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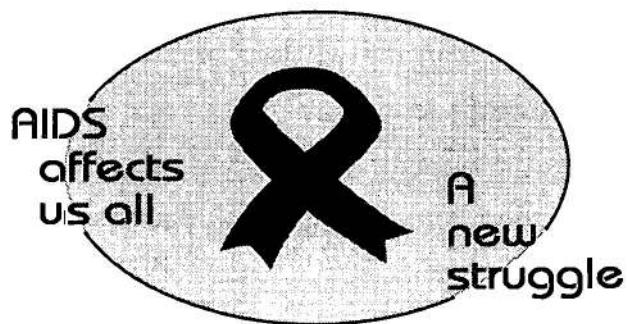
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## GOVERNMENT NOTICE

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### DEPARTMENT OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY

No. 1276

22 October 1999

#### BY-LAWS CONCERNING THE PARKTOWN RIDGE CONSERVATION AREA, DESIGNATED IN TERMS OF GOVERNMENT NOTICE NO. 855, AS PUBLISHED IN *GOVERNMENT GAZETTE* NO. 13182, DATED 26 APRIL 1991

In terms of Section 18(1) of the National Monuments Act, 1969 (Act No. 28 of 1969), the National Monuments Council has, with the approval of the Minister of Arts, Culture, Science and Technology, made the by-laws contained in the following Annexure.

#### ANNEXURE

##### 1. OBJECTIVE

- 1.1 The objective of these by-laws is the protection, maintenance and enhancement of the aesthetic and historical significance of the Parktown Ridge Conservation Area (hereinafter referred to as the Conservation Area).
- 1.2 The Conservation Area is defined as the site bordered by the eastern boundary of Jan Smuts Avenue, starting from the intersection with the northern boundary of Eton Road; thence in a northerly direction as far as the intersection of Jan Smuts Avenue with the boundary between Parktown and Forest Town, as far as its intersection with the western boundary of Oxford Road and the M.1 (Sir De Villiers Graaff) Motorway until its intersection with the northern boundary of Eton Road; thence in a westerly direction along the northern boundary of Eton Road to the starting point, being the intersection of Jan Smuts Avenue with Eton Road.
- 1.3 These by-laws may only be repealed, amended or added to after consultation with the owners of property within the Conservation Area and the Conservation Area Advisory Committee (a committee to be appointed by the National Monuments Council and hereinafter referred to as the CAAC), and

with the consent of the local authority: Provided that where the local authority fails to approve or reject any representations made to it within a period of 60 days from the receipt of the notice from the National Monuments Council (hereinafter referred to as the NMC), the changes will be deemed to have been approved by the local authority.

## **2. BUILDING WORK, CONSTRUCTION WORK, CHANGE OF USE AND SUBDIVISION**

### **2.1 In the Conservation Area no person or body shall –**

- a) alter the external appearance of or demolish any existing building;
- b) erect, alter or remove any fence, wall, gate or barrier;
- c) remove or damage any mature tree, hedgerow or natural feature;
- d) install any burglar-proofing, air-conditioning, solar collector, skylight, awning, pergola or fire escape that will be visible from a public street, public area or adjoining building; and
- e) pave or resurface any area with materials different from those already in use without the special consent of the CAAC.

2.2 Any new building/s shall be of the materials, scale and proportions laid down by the Arts and Crafts Movement as exemplified by Sir Herbert Baker in the Parktown Ridge Conservation Area, except where special permission has been obtained from the NMC.

2.3 No person shall erect or display or permit to be erected or displayed any advertising sign or hoarding on any erf, boundary wall or fence, road reserve or street furniture, except in the case of:

2.3.1 Properties zoned for residential/institutional or educational use, in which case the following shall be permitted:

- i) One sign only, not exceeding 300 mm by 210 mm, on each street boundary of an erf, indicating the existence of a security system or burglar alarm, or the presence of a block watch or neighborhood watch on that erf.
- ii) One sign only at each intersection, facing incoming traffic, giving notice of the existence of a block or neighborhood watch within that area.
- iii) Directional signs erected or displayed in connection with the sale of residential property or the contents thereof. Such signs shall not be displayed for more than 36 hours.

