Lead	µg/l	<50
Phenols	µg/l	0.5-5
Mercury	µg/l	<1
Dissolved oxygen	mgO ₂ /l	3-7
Faecal coliforms	Per 100 ml	0
Faecal streptococci	Per 100 ml	0
Total coliforms	Per 100ml	0
Free Chlorine Residual	mg/l	1.5-2.5

Odour		Must not be offensive
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A.4 STANDARDS AND SPECIFICATIONS FOR SANITATION SYSTEM

These specifications should be read in conjunction with and supersede where applicable section 9 of the Guidelines for the Provision of Engineering Service and Amenities in Residential Township Developments as amended (community referred to as the Read Book).

- **GENERAL REQUIREMENTS**

- a. **PHYSICAL ASSETS (ABOVE GROUND)**

- i. **Retained Civil Engineering Structures**

Existing Engineering structures such as sewage treatment works should have a minimum residual life of 25 years.

- ii. **Electrical And Mechanical Major Overhauls**

Electrical and mechanical installations should not require:

1. A major overhaul for a minimum of 5 years
2. More than one major overhaul in the first 10 years period.
3. More than two major overhauls in the second 10 years period.

- iii. **Health and Safety**

Protection e.g. covers, handrails, chains, step irons, ladder etc. should be provided for all manholes, tanks, lagoons, etc. where personnel could fall a distance of 2 meters or more.

All facilities should meet the requirements of the “National Occupational Safety Association of South Africa” 5 star (NOSA 5 star) Standards.

- iv. **Site Security**

All sites should have 1,8m higher security fencing with lockable gate, minimum opening 3m:

1. A security gate House
2. All Vulnerable Valve and Penstocks, Etc. Should Be Protected From Vandals and Unauthorized Use by the Provision of Locking Devices.

- v. **Operational security**

All sites requiring an electricity supply should have an automatic start –up provision, to restore power automatically after a power failure.

- vi. **Access**

The freehold of land, occupied by any physical assets (above ground), should be conveyed to the Swaziland Water Services Corporation (EWSC), free of charge.

The compound areas should permit reasonable access for any necessary plant and vehicles required for the repair and maintenance of the works. Adequate turning facilities should be provided either

Grade	1	2	3	4	5
Condition	Good as new <10% deformation	>10%<25% Deformation	>25%<50% Deformation	>50%<75% Deformation	>75% to collapsed

inside or adjacent to the compound.

The existing authority should provide EWSC with unobstructed rights of vehicular access along the freehold ownership or by a shared agreement with all the other users of the access road.

vii. Performance of Plant

The work must have sufficient capacity to treat the sewage flows from existing customers plus any development planned during the processing five years.

The owner of the existing sewage Treatment Works should prove, over a period of three months, that the works are capable of treating the sewage flow to EWSC A minimum standards (see Table 1).

During this period EWSC should either operates or monitor the operations of the work on a rechargeable basis.

viii. Sewage Treatment Works

Sampling points should be provided at the inlet of the works and at the outlet of each treatment process stage, including the final effluent point.

b. NETWORKS

i. Structural Condition

The structural condition of pipelines and chambers are classified in the following five condition grades:

ii. Fault Diagnosis system

And item can be rehabilitated if it is constructed to an approved standard, but is either faulty or in poor condition. It would have to be replaced if it were not constructed to an approved standard.

Ann item will be replaced if it is classified as \grade 3, 4 or 5.

iii. Hydraulic Capacity

All sewers should be off sufficient depth to drain the full area to be sewered, but not less than 80% of the area of the property.

The minimum pipe diameter of all sewers should be 150mm in diameter, except for industrial area where the minimum pipe diameter should be 250mm, with a gradient of maximum 1:150.

All house connections should be a minimum of 100mm in diameter with a gradient of maximum 1:80.

iv. [Maximum Leakage or Infiltration Levels : Sewers

Infiltration in sewers should not exceed 15% of flow.

v. Suitability of Materials

All materials must be SABS approved or better.

b) SPECIFICATIONS AND STANDARDS: SEWAGE NETWORK

a. GENERAL REQUIREMENTS

All sewage system should be water borne systems and no septic tanks should be incorporated in the sewage network.

A sewage network consisting of mainly a mid-block system of sewer pipelines is preferred. The minimum depth to invert should be 1.2m in mid-blocks and 1, 5 in road reserves provided that the connecting depth do not exceed 2,0m and 3,0m respectively.

