



Sale of the Main Municipal Office Building Erf 989, Swakopmund

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**Closing date and time for submission of bids:
Friday, 30 September 2011 @ 08:00**

① Notice

MUNICIPALITY OF SWAKOPMUND

TENDER INVITATION

**SALE OF MAIN MUNICIPAL OFFICE BUILDING
ERF 989, SWAKOPMUND**

Notice is hereby given in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, as amended that the Municipal Council of Swakopmund offers the under-mentioned property for sale by means of a tender.

| property offered | zoning | Size m ² | upset price |
|------------------------|--|---------------------|----------------|
| Erf 989, Swakopmund | "Local Authority" to be rezoned to "General Business" | 2 147m | N\$ 20 100 000 |

The Bid Form, Conditions of Sale, as well as a site plan can be obtained from the Municipality at Room 28 or 31, First Floor, Main Municipal Office Building; or can be downloaded from www.swkmun.com.na

The duly completed Bid Form in an envelope, clearly marked with the name of the bidder and stating **"Offer for Erf 989, Swk"**, must be placed in the Quotation Box on the First Floor in front of Room 29, Main Municipal Office Building in Daniël Tjongarero Avenue, Swakopmund, on / before Friday, **30 September 2011** at **08:00**.
Only bids on municipal bid forms will be accepted.

Enquiries:

Ms S Bruwer ☎ 064-4104219 ✉ sbruwer@swkmun.com.na
Ms M Ipinge ☎ 064-4104211 ✉ maiipinge@swkmun.com.na

The Council for the Municipality of Swakopmund is not obliged to accept the lowest, or in fact, any tender received in respect of Erf 989, Swakopmund

NOTICE NO: 37/2011

**E U W DEMASIUS
CEO**

② **PROPERTY DESCRIPTION**

The Main Municipal Office Building, situated on the corner of Daniel Tjongarero Avenue and Tobias Hainyeko Street was constructed during 1906 and 1907.

The property is located in the Central Business Area and falls within the proclaimed Conservation Area.

Any external renovations, new colour schemes, elemental additions and changes of the facadal material of buildings in the Conservation Area must be submitted to the Aesthetics Committee. The only exception is additions which are not visible from the street and do not affect the integrity of buildings older than 50 years.

Should the new owner intend to demolish the building, detailed design lay-out plans must be submitted to the Aesthetics Committee for consideration; whereafter final approval must be obtained from the Heritage Council. If approved by the Heritage Council, the said council will issue approval for demolition.

The procedures of the Aesthetics Committee is attached as point ⑦.

The improvement is a large double storey building consisting of offices, receptions, boardrooms, storerooms, kitchens, ablutions and garages. The improvements are in an acceptable condition.

③ **TENDER PROCEDURE**

(a) **Submission of Bids**

Prospective tenderers must submit a municipal bid form (attached as point ⑥) in an envelope, clearly marked with the name of the bidder and stating “**Offer for Erf 989, Swk**” by placing same in the quotation box on the first floor in front of Room 29, Main Municipal Office Building in Daniel Tjongarero Avenue, Swakopmund.

The upset price of the property is **N\$20 100 000.00**, bids for less will be disqualified.

(b) **Closing Date and Time**

The closing date and time is Friday, **30 September 2011** at **08:00**. No late submissions will be accepted and only bids on the municipal bid form will be considered.

All bids will be removed from the quotation box at 08:00 and will be opened in the Council Chambers soon thereafter (approximately 08:10). The bidders must be present or can be seated in the Council Chambers.

(c) **Opening of Bids**

(i) Bidders are advised that attendance at the opening of the closed bids on Friday, **30 September 2011** soon after 08:00 in the Council Chambers, Main Municipal Office Building, is compulsory. If personal attendance is not possible, a proxy can be appointed to attend the proceedings.

If no representation is present the bid will be disqualified.

(ii) The successful bidder must sign the Declaration by the Purchaser before leaving the premises where the tenders are opened. Please have your Namibian identity card or any other form of identity document at hand if not a Namibian citizen; as well as a written power of attorney / proxy (if required).