2.3.2 Properties zoned for business purposes, in which case the following shall be permitted:

- i) One sign only per street front, not exceeding four square metres and located not more than 1,5 metres above pavement level, giving the name of the building or major tenant. The lettering on the sign shall not exceed 200 mm in height: Provided that a corporate logo or capital letters shall not exceed 500 mm in height.
- ii) One sign only, affixed to a building, giving the name of the building. The lettering on the sign shall not exceed 450 mm in height and the length of the line of lettering shall not exceed six metres. If there is more than one line of lettering, then the overall area of the entire sign shall not exceed eight square metres.

- iii) Temporary hoardings advertising the names of architects and contractors, as well as premises for rental, shall be permitted during construction work and for three months thereafter.
- iv) Temporary hoardings advertising space to let shall be permitted only where the space available constitutes not less than one-third of the nett floor area, and shall be subject to constraints regarding the siting and display period as required by the CAAC.
- v) No sky signs or internally lit signs shall be permitted.

2.3.3 Temporary signage required by the local authority in the exercise of its functions may be erected without reference to the CAAC.

- 2.4 In the Conservation Area no person or body shall subdivide any area of land, or change the land use of any area of land or building, without prior consultation with the CAAC, which consultation shall be to the satisfaction of the local authority.
- 2.5 No building which is higher than 6,5 m shall be permitted, unless special consent is obtained from the CAAC and special approval is obtained from both the local authority and the NMC.
- 2.6 In respect of property bordering The Valley Road, no new roof shall project above the topographical ridge, and the apex of any new roof shall be not less than 3,5 m below the lowest point of the ridge on that erf. Sight lines shall be taken from the median point of the closest road reserve, both north and south of the property concerned.
- 2.7 The local authority shall consult the NMC prior to the approval or rejection of any planning application.

- 2.8 In case of an appeal against a decision of the local authority, the Townships Board shall consult the NMC before upholding or rejecting the appeal.

### **3. PUBLIC WORKS**

No person or authority shall install street furniture or construct landscape features in public areas without consultation with the NMC.

### **4. MAINTENANCE**

- 4.1 The consent of the CAAC is not required for –

- a) routine maintenance which does not affect the external appearance of a building or structure; or
- b) repairs or the replacement of materials, using materials identical to those removed; or
- c) the maintenance, repair or upgrading of services supplied by the local authority.

- 4.2 The local authority shall have control over the road reserves at all times: Provided that it shall consult with the NMC in the event of any road improvements that may be necessary.

### **5. SPECIAL CONSENT PROCEDURE**

- 5.1 The Parktown Ridge Conservation Area Advisory Committee may –

- a) give special consent or refuse such consent concerning all applications in terms of subsections 2.1 and 2.3 of these by-laws; and
- b) consult with any person or body in terms of subsection 2.4 of these by-laws.

The NMC shall also prescribe rules and procedures regarding the membership of such a Committee. At least two members of the CAAC shall be nominated by the owners of property within the conservation area at a special meeting called for that purpose. Such committee members shall serve for a period of not more than two years, but shall be eligible for nomination for further terms of office.

- 5.2 The local authority may require any applicant to furnish evidence to the satisfaction of the local authority that the building work, construction work, subdivision or change of use contemplated in the application will not be in conflict with the objects of these by-laws, having regard generally to the character of the area and the street in which the site is situated, as well as the approved land use and types of buildings in the vicinity and the particular locality of the site.
- 5.3 An applicant, being either an owner or the local authority, may request an interview with the CAAC.
- 5.4 The CAAC shall issue a special consent in respect of any application in terms of subsections 2.1 and 2.3 of these by-laws, subject to such conditions as may be specified in the consent.
- 5.5 The CAAC shall not issue a special consent in respect of building work or construction work if it will be detrimental to the protection and/or maintenance of the aesthetic, historical or scientific significance, as the case may be, of the area in which the work is proposed.

## 6. APPEALS

- 6.1 Where the CAAC has rejected an application or granted special