Pipelines are preferably to be placed a minimum of 1,0m from the roads reserve boundary on the higher side of the street. A minimum cover 1,0m must be maintained under roads and sidewalks. The position of street crossings of sewer pipelines should be visibly and clearly marked with a 75mm high S mark.

b. MANHOLES AND JUNCTIONS

The minimum diameter of all manholes should be 1000mm.

i. manhole Layout

Manhole should be placed as follows:

- At a maximum distance of 120m. This distance should be decreased on steep grades so that head on any part of the sewer not exceed 6m under blockage conditions.
- At all changes in grades and / or directions

- At positions on steep grades (1:10 or steeper) to prevent backpressure on house gullies under blockage conditions.
- At the higher end of all sections serving more than two living units and longer than 50m.

ii. Manhole Covers

The following manhole cover should be used depending on the position of the manhole namely. SABS Type 2A or SABS Type 6. The equivalent concrete or combination wrought iron/concrete covers may also be used as alternatives.

iii. Junction of Sewers

The junction with an interceptor sewer should generally be soffit to soffit.

iv. Turbulence and Odour Prevention

Turbulence at manholes and junctions which may cause bad odours, should be reduced to a minimum by:

- Limiting the number of connections to interceptor sewers.
- Avoiding backdrops, ramps and sudden changes from steep to flat grades where one grade is 5 or more times flatter than the other grade-in the mains hydraulic jumps may form there.
- Careful shaping of channels and benching at manholes.

c. DESIGN CONSIDERATIONS

The following should take into consideration as being desires in respect of the routing of the sewers:

1. Sewer pipelines should follow the fall of the ground
2. Sewers to be laid in those properties benefit from such a sewer.
3. Road crossing need to be kept to a minimum.
4. There should be minimum
5. interference with existing structures.
6. The centerline of sewers should be a minimum of 1,0m from any boundary.
7. Final finished levels of carriage-ways, sidewalks and vehicle entrances to properties should be taken into account in the design of the sewers and the depth of sewer invert below finished sidewalk levels, particularly for steep cross-falls.

i. Design Flow

Sewages flows should generally be based on floor space, i.e. per 100m² of building size.

ii. House Connections

A 100mm diameter house connection should be provided for each stand and no house connection should cross a road. The house connection should be place within 500mm inside the stand boundary not less than 1,0m from the side boundary at the lowest pint of the stand.

Each stand should be provided with a house connection of sufficient under full area on which building construction is allowed.

iii. Minimum Velocities

Normal minimum-0,75m/s at full flow. Absolute minimum under extraordinary circumstances=0,60m/s, at full flow.

iv. Steep Slopes

Sewers at a slope of 1 in 6 or steeper should be encased in 15MP a concrete with a minimum thickness of 150mm around the barrel of the pipe. Such sewers should be anchored as determined by the Engineer, but the spacing of anchor blocks should be not more than 12m apart.

v. Road Crossings

Under surfaced roads (existing tar roads) both the following must be executed.

1. Sewer must be encased in concrete to full width of road including shoulders with a minimum length of encasing of 10m straddling the road centerline. A minimum cover of 150mm for pipes smaller than 300mm is required for encasing and soft board joints must be provided at pipe collars.
2. Backfilling of the trench must be done by high density compaction of selected material by means of mechanicals vibrators in layers of not more than 100mm at the optimum moisture content as laid down by the modified AASHTO density test.

A.5 STANDARDS AND SPECIFICATIONS FOR ELECTRICAL RETICULATIONS

• GENERAL REQUIREMENTS

○ Electrical Reticulation

The electrical reticulation should consist of pole-mounted and ground-mounted transformers, positioned on the shoulders of the roads. When ground mounted, the transformers should be fenced.

Reticulation cables should be PVC insulated, steel wire armoured, PVC sheathed with stranded copper conductors. It should be installed through overhead lines or underground entrenches to be laid at a depth of 600mm below finished ground level. Where the cables cross roads or built-up areas it should be 1000mm below finished ground level. Along the full length of each trench, PVC warning tape should be laid at 150mm above the cable. The cables should be continuous and no joint should be made, except where cable runs exceed the maximum drum length.

The main reticulation cables should feed distribution kiosks, which should be installed on the shoulders of the roads. Each kiosk should be weatherproof and lockable, and mounted on a concrete based. Eswatini

Electricity Company meters should be mounted either in the kiosks or single-phase meter boxes mounted on the external walls of the houses. The feed cable to each medium size house should be 16mm².

- **Cables Markers**

Cable markers should be installed where necessary and should consist of 110mm diameter OVC pipes filled with concrete. The top of each cable marker should be 50mm above finished ground level, except in roadways where it should be flush.

A.6 STANDARDS AND SPECIFICATION FOR EPTC TELECOMMUNICATION NETWORKS

- **GENERAL REQUIREMENTS**

- **Reticulation**

The telecommunication infrastructure should consist of 110mm diameter PVC sleeves installed in trenches at a depth of 600mm below finished ground level. Each main line should consist of four sleeves between manholes, and each branch line consist of t two sleeves. Manholes should be installed at each major bend in the route, at each branch-off point and at least every 50m of straight run.

Depending on the services level requirement, telephone distribution lines could be provided using overhead installations. Overhead lines would the used to feed individual plots from a central telephone pole.

- **Manholes**

Telephone manholes should be those approved by EPTC, and should be constructed complete with cable bearers and covers. Manhole covers should equipped with keyhole-type sockets to accept special SPTC lifting rods. The top of the manholes should be 50mm above finished ground level. SPTC manhole type B1 should be used in the main lines and type SB1 in all branch lines.

- **Distribution Boards**

Telephone distribution boards should be padlockable, single-phase meter boxes with softwood backing, mounted semi-flush in the external walls of house. A 50mm diameter PVC pipe should link the nearest manhole with the telephone box. Draw –wires should be provided throughout, and SPTC do all cable installations.