(iii) **Nominees** The purchaser will not be given the opportunity to nominate a nominee, therefore all prospective purchasers have to ensure that the Bid Form is completed in the personal name / name of the entity into which the property will be transferred. **No changes to the name will be considered.**

(d) **Payment of Deposit**

A refundable deposit in the sum of **N\$5 000.00** is payable by the successful bidder on / before Friday, **07 October 2011** (cash before 15h00 at the Cashiers / electronic at 23h59), which amount will be forfeited should the transaction be cancelled for any reason. Should the deposit not be paid on / before **Friday, 07 October 2011** the transaction will be cancelled without the need for the Municipal Council to place the purchaser on terms. **The erf will then be offered for sale to the second highest bidder.**

(e) **Signing of the Deed of Sale**

As soon as possible after the allocation of the bid, the Municipality of Swakopmund's standard Deed of Sale will be drawn and forwarded to the purchaser. The purchaser must sign and return the Deed of Sale to the Municipality of Swakopmund within 21 days as from date of written request thereto. Failure to do so shall entitle (but not oblige) the Municipality to cancel the sale of the property, in which event all and any payments made to the Municipality on account of the sale shall be forfeited in favour of the Municipality.

④ **GENERAL CONDITIONS OF SALE**

(a) The conditions of the Municipality of Swakopmund's **Standard Deed of Sale, Property Policy**, as well as the **Conditions of Establishment** are applicable to this transaction.

Should the purchaser not fulfil any or all of the conditions required in terms of the bid form, the Municipality of Swakopmund reserves the right to cancel the transaction without the need to place the purchaser on terms.

(b) **Date of Sale**

The date of sale is the closing date of the tender invitations, i.e. Friday, **30 September 2011**, and for the purpose of rates and taxes the purchase price will be taken as provisional valuation, if necessary.

(c) **Minimum Building Value**

Not applicable as the property is improved.

(d) **Building Period**

Not applicable as the property is improved.

(e) **Method of Payment**

PLEASE NOTE: *Notwithstanding the method of payment as set-out below, the purchaser may only take possession of the property once the purchase price is secured and the building has been vacated and the administration relocated to the new municipal office complex.*

Cash or formal written bank guarantee. The purchase price + 15% VAT for the erf sold by means of this closed bid shall be paid on / before Tuesday, **31 January 2012** (cash at 15:00 at the Cashiers/electronic at 23:59).

Municipal Bank Details: Bank Windhoek
Account # 1042788135 T
Branch Code 481772
Swakopmund Branch
BW.LINANX

Proof of payment must be faxed to ☎ 088 614 514 for the attention of Ms S Bruwer / Ms M lipinge, (please state the erf number of the property on the proof of payment).

Cash

Should the purchase price + 15% VAT not be received at the Municipal Head Office or reflect on Council's bank account (in the case of a direct deposit) on / before Tuesday, **31 January 2012** (cash before 15h00 at the Cashiers / electronic at 23h59), the transaction will be cancelled, without the need for the Municipal Council to place the purchaser on terms.

Bank Guarantee

Should the purchaser elect to provide a guarantee, such guarantee should be provided to the Property Section of the Municipal Council of Swakopmund on / before **Monday, 31 October 2011** and must make provision for the purchase price + 15% VAT and interest in case the transfer of the property in the name of the purchaser takes place after Tuesday, **31 January 2012**.

Interest will be levied at the prime rate (to be confirmed with Council's bank on 30 September 2011) on the full purchase price as from 30 September 2011 until date of transfer and receipt of the full purchase price by the Municipal Council of Swakopmund, should the transfer be registered after Tuesday, **31 January 2012**, both dates included.

Wording of the bank guarantee is quoted for convenience:

*Guarantee to be issued in favour of the Municipal Council of Swakopmund (for credit: PURCHASER) for payment of the amount of N\$... PURCHASE PRICE (in words) + 15% VAT (in words) at Swakopmund on date of registration of the above transaction, provided, that if the transaction is registered after **31 January 2012**, the said amount of N\$... PURCHASE PRICE (in words) shall attract interest at the rate of ...% (to be confirmed with Council's bank on 30 September 2011) per annum as from **30 September 2011** to date of payment, both dates included.*

No negotiations will be entered into after the bids have been opened and bidders are cautioned to make adequate provision with their financial institutions prior to the proceedings, as no other arrangement will be accepted as these indicated herein.

| | |
|---------------------|---|
| Cancellation | Should the full purchase price + 15% VAT not reflect on Council's bank account on / before Tuesday, 31 January 2012 (cash before 15h00 at the Cashiers / electronic at 23h59), the transaction will be cancelled, without the need for the Municipal Council to place the purchaser on terms. The erf will then be offered for sale to the second highest bidder. |
|---------------------|---|

That in cases where the applicable deposit has been paid and the sale is cancelled for whatever reason by the purchaser, all moneys paid to the Municipality of Swakopmund shall be forfeited and the transaction be cancelled.