SCHEDULES B:

HOUSING DESIGN PRINCIPLES

a. Design Principles

1.1 Site Responsive Design

- ❖ The size of the building and number of dwellings should be in proportion to the site & respectful of adjoining properties.
- ❖ Buildings that are simply too big or too dense for their sites should be avoided. Site consolidation should be considered during early stages of planning for larger developments.
- ❖ Buildings should provide a transition in development intensity and height between different zones or residential areas to respect of surrounding built form.
- ❖ Dwellings at the rear of a lot should be preferably single storey to reduce the amenity on the impacts back gardens of adjoining properties.
- ❖ Buildings and car parks should be designed with a substantial landscaping buffer and perimeter planting.
- ❖ Car parking should be included in the design response. A lack of car parking spaces can be a sign of over development of the site.
- ❖ Minimise the impact of new buildings on neighbours by providing adequate setbacks from neighbouring properties. And avoiding large blank walls and facades; whilst providing correctly angled and minimal screening to enable distant views while protecting privacy of neighbours.



Design the size of the building in proportion to the site & adjoining properties



Provide well articulated building facade and avoid large blank walls and facades

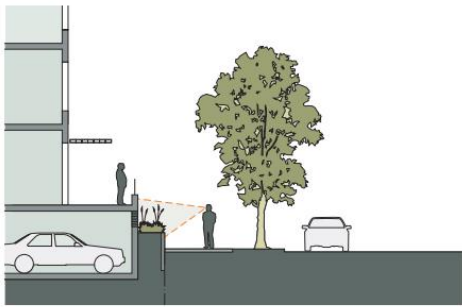


Design correct angled and minimal screening to enable distant views from dwellings

1.2 Attractive Streetscape

- Provide active building frontages by locating habitable rooms at ground floor level and balconies at upper levels facing the street to support passive surveillance and improved perception of safety.
- Set the carport/garage and at-grade car spaces back from the dwelling façade.

- Design buildings that are architecturally appealing from the street and respectful of surrounding built form.
- Break up the appearance of large buildings by incorporating design elements that reflect the existing streetscape rhythm and scale.
- Provide an integrated building design with active frontages at a human scale.
- Provide open front gardens with no, low semitransparent or transparent front fencing and minimal hard stand surfaces.
- Clearly delineate the private and public domain without compromising safety and security. If this can be achieved with level differences and or landscape features, fences should be avoided.



Active building frontages by locating habitable rooms at ground floor level and balconies at upper levels



Provide open front gardens with no, low or transparent front fencing



Break up the appearance of large buildings by incorporating design elements like balconies, window openings, etc

1.3 Convenient Vehicle & Bicycle access



Provide practical and safe access for cars and bicycle that do not dominate the building



Locate parking on the rear of the lot away from the primary street frontage for safe and direct access to building



Connect internal road networks and paths for large consolidated site

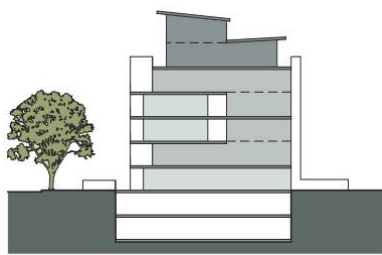
1.4 Comfortable Internal Amenity Layout

- ❖ The internal layout of buildings should be designed to group rooms that are commonly a source of noise together, e.g.; living areas can be located close together, garage to be sited away from bedroom.
- ❖ Optimize the number of ground floor apartments with separate entries.
- ❖ Provide double glazing and high quality insulation to assist in reducing external and internal building noises.
- ❖ Consider sound attenuation devices on the back fence.
- ❖ Provide larger rear setback with car parking area and or landscape settings options for a sound buffer.
- ❖ Provide large and usable areas of private open space that maximise solar access.
- ❖ Maximise solar access, natural light and cross ventilation into the dwelling through good orientation and passive design of buildings.
- ❖ Design the building to have regard for adjoining sites, including the development potential of adjoining sites and the ability for future development to achieve reasonable amenity and design outcomes.
- ❖ Orientate the building, walls and windows to avoid direct overlooking.
- ❖ Ensure all habitable rooms have an outlook to the street, common areas or light courtyard.
- ❖ Excessive screening of habitable room windows with no outlook should be avoided.
- ❖ Provide adequately sized storage (including a pantry cupboard and built in wardrobe).
- ❖ Provide communal open space on site for larger developments to provide outdoor breakout

- ❖ space on site for tenants and opportunities for community gardening and social interaction.
- ❖ For buildings over three storeys and above it is recommended that building separation increase in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants.
- ❖ Improve the opportunities for casual surveillance by orienting living areas with views over public or communal open spaces, where possible, and providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.
- ❖ Provide for affordability with a range of housing sizes and for a range of household types.
- ❖ Ensure apartment layouts are adoptable for a range of household types.
- ❖ Provide private open space in the form of a balcony, terrace, courtyard or garden for every apartment.
- ❖ Provide a functional balcony that provides for outdoor living, ideally with a minimum depth of 2m.
- ❖ Maximise opportunities to facilitate natural ventilation and to capitalise on natural daylight.