2. **SPECIAL CONDITIONS:**

- (a) The property is being sold "**Voetstoots**" and in the condition in which it presently is or shall be (excluding furniture, equipment and removable fixtures) at the date of sale (**30 September 2011**). Please take note that the Municipality of Swakopmund shall not accept any responsibility for any upgrading work to the said property.
- (b) The purchaser is responsible to attend to the rezoning of Erf 989, Swakopmund to "*general business*" for his / her account (no betterment fee will be levied as the upset price was determined assuming a zoning of "*general business*"). The rezoning process will be completed in 2012.
- (c) Please note that Erf 989, Swakopmund is located within the conservation area as set out in Government Gazette No 3688 of 1 September 2006. The improvements thereon are older than fifty (50) years as set out in Government Gazette No 4022 of 01 April 2008.

Quoted from the **Government Gazette No 4022 of 1 April 2008:**

| | |
|---|------|
| No 79 | 2008 |
| PROHIBITION OF DEMOLITION OF CERTAIN BUILDINGS IN A CONSERVATION AREA : NATIONAL HERITAGE ACT, 2004 | |
| Under section 54 (11) of the National Heritage Act, 2004 (Act No. 27 of 2004), the National Heritage Council prohibits the demolition of any building which is 50 or more years situated within a conservation area declared as such in General Notice No 260 of September 2006 without the written consent of the Council. | |

For more information regarding the procedures to following for any alterations / renovation, please refer to ⑦ **Swakopmund's Conservation Area and Procedures of the Aesthetics Committee**

⑤ Locality Map





⑥ Bid Form

**Erf 989, Swakopmund,
%o Daniël Tjongarero Avenue and Tobias Hainyeko Street**

Entity:represented by
 Name & Surname:
 Date of Birth: ID Number:
 Postal Address:
 Residential Address:
 Telephone #: (w) (h)()

THIS BID IS SUBJECT TO COUNCIL'S STANDARD CONDITIONS OF SALE.

Please note the following:

- ① **Bid Amount** : Your bid should not be less than the upset price for the relevant erf as indicated in ⑤ below. Any offer less than the stated upset price will be disqualified.
- ② **Opening of Bids** : Bidders are advised to attend the opening of the closed bids on Friday, **30 September 2011** at approximately **08h10** in the Council Chambers, Main Municipal Office Building, or appoint a proxy to attend the proceedings. If no representation is present the bid will be disqualified.
- ③ **Payment** **Cash or formal written bank guarantee.** The purchase price + 15% VAT for the erf sold by means of this closed bid shall be paid in full on/before Tuesday, **31 January 2012** (cash before 15h00 at the Cashiers / electronic at 23h59).
- CASH:** Should the purchase price + 15% VAT not be received at the Municipal Head Office or reflect on Council's bank account (on / before Tuesday, **31 January 2012** (cash before 15h00 at the Cashiers / electronic at 23h59), the transaction will be cancelled, without the need for the Municipal Council to place the purchaser on terms.
- BANK GUARANTEE:** Should the purchaser elect to provide a guarantee, such guarantee should be provided to the Property Section of the Municipal Council of Swakopmund on / before **Monday, 31 October 2011** and must make provision for the purchase price + 15% VAT and interest in case the transfer of the property in the name of the purchaser takes place after Tuesday, **31 January 2012**.
Interest will be levied at the prime rate (to be confirmed with Council's bank on 30 September 2011) on the full purchase price as from 30 September 2011 until date of transfer and receipt of the full purchase price by the Municipal Council of Swakopmund, should the transfer be registered after 31 January 2012, both dates included.
- Cancellation:** Should the full purchase price + 15% VAT not reflect on Council's bank account on/before Tuesday, **31 January 2012** (cash before 15h00 at the Cashiers / electronic at 23h59), the transaction will be cancelled, without the need for the Municipal Council to place the purchaser on terms. **The erf will then be offered for sale to the second highest bidder.**
- ④ **Deadlock** : In the event that a deadlock arises, i.e two or more bidders offer the same price for the property, the deadlocked bidders will immediately be given an opportunity to bid against one another by means of written offers. The highest bid will be accepted.

| Erf # | Size in M² | Upset Price | Offered Amount (15% VAT excluded) | Signature |
|-------------|------------|----------------|--------------------------------------|-----------|
| ⑤ Erf 989,S | 2 147 | N\$ 20 100 000 | N\$ | |