Provide good communal open space on site for larger developments for social interaction



Provide for affordability with a range of apartment sizes



Provide a functional balcony that provides for outdoor living, ideally with a minimum depth of 2m



Optimize the number of ground floor apartments with separate entries



Provide large and usable areas of private open space that maximise solar access



Maximise solar access, natural light and cross-ventilation through good orientation and passive design

1.5 Passive Design & Environmentally Sensitive Design

- ❖ Include sustainable design features (e.g. wide eaves, recycled and sustainably-sourced building materials, double glazed windows, green roofs).
- ❖ Include Water Sensitive Urban Design (WSUD) features (e.g. rain gardens) as part of the landscaping.
- ❖ Maximise solar access, natural light and crossventilation through good orientation and passive design.
- ❖ Consider the size and placement of windows, eaves, shades, blades, screens to allow future residents to control the northern, western and eastern sunlight/ heat.

- ❖ Orientate habitable room windows to the north whenever possible.
- ❖ Design facades to allow future residents to control the sunlight/ heat to habitable rooms and balconies.
- ❖ Improve the energy efficiency and solar efficiency of dwellings and the microclimate of

private open spaces by: - retaining existing large trees by using appropriately designed building footings. - providing planting zone for food production (eg: fruit trees, vegetable patches, etc).



Include Water Sensitive Urban Design features as part of the landscaping



Design facades to allow future residents to control the sunlight/ heat



Retain existing trees with appropriately designed building footings

1.6 Durable Building Materials

- ❖ Use attractive building materials and finishes.
- ❖ Design dwellings to include pitched, hipped or gabled roof forms in character areas.
- ❖ Use building materials with high insulating qualities or high thermal resistance.
- ❖ Develop a colour and materials palette to ensure that as fences, balustrades, screens and pergolas integrate with the overall appearance of the building.
- ❖ The choice of building facades, materials and finishes should look just as appealing from the side and rear as at the front of the development.
- ❖ Avoid large unarticulated blank walls and monotonous building materials.
- ❖ Avoid large areas of blank walls that could be easily targeted for vandalism or graffiti.
- ❖ • The use of materials should vary across the building façade to provide interest in the streetscape and richness to the urban fabric.



Use durable building materials that are low maintenance and attractive building materials and finishes



Design an interesting colour and materials palette to provide visual intention



Avoid large unarticulated blank walls and monotonous building materials

1.7 Integrated Building Services

- ❖ Conceal hydrants, substations and other building services from view and integrate into the overall design.
- ❖ Integrate building services, including: design of the building and façade; security grills/screens; ramps; car park entry doors; shading and screening structures; drain pipes; air conditioning units; lift over-runs; plant and communication equipment.
- ❖ Minimise the visibility of site services and car parking areas from the street and adjoining sites.
 - Avoid facing bathroom, kitchen, laundry, and basement windows to the street or common areas.
 - Avoid placing air-conditioning units and clothes lines on balconies. If not possible, these services should be hidden from view by using nontransparent balcony balustrades.
- ❖ Locate rainwater tanks, hot water services, clothes lines, air-conditioning units and outdoor storage sheds so as not to compromise the size, functionality and usability of private secluded open spaces.
- ❖ Consider providing rainwater tanks underground.
- ❖ Consider providing alternative access ways for waste bins and bicycles that is separate from the main pedestrian entrance.
- ❖ Accommodate conveniently located mail boxes at 90 degrees to the main entrance which do not clutter the appearance of the development from the street.
- ❖ Where basement storage is provided it should be ensured that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations.
- ❖ A Waste Management plan with scaled drawings must be provided as part of a Planning Application for all medium to high density residential developments. Advice should be sought from Council's Waste Management department regarding specific requirements for waste services prior to lodgment.





Integrate ramp, carpark entry door and shading structure into the building design



Avoid placing air-conditioning units and clothes lines on balconies



Conceal hydrants, substation and other building services from view and integrate them into the overall design

	
Compliment the building with roof materials	Integrate skylights and ventilation systems into the roof design

1.8 Generous Landscaping

- A. Maximise space to retain existing trees and to plant new canopy trees.
- B. Include canopy trees in front and rear gardens.
- C. Include areas for landscaping along driveways to soften their appearance from the street.
- D. Make use of landscaping and canopy trees to reduce the visual impact of the building from the street and adjoining sites.
- E. Allow for the establishment of deep rooted trees and mature perimeter planting by providing adequate space between site boundaries and buildings, car parks, basement structures and along common driveways.
- F. Incorporate landscaping, particularly canopy trees, into the design of developments to provide privacy, shade, and contribution to a landscape character and positive amenity outcomes.
- G. Retain existing healthy canopy trees within front setback areas and nature strips where possible.
- H. Consider permeable ground surfaces that allow rainwater to penetrate the soil to support the healthy growth of trees, protect tree root zones, and reduce storm water run-off.
- I. Consider including green roofs and walls to improve sustainability and to soften the appearance of the large buildings.
- J. Use planting and landscaping treatments to;
 - ❖ Visually soften the bulk of large developments,
 - ❖ Screens cars, communal drying areas, swimming pools and courtyards of ground floor units.

	
Provide landscape along driveways to soften their appearance from the street	Incorporate landscaping, particularly canopy trees, into the design



Include green walls to improve sustainability and to soften the appearance

SCHEDULES C:

CLASSIFICATION AND TYPES OF LODGING FACILITIES

SCHEDULE C: CLASSIFICATION AND TYPES OF LODGING FACILITIES

TYPE	DEFINITION
<i>Bed & Breakfast</i>	<ul style="list-style-type: none"> i. A B&B is a private home in which guests can be accommodated at night in private bedrooms (which may or may not have private bathrooms) ii. The owner or manager lives in the house or on the property. The public areas of the house, such as kitchen and lounge have either limited access for guests, or are shared with the host family to some degree. iii. The business may be run as a secondary occupation. iv. Breakfast is included in the price (generally either continental or full-English). Other meals may be available by arrangement.
<i>Backpacker Hostel</i>	<ul style="list-style-type: none"> i. A hostel (or backpacker) establishment is aimed at the budget traveler and generally attracts a younger clientele. ii. Bedrooms are in a dormitory style (shared) and bathrooms are shared, although private bedrooms may be available. iii. Light meals may be available in addition to the room rate.
<i>Boutique Hotel</i>	<ul style="list-style-type: none"> i. A boutique hotel is a 5-star establishment providing all the features and facilities of a normal hotel, in a unique and exclusive style. ii. These properties are generally small, feature top class service and are marketed to the affluent. iii. Often accompanied by Health Hydro and Wellness Centre.
<i>Guest house</i>	<ul style="list-style-type: none"> ❖ A guesthouse is generally a private home, which has been converted for the dedicated and exclusive use of guest accommodation. ❖ The public areas of the establishment are for the exclusive use of the guests. The owner or manager either lives off-site, or in an entirely separate area within the property. ❖ A guesthouse offers a wider range of services than a B&B, and usually caters for all meals.
<i>Hotel</i>	<ul style="list-style-type: none"> ❖ A hotel is generally the largest of all accommodation types. ❖ Generally, more commercialized situated in modern building structures. ❖ There is typically a common reception area, and rooms generally open directly onto a hallway. ❖ The on-site restaurant and other facilities are more accessible to the public than the other accommodation types. ❖ A wide range of guest services is available, such as room service. ❖ Hotels are often members of larger hotel groups, and a similar accommodation experience may be available in different establishments within the group.
<i>Lodge</i>	<ul style="list-style-type: none"> ❖ A hotel-type accommodation facility, which is located and designed to optimize the feeling of being closely in touch with nature. ❖ The building style features natural materials and coloring such as wood, stone and thatch. ❖ An outdoor experience offered at the lodge, such as guided walks, game drive, fly-fishing, etc.

<i>Private Home</i>	<ul style="list-style-type: none"> ❖ A private home not dedicated for full time occupation of guests, but is a private house or apartment, which is temporarily available for rental, often during peak tourism seasons.
<i>Resort</i>	<ul style="list-style-type: none"> ❖ A spread out collection of single or double story accommodation units. ❖ Similar to a hotel in that it offers a wide range of facilities, however in a more natural environment. ❖ Units may be rented and available on time-share. ❖ A camping area may be included in the resort.
<i>Self-Catering</i>	<ul style="list-style-type: none"> ❖ A self-catering establishment may be primarily one of the other accommodation types, but also offers dedicated self-catering facilities. ❖ The unit should feature a fully equipped kitchen to cater for the maximum people to be accommodated (including fridge, stove, cutlery, crockery, cooking utensils, cleaning equipment). ❖ The kitchen should be for exclusive use of the guests, and not shared.

SCHEDULES D:

HEALTH CARE FACILITIES

SCHEDULES D: HEALTH CARE FACILITIES

FACILITIES	DETAILS
<i>Medical Consultation Rooms</i>	<p>These are generally privately owned and managed facilities, run by a single or multiple medical doctor(s) supplement. These facilities cannot accommodate patients and surgeries not performed (except for very small procedures). No overnight facilities are being provided.</p> <p>Standard: Demand / Supply based</p>
<i>Outreach Clinic</i>	<p>These are part-time clinics where health care personnel only visit on a specific day during the week. A community hall could be used as an outreach clinic.</p> <p>Standard: 1 Facility: 5,000 people</p>
<i>Clinic</i>	<p>Clinics are operated on a daily basis with mostly 1 doctor on cal. There are no theatre facilities for surgery. The following are also not provided: Intensive Care Unit (ICU), X-ray Facilities, Laboratory, Overnight Facilities, and an Emergency Ward.</p> <p>Standard: 1 Facility: 10,000 people</p>
<i>Public Health Care Units</i>	<p>These units are incorporated within hospitals or health centres and are responsible for maternal and child health care services, and therefor do not need their own demarcated sites.</p> <p>Standard: 1 Facility: 20,000 people</p>
<i>Health Centres</i>	<p>Polyclinics, small hospitals with 24-42 beds. They offer promotive, preventative and curative services including surgery (theatre). The following facilities are mostly provided: Intensive Care Unit (ICU), X-ray Facilities, Laboratories and an Emergency Ward.</p> <p>Standard: 1 Facility: 2 clinics</p>
<i>Specialists Hospitals</i>	<p>These hospitals provide specialist facilities such as Cardiovascular Hospitals etc. these types of hospitals are mostly found in big cities.</p>