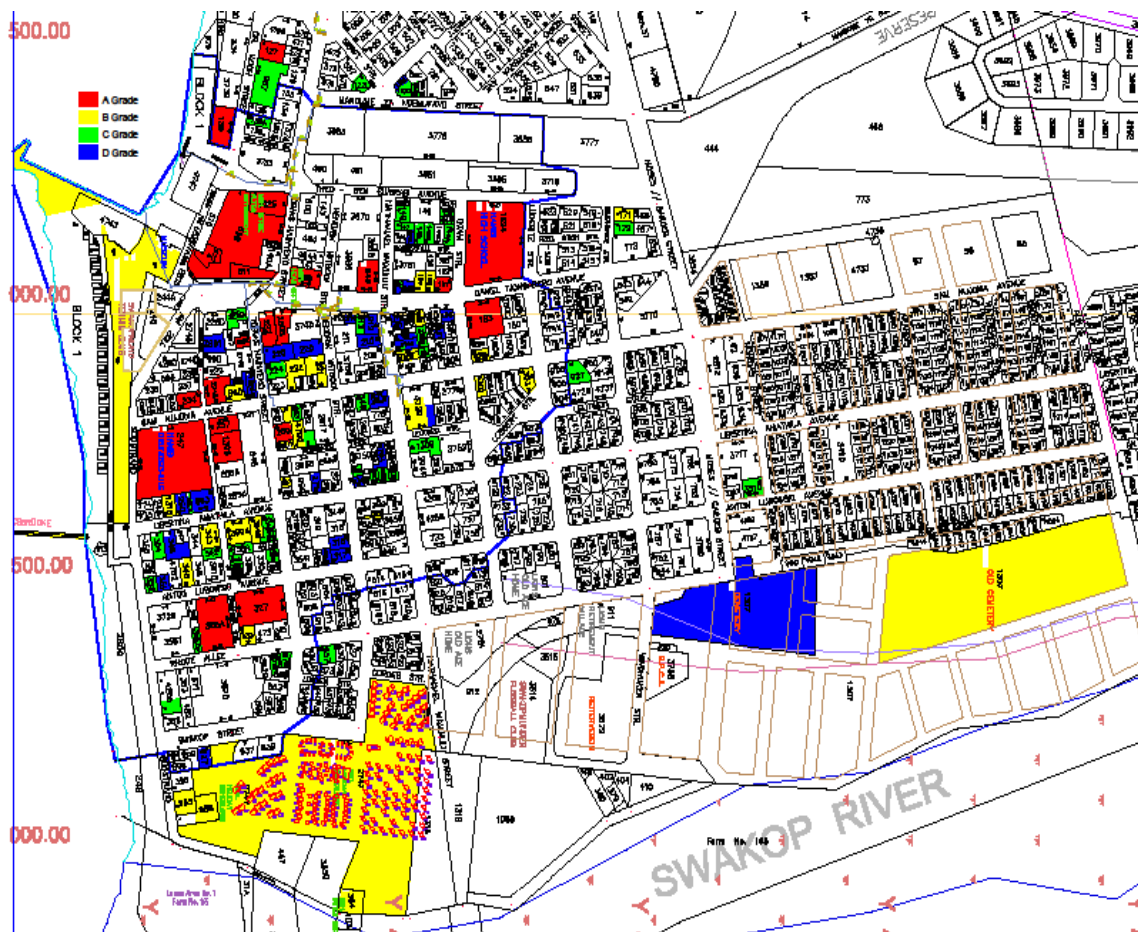
**N
B**

Your bid in a sealed envelope clearly marked with the name of the bidder and stating **"Offer for Erf 989, Swk"**, must be placed in the Quotation Box on the First Floor in front of Room 29, Main Municipal Office Building in Daniël Tjongarero Avenue, Swakopmund, on/before Friday, 30 September 2011 at 08h00. **No late bids will be accepted.**

⑦ **Swakopmund's Conservation Area and Procedures of the Aesthetics Committee**

SWAKOPMUND'S CONSERVATION AREA

The Swakopmund Municipality established an Aesthetics Committee in terms of the National Heritage Act. As Swakopmund is the only town in Namibia with a proclaimed Conservation Area, this committee has the responsibility to scrutinize and evaluate applications for changes to, additions to existing buildings as well as the erection of new buildings within not only the Conservation Area of Swakopmund, but also in sensitive cases outside the Conservation Area of Swakopmund. Factors to be considered by the committee are appropriate visual setting i.e. bulk, form, scale, height, character, colour, texture and materials.