<i>General Hospital</i>	<p>Hospitals offers promotive, preventative and curative services, including surgery. The following facilities are mostly provided: Intensive Care Unit (ICU). X-ray Facilities, Laboratories and an Emergency Ward. The standard is 42 and more beds.</p> <p>Standard: 1 Facility: 40, 000 people.</p>
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SCHEDULES E:

CLASSIFICATION AND TYPES OF INDUSTRIAL USES

SCHEDULES E: CLASSIFICATION AND TYPES OF INDUSTRIAL USES

The following provides a list of Noxious Industries – that are not permitted as part of the Service Industry District (I-1) or the Light Industry District (I-2) within the Malkerns Urban Area.

- i. The use of buildings or land for any of the following purposes:
 - a. Asbestos-processing;
 - b. The burning of building bricks;
 - c. Chromium-plating;
 - d. Cement production;
 - e. Carbonisation of coal in coke ovens;
 - f. Charcoal-burning; converting, reheating, annealing, hardening or carburizing, forging or casting of iron or other metals;
 - g. Crushing or screening of stone or slag or plants for the preparation of road-surfacing material;
 - h. Distilling, refining or blending of oils;
 - i. Galvanising;
 - j. Lime and dolomite-burning;
 - k. Lead-smelting;
 - l. Pickling and treatment of metal in acid;
 - m. Recovery of metal from scrap;
 - n. Smelting, calcining, sintering or other reduction of ores or minerals;
 - o. Salt glazing; and
 - p. Sintering of sulphur-bearing material and viscose works.
- ii. The use of buildings or land for the production of or the employment in any process of:
 1. Carbon bisulphide, cellulose lacquers, hot pitch or bitumen, pyridine, or pulverized fuel (except when used for a spray-painting trade);
 2. Cyanogen or its compounds;
 3. Liquid or gaseous Sulphur dioxide; and
 4. Sulphur chlorides or calcium carbide.
- iii. The use of buildings or land for the production of:
 1. Amyl acetate, aromatic esters, butyric, caramel, enameled wire, hexamine, iodoform, B-naphthol, salicylic acid, lamp-black, sulphurated organic compounds, sulphur dyes, glass, and resin products (except synthetic resins, plastic-moulding or extraction compositions and plastic sheet, tubes, filaments or optical components produced by casting, calendaring, moulding, shaping or extrusion);
 2. Paint or varnish manufacture (excluding mixing, milling and grinding);
 3. Rubber from scrap; and
 4. Ultra marine, zinc chloride and oxide.
- iv. For the purpose of:
 1. An abattoir;
 2. Animals bristle sterilizing and storing, and animal charcoal manufacture;

3. A bacon factory, a brewery or distillery, blood-distillery, blood-albumen making, blood-boiling, bone-boiling, steaming, burning, storing or grinding, breeding of maggots from putrescible matter;
4. Candle-making, catgut manufacture, boiling of chitterlings of pigs or other animals which are not subsidiary to a retail business or trade;
5. Dealing in rags or bones (including receiving, storing or manipulating of rags in, or likely to become in, an offensive condition, or nay bones, rabbit skins, fat or putrescible animal products of like nature);
6. Fellmongery, fat-melting or extracting, fish-curing (other than a subsidiary to the business or trade as a fishmonger), fish-skin dressing or scrapping, fish-canning;
7. Glue-making, gut-cleaning or scraping;
8. A knacker's yard;
9. Leather-dressing;
10. The making of meal for feeding poultry, dogs, cattle or other animals from any fish, blood, bone, fat or animal offal, either in an offensive condition or subjected to any process causing noxious or injurious effluvia, manufacturing ot storing of manure from bones, fish, fish offal, blood, spent hops, beans or other putrescible animal ir vegetable matter, manufacturing of malt;
11. Parchment-making, a paper mill;
12. Size-making, skin-drying, storing and curing, soap-boiling, a slaughter-house, a sugar-mill or refinery;
13. Tallow-melting or refining, tanning, tripe-boiling or cleaning;
14. Wool-scouring, wattle-bark grinding or extracting;
15. Yeast-making;
16. Taxidermist.

SCHEDULES F:

STATEMENT OF THE

ENVIRONMENT

(AGRICULTURE PRACTICES)