Section 54(1) of the National Heritage Act. 2004 (Act No 27 of 2004) declares the area of which the geographic boundaries are set out in the Schedule to be a conservation area on the grounds in that subsection. (As per Government Gazette 1 September 2006 No. 3688, No. 260, 2006)

“From the point where the southwestern boundary of erf 979 meets the Atlantic Ocean in a generally southerly direction along that coast including the Mole Head up to a point parallel to the southern boundary of Swakop Street, thence eastwards up to the north-western corner of Erf 397, thence southwards along the western boundary of erven 397 and 396, thence eastwards along the southern boundaries of erven 396 to 638, thence in a northeasterly direction along the eastern boundaries of Erf 638 across Swakop Street to the southeastern corner of erf 442, thence in a northeasterly direction along the eastern boundaries of erven 442 and 441 across Linden Street along the eastern boundaries of erven 432 and 431, thence across Rhode Allee continuing in a northern and northeastern direction along the eastern boundary of Erf 609 and the southern boundaries of erven 608, 604, 605, 606 across Hendrik Witbooi Street along the southern boundaries of erven 614 and 615, thence across Nathanael Maxuillili Street along the southern boundaries of erven 808, 809, 811 and 812, thence along the eastern boundary of Erf 812 across Anton Lubowski Avenue in a generally easterly direction to the southeastern boundary of Erf 731, thence in a northerly direction along the eastern boundaries of erven 731, 732 and 721 across Libertine Amathila Avenue along the eastern boundary of Erf 680, thence in an easterly direction along the southern boundaries of erven 681 and 681, thence in a northeasterly direction across Leutwein Street along the southern boundary of Erf 904 thence in a northerly direction along the eastern boundaries of erven 904, 905 and 906, thence across Sam Nujoma Avenue in a northerly direction along the eastern boundaries of 179/1, 179/2, 179/3 and 179/4, thence in a northwesterly direction across Daniel Tjongarero Avenue to the southeastern boundary of Erf 1624, thence along the eastern boundary of that Erf, thence in a northeasterly direction across Theo-Ben Gurirab avenue to the southeastern boundary of Erf 3718, thence along the eastern boundary of the Erf and Erf 3656, thence in a westerly direction along the northern boundary of Erf 133 to the point where it meets the eastern boundary of Erf 957, thence from that point in a southerly direction along the eastern boundaries of erven 957 and 135, thence in a westerly direction along the southern boundary of Erf 135 across Ludwig Koch Street to the Northern most point of Erf 139 thence along the eastern, southern and western boundaries of Erf 139 and continuing along the western boundary of Erf 3739 up to and along the southern boundary of Erf 979 to the point of where it meets the Atlantic Ocean.”

The objective is to protect the existing character of the town and to ensure that such developments within this area enhance the built environment and create harmony amongst existing buildings and that they will not negatively affect the Conservation Area. Special attention will be given to proposed changes to listed buildings.

All applications within the Conservation Area of Swakopmund must be considered by the Aesthetics Committee, except additions which are not visible from the street and do not affect the integrity of buildings older than 50 years.

Any external renovations, new colour schemes, elemental additions and changes of facadal material in the Conservation Area must also be submitted to the Aesthetics Committee.

Approved aesthetical plans will lapse after 12 months from the date of such approval, if construction has not commenced.

In terms of the Architect's Act, 1979 (Act 13 of 1979) Part 3, section 18, only plans from Architects registered with the Namibia Council for Architects and Quantity Surveyors, and the Namibia Institute of Architects will be considered for approval, for buildings in excess of 500m², Industrial Buildings excluded.

That any aesthetical submission, which was approved may not be altered or modified after the approval, whether it be by way of structural elements, in appearance or by colour scheme, or other decorative change. If alterations become necessary these must be submitted for aesthetical approval prior to any of these alterations being carried out on site.

That according to the Architect's Act, in terms of submissions from Architectural Technicians, only submissions which are smaller than 500m² in area, and buildings not considered to be public buildings may be considered for approval, as the Act clearly enumerates all buildings on which an Architectural Technician may not submit or carry out work.

That any building 50 years old or older which require to be demolished for new developments within the conservation area be submitted to Council for aesthetical approval, together with plans for the required new development as stipulated in the National Heritage Act.

That projects outside the Conservation Area with a floor area larger than 800m² also be submitted to Council for aesthetical approval, Industrial Buildings within the Industrial Area excluded.

1. The applicant must submit a detailed written application to the Secretary of the Aesthetic Committee. (See below for requirements for such applications).
2. The application, if complete and if it meets the submission requirements, will be registered.
3. The application will be scrutinized by the Planner: Town and Special Projects for adherence to the Town Planning Scheme.
4. Applications that do not meet the requirements of the Town Planning Scheme will be returned to the applicant.
5. Qualifying applications will be submitted to and be evaluated by the Aesthetics Committee of the Swakopmund Municipality.
6. Should an application not be approved by the Aesthetics Committee it will be returned to the applicant with comments on the identified shortcomings that have to be addressed before a re-evaluation.
7. Should an application be approved it will be forwarded to the applicant for submission to the National Heritage Council for consideration.
8. Should the National Heritage Council approve such application, they will date stamp and return same to the applicant.

9. Thereafter the drawings approved by Swakopmund Municipality's Aesthetics Committee and the National Heritage Council will be submitted to the Swakopmund Municipality's Engineering Department who will submit the application to the Management Committee of the Swakopmund Municipality for consideration and recommendation to the Municipal Council of Swakopmund where applicable.
10. Should same be approved by the Municipal Council of Swakopmund, the applicant will be informed accordingly, where after he/she may proceed to submit building plans to the Building Control section of the department of Engineering Services for approval in terms of the Town Planning Scheme and the Building Regulations.

It is important that prior to the submission of an application, architects confirm with the office of the General Manager: Engineering Services what the requirements of the Town Planning Scheme and the Building Regulations are in order to ensure that a submission complies with both. Applications not complying will not be evaluated.

It is also important to note that under no circumstances may the sequence of the above process be deviated from for example where an application is first submitted to the Heritage Council of Namibia before and only then submitted for evaluation by the Municipality of Swakopmund.

In such cases the process will be repeated and valuable time will be lost.

Submissions for consideration must meet the following requirements:

1. Written letter motivating the project.
2. Location Plan showing the position of the erf in town.
3. Site plan with building lines and erf boundary dimensions, also showing new and existing structures.
4. Plans of all floors of the building/s.
5. Colour + rendered elevations of all sides of the building/s (also "back" elevations)
6. A section through the building showing all relevant heights especially overall heights to roof tops + towers.
7. Artist's impression of the building showing the building in context with its neighbouring buildings.
8. Digital Photograph/s of the site before any demolitions, or new work has taken place.
9. Electronic copy of the complete application for e-mail distribution, with a total file size of no more than 1Mb.

Submissions to be e-mailed to swkmun@swkmun.com.na

Enquiries: Andrew v/d Westhuizen : Town Planner
Tel.: 4104248 or e-mail avanderwesthuizen@swkmun.com.na
Annalize Swart : Secretary : Aesthetics Committee
Tel: 4104327 or e-mail: aswart@swkmun.com.na

HISTORICAL BUILDINGS**GSw 5.2.1**

| | | |
|--------------------------------|---|---------------------------|
| DISTRICT | G Sw | |
| TOWN | Swakopmund | |
| STREET | Post Str. 12 - 16 | |
| NAME OF BLDG. / FARM | Stadtverwaltung | |
| ERF / PLOT NO. | 989 | |
| SIZE | 20/18 | |
| TYPE | Post offices, public and post official flats | |
| PERIOD | 4f | |
| ARCHITECT / BUILDER | Gouvernement - Wi (Techn. Meyer) (Gebr. Bause) Bauverwaltung | |
| ERECTED | 1906 - 1907 | |
| DOCUMENTS | State Archives | |
| DESCRIPTION | | CONDITION good |
| FOUNDATION | natural stone | |
| WALLS | brickwork plastered | |
| ROOF | asbestos cement slate | |
| WINDOWS | wood, partly original some new & | replaced |
| DOORS & GATES | wood original | |
| FLOORS INSIDE | G.F. Concrete, F.F. Wood | |
| WALLS INSIDE | plastered | |
| CEILINGS | plastered | |
| STEPS & STAIRCASES | wood original (details see photographs) | |
| ACHITECTURAL PART. | iron gate in GF passage, stained | glass windows in staircas |
| OUTBUILDINGS | | |
| RELATIONSHIP TO ENVIRONMENT | | |
| PROTECTION PROPOSED | <div> <div>GRADE</div> <div>98</div> <div>A</div> </div> | |

HISTORICAL BUILDINGS

REFERENCE NO.