i. CROP FARMING

STATEMENT OF ENVIRONMENTAL EFFECTS		
In addition to compliance with these numerical standards it is also required that a comprehensive environmental statement be prepared for commercial crop farming as guided by the Environment Management Act 2002.		
Farm Management Plan	A Farm Management Plan is to be developed, implemented and submitted with the application. A suitably qualified person or agricultural consultant should prepare this document. This document should provide details of how the proposed development will address the following issues and be submitted in conjunction with the application.	
	Water	The applicant shall advise on the adequacy of the water supply to the property. Where mains water supply is not available to the site, the applicant will be required to demonstrate that an alternative water supply is of adequate quality for the intended purpose.
	Landscaping	All structures are to have screen landscaping in order to minimise visual impact. A landscaping buffer should be established around other uses outside crops. A landscaping plan will be required to be submitted with any application. Landscaping and grassed areas should be maintained in a neat manner.
	Waste Management	The farm management plan should specify the method by which wastes are to be disposed where applicable.
	Control of Pests and Vermin	The applicant will need to demonstrate that adequate vermin control will be carried out with a regular fly and pest control program.
	Transport	Details should be submitted to Board outlining the timing and manner of transport activities associated with the crop farming. Details submitted should include the frequency, times, routes and number and tonnage of crop deliveries and pick-ups.
	Dust Control	All areas of vehicular access are to be stabilised and treated in a manner to minimise dust nuisance caused by traffic generation. To eliminate dust as a nuisance, grass cover should be maintained and grown wherever practical and possible.
	Pesticides	The applicant should incorporate in any development application a schedule of all pesticides and other toxic chemicals likely to be stored and used upon the site. Also, the applicant should stipulate the purpose/s for which such chemicals are to be used, the manner of application and the extent of knowledge or experience that the person has had in using such chemicals and their acceptability by the environment authority.
	Odour Control	The applicant will need to demonstrate adequate odour control where applicable from crop processing waste storage and handling areas.
	Noise Control	The applicant should prepare a management plan entailing strategies to minimise noise nuisance produced on site.
	Fire Control	The applicant should prepare a management plan entailing strategies to minimize fire risks related to crop farming.

ii. LIVESTOCK

STATEMENT OF ENVIRONMENTAL EFFECTS

In addition to compliance with these numerical standards it is also required that a comprehensive environmental statement be prepared for commercial livestock farming as guided by the Environment Management Act 2002.

Farm Management Plan	A Farm Management Plan is to be developed, implemented and submitted with the application. A suitably qualified person or agricultural consultant should prepare this document. This document should provide details of how the proposed development will address the following issues and be submitted in conjunction with the application.	
	Water	The applicant shall advise on the adequacy of the water supply to the property. Where mains water supply is not available to the site, the applicant will be required to demonstrate that an alternative water supply is of adequate quality for the intended purpose.
	Landscaping	All structures are to have screen landscaping in order to minimise visual impact. A landscaping buffer should be established around the livestock sheds (where applicable). A landscaping plan will be required to be submitted with any application. Landscaping and grassed areas should be maintained in a neat manner.
	Waste Management	The farm management plan should specify the method by which wastes including dead animals are to be disposed.
	Control of Pests and Vermin	The applicant will need to demonstrate that adequate vermin control will be carried out with a regular fly and pest control program.
	Transport	Details should be submitted to Board outlining the timing and manner of transport activities associated with the livestock farming. Details submitted should include the frequency, times, routes and number of animals deliveries and pick-ups, feed deliveries and clean-outs.
	Dust Control	All areas of vehicular access are to be stabilised and treated in a manner to minimise dust nuisance caused by traffic generation. To eliminate dust as a nuisance, grass cover should be maintained and grown wherever practical and possible.
	Pesticides	The applicant should incorporate in any development application a schedule of all pesticides and other toxic chemicals likely to be stored and used upon the site. Also, the applicant should stipulate the purpose/s for which such chemicals are to be used, the manner of application and the extent of knowledge or experience that the person has had in using such chemicals and their acceptability by the environment authority.
	Odour Control	The applicant will need to demonstrate adequate odour control from livestock sheds, waste storage and handling areas.
	Noise Control	The applicant should prepare a management plan entailing strategies to minimise noise nuisance produced on site

iii. DAIRY FARMING

STATEMENT OF ENVIRONMENTAL EFFECTS

In addition to compliance with these numerical standards it is also required that a comprehensive environmental statement be prepared for commercial **dairy farming** as guided by the Environment Management Act 2002.

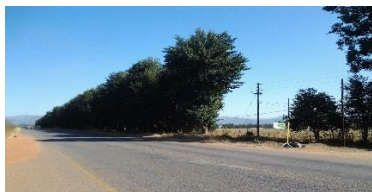
Farm Management Plan	A Farm Management Plan is to be developed, implemented and submitted with the application. A suitably qualified person or agricultural consultant should prepare this document. This document should provide details of how the proposed development will address the following issues and be submitted in conjunction with the application.	
	Water	The applicant shall advise on the adequacy of the water supply to the property. Where mains water supply is not available to the site, the applicant will be required to demonstrate that an alternative water supply is of adequate quality for the intended purpose.
	Landscaping	All structures are to have screen landscaping in order to minimise visual impact. A landscaping buffer should be established around other uses outside crops. A landscaping plan will be required to be submitted with any application. Landscaping and grassed areas should be maintained in a neat manner.
	Waste Management	The farm management plan should specify the method by which wastes are to be disposed where applicable.
	Control of Pests and Vermin	The applicant will need to demonstrate that adequate vermin control will be carried out with a regular fly and pest control program.
	Transport	Details should be submitted to Board outlining the timing and manner of transport activities associated with the dairy farming. Details submitted should include the frequency, times, routes and number and tonnage of milk, dairy products deliveries and pick-ups.
	Dust Control	All areas of vehicular access are to be stabilised and treated in a manner to minimise dust nuisance caused by traffic generation. To eliminate dust as a nuisance, grass cover should be maintained and grown wherever practical and possible.
	Pesticides	The applicant should incorporate in any development application a schedule of all pesticides and other toxic chemicals likely to be stored and used upon the site. Also, the applicant should stipulate the purpose/s for which such chemicals are to be used, the manner of application and the extent of knowledge or experience that the person has had in using such chemicals and their acceptability by the environment authority.
	Odour Control	The applicant will need to demonstrate adequate odour control where applicable from dairy processing, waste storage and handling areas.
	Noise Control	The applicant should prepare a management plan entailing strategies to minimise noise nuisance produced on site.
	Fire Control	The applicant should prepare a management plan entailing strategies to minimize fire or other risks related to dairy farming.

iv. POULTRY FARMING

STATEMENT OF ENVIRONMENTAL EFFECTS

In addition to compliance with these numerical standards it is also required that a comprehensive environmental statement be prepared for poultry farming as guided by the Environment Management Act 2002.

Farm Management Plan



A Farm Management Plan is to be developed, implemented and submitted with the application. A suitably qualified person or agricultural consultant should prepare this document. This document should provide details of how the proposed development will address the following issues and be submitted in conjunction with the application.

Water

The applicant shall advise on the adequacy of the water supply to the property. Where mains water supply is not available to the site, the applicant will be required to demonstrate that an alternative water supply is of adequate quality for the intended purpose.

Landscaping

All structures are to have screen landscaping in order to minimise visual impact. A landscaping buffer should be established around the poultry sheds. A landscaping plan will be required to be submitted with any application. Landscaping and grassed areas should be maintained in a neat manner.

Waste Management

The farm management plan should specify the method by which wastes including dead birds are to be disposed.

Control of Pests and Vermin

The applicant will need to demonstrate that adequate vermin control will be carried out with a regular fly and pest control program.

Transport

Details should be submitted to Board outlining the timing and manner of transport activities associated with the poultry farming. Details submitted should include the frequency, times, routes and number of bird deliveries and pick-ups, feed deliveries and clean-outs and gas deliveries.

Dust Control

All areas of vehicular access are to be stabilised and treated in a manner to minimise dust nuisance caused by traffic generation. To eliminate dust as a nuisance, grass cover should be maintained and grown wherever practical and possible.

Pesticides

The applicant should incorporate in any development application a schedule of all pesticides and other toxic chemicals likely to be stored and used upon the site. Also, the applicant should stipulate the purpose/s for which such chemicals are to be used, the manner of application and the extent of knowledge or experience that the person has had in using such chemicals and their acceptability by the environment authority.

Odour Control

The applicant will need to demonstrate adequate odour control from poultry sheds, waste storage and handling areas. Fans on tunnel ventilated sheds should be directed up rather than down.

Noise Control

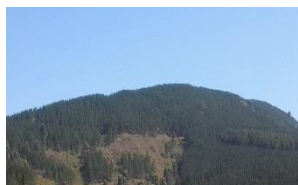
The applicant should prepare a management plan entailing strategies to minimise noise nuisance produced on site

V. FORESTRY

STATEMENT OF ENVIRONMENTAL EFFECTS

In addition to compliance with these numerical standards it is also required that a comprehensive environmental statement be prepared for commercial forestry as guided by the Environment Management Act 2002.

Farm Management Plan



A Farm Management Plan is to be developed, implemented and submitted with the application. A suitably qualified person or agricultural consultant should prepare this document. This document should provide details of how the proposed development will address the following issues and be submitted in conjunction with the application.

Water	The applicant shall advise on the effects of forestry plantation on water sources, agriculture and remedial action.
Landscaping	All structures are to have screen landscaping in order to minimise visual impact. A landscaping buffer should be established around other uses outside forestry. A landscaping plan will be required to be submitted with any application. Landscaping and grassed areas should be maintained in a neat manner where applicable.
Waste Management	The farm management plan should specify the method by which wastes are to be disposed where applicable.
Control of Pests and Vermin	The applicant will need to demonstrate that adequate vermin control will be carried out with a regular fly and pest control program.
Transport	Details should be submitted to Board outlining the timing and manner of transport activities associated with the forestry. Details submitted should include the frequency, times, routes and number and tonnage of trees deliveries and pick-ups.
Dust Control	All areas of vehicular access are to be stabilised and treated in a manner to minimise dust nuisance caused by traffic generation. To eliminate dust as a nuisance, grass cover should be maintained and grown wherever practical and possible.
Pesticides	The applicant should incorporate in any development application a schedule of all pesticides and other toxic chemicals likely to be stored and used upon the site. Also, the applicant should stipulate the purpose/s for which such chemicals are to be used, the manner of application and the extent of knowledge or experience that the person has had in using such chemicals and their acceptability by the environment authority.
Odour Control	The applicant will need to demonstrate adequate odour control where applicable from trees processing waste storage and handling areas.
Noise Control	The applicant should prepare a management plan entailing strategies to minimise noise nuisance produced on site.
Fire Control	The applicant should prepare a management plan entailing strategies to minimize fire risks related to forestry.

SCHEDULES G:

AGRICULTURAL GUIDELINES