GSw 5.2.
APPENDIX NO. 1

ADDRESS OF
PRESENT OWNER

Municipality of SW
P O Box 53
Swakopmund

| Evaluation Criteria | | E | VG | G | F/P |
|--------------------------------------|-------------------------------|---------------|---------------|--------------|-----|
| A. ARCHITECTURAL QUALITY | | Max 35 | | | |
| 1. Style | 4f rich | 25 | 12 | 6 | 0 |
| 2. Construction | double storey | 15 | 8 | 4 | 0 |
| 3. Age | 1906/07 | 10 | 5 | 2 | 0 |
| 4. Architect | Kais. Gouv. Bauverw. | 8 | 4 | 2 | 0 |
| B. HISTORICAL ASSOCIATION | | Max 20 | | | |
| 5. Person / group | Kais.Gouv./Reichspost | 20 | 10 | 5 | 0 |
| 6. Event | early special services | 20 | 10 | 5 | 0 |
| 7. Context | Post | 10 | 5 | 2 | 0 |
| C. ENVIRONMENTAL CONTRIBUTION | | Max 20 | | | |
| 8. Landmark / exposure | important street corner | 15 | 8 | 4 | 0 |
| 9. Continuity | Post Street/Admin. Complex | 10 | 5 | 2 | 0 |
| 10. Setting (immediate) | could be improved arch. | 10 | 5 | 2 | 0 |
| D. USABILITY | | Max 15 | | | |
| 11. Compatibility | | 10 | 5 | 3 | 0 |
| 12. Adaptability | | 10 | 5 | 3 | 0 |
| E. INTEGRITY | | Max 10 | | | |
| 13. Alterations | minor (windows main entrance) | 5 | 3 | 2 | 0 |
| 14. Condition | | 5 | 3 | 2 | 0 |
| TOTAL SCORE | | | | | |

NOTES

EVALUATED BY Edda Schoedder

DATE February 1986

APPROVED BY Klaus Brandt

DATE 16 February 1986

⑨ **Requirements in terms of Town Planning Amendment Scheme 12**

D. GENERAL BUSINESS

1. Colour Notation: Blue fill

Primary Uses: Shops, Office Buildings, Parking Garages, Licensed Hotels, Block of Flats, Residential Buildings,

Consent Uses: Service Stations, Service Industry, Place of Assembly, Place of Amusement, Institutional Buildings, Drive Inn Cafés, Funeral Parlours and Chapels, Warehouses, Liquor Stores, Pensions, Bed and Breakfast, Launderettes, Dry Cleaners

2. Land Use Restrictions

2.1 Coverage

In this zone the coverage shall not exceed the following percentages:

| | |
|---|-----|
| Blocks of flats | 70% |
| Licensed hotels, Pensions and Residential Buildings | 70% |
| Shops, Offices | 85% |
| Office Buildings | 85% |
| Institutional Buildings | 70% |
| Parking garages | 85% |
| Service stations, service industries and warehouses | 70% |

2.2 Bulk

No building shall be erected, altered or extended so as to exceed the bulk applicable for that type of building provided that the total bulk factor for the erf shall not exceed 2.0.

| | |
|--|------|
| Blocks of flats above the ground floor | 1,20 |
| Licensed hotels and residential buildings | 1,20 |
| Shops, offices | 2,00 |
| Office Buildings | 2,00 |
| Places of instruction, places of public worship and places of assembly | 1,00 |
| Institutional buildings, service stations and light industrial Buildings | 1,00 |
| Parking garage | 2,00 |

2.3 Height control

No building in this zone shall be erected so as to exceed a height of 13 metres.

Provided that: (i) a height relaxation up to a maximum building height of 16 metres may be permitted with special consent of the Council.

- (ii) except for architectural features, no height relaxation be permitted within the conservation area.

2.4 Building lines

(a) Street boundary

- (i) All buildings, except service stations, may be erected on the street boundary.
- (ii) Residential units on ground level must be set back at least 3 metres.

(b) Side boundaries

- (i) Buildings may be erected on the side Boundary.

Side boundaries for service stations will be according to Clause 10 of this Scheme.

(c) Rear boundaries

- (i) 3 metres from any rear boundary;

(d) Basements

Where a basement is below ground level the building line requirements need not be complied.

- (e) Notwithstanding the provisions of sub-paragraph (a), (b) and (c) above the Council may subject to any conditions it may deem necessary, relax the building line restrictions.
- (f) With the consent of the Council or the Competent Authority a building (with opening windows overlooking the neighbouring property) can be erected on a common border with a Public Open Space.

2.5 Projections

- (a) In this zone projections over streets and building lines, excluding advertising signs approved by the Council in accordance with the provisions of any other law, shall be limited to minor architectural features and one cantilevered open canopy which may be erected to within 0,5 metres of the pavement edge or 2,5 metres from the front of the building whichever dimension is the lesser, provided that no portion of any projection shall be less than 2,5 metres above the pavement level and there shall be no access from the buildings to the canopy.
- (b) The following conditions, excluding advertising signs and cantilever slab projections approved by the Council in accordance with the provisions of any other law, shall apply to all to other projections over building lines applicable in this zone:
 - (i) Projections shall not protrude more than 1 metres over the street boundary;
 - (ii) balconies may extend in length up to 60% of the total length of the façade (per floor) from which they project if no other projections are planned for that façade;

- (iii) each separate bay window shall not exceed 3 metres in length;
- (iv) balconies shall only be enclosed by a dwarf wall, railing or similar structure not exceeding 1,5 metres in height above the floor level of the balcony, and
- (v) any projection, roof or hood over the balcony shall be cantilevered.

2.6 Provision for on-site parking

- (a) Except where specified elsewhere in the scheme, when a building is to be erected on a site the owner thereof shall construct and maintain, at his own expense and to the satisfaction of the Council, parking spaces on the site as set out in Table D1:

TABLE D1: Provision of Parking

| | |
|--|--|
| Residential buildings | 1 per dwelling unit |
| Hotels Pension & Bed & Breakfast | 1 per 50m ² of floor area A minimum of 2 plus 1.5 per room |
| Shops and Offices | 1 per 33,33m ² of floor area, or as arranged with Council according to Clause 8:D/7/2 |
| Places of Public Worship and Places of Instruction | 1 parking bay per 10 seats or 10 members Min: 15 bays for funeral chapels; 8 bays for other uses |
| Institutional | 1 per 2 beds or as determined by Council |
| Service Stations | At least one parking bay per 50 m ² of the total floor area provided that the parking bays be clearly indicated for visitors. |
| All other uses | 1 per 33,33m ² of floor area |

The parking requirements, subject to the specified use zoning, shall be calculated as set out in column (2) of Table D1 and that the number of parking bays thus obtained, shall be rounded off to the nearest integer.

- (b) The access to and the position and dimensions of a parking place shall conform to the requirements of the Council.
- (c) The Council may relax the requirements of sub-clause (a) and (b) if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result.
- (d) The site to be provided for parking in terms of this clause shall not be used for the purpose of exhibition, sale, repair or maintenance of vehicles or for any purpose other than the parking of vehicles.

2.7 Non-Conforming Uses on Premises

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

2.8. Erection of Blocks of Flats and Residential Buildings

Except with the special consent of the Council blocks of flats and residential buildings other than a licensed hotel in this zone may only be erected above the ground floor.

2.9 Additional access provisions

- (a) the vehicular access and exit ways to and from the premises of a service station or public garage shall, where they cross the road boundary, be more than 10 m wide, and a wall at least 100 mm thick and 200 mm high shall be erected on the erf boundary between the points of access and exit. The wall shall be continued along such boundary unless the premises are otherwise enclosed. The vehicular access and exit ways to and from motor vehicle fuel pumps shall be restricted to one each for every continuous stretch of frontage of 30 m which the premises whereon such pumps are erected have on the boundary of a public street or public road.
- (b) In an urban area the vehicular access and exit ways to and from the premises of a service station or public garage, where they cross the road boundary, shall:
 - (i) be not less than 30 m from the point nearest to where a declared road, proclaimed road or prospective main road intersects any other road of a like status, or the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;
 - (ii) be not less than 1,5 m from the side boundary of the premises, or
 - (iii) in the case of an intersection other than one referred to in paragraph (i), if the corner of the intersection is not splayed, be not less than 10 m from such corner, or if the corner at the intersection is splayed, be not less than 10 m from such corner or 5 m from the point where the line of splay meets the road boundary, whichever is the greater distance from the corner.

2.10. Additional enclosure provisions

- (a) Any part of the premises of a service station or public garage which is used for the storage of disused motor vehicles or parts of motor vehicles, empty containers such as oil drums and packing cases, or any other scrap whatsoever, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least 2 m high, be enclosed with a suitable brick or concrete screen wall at least 2 m high.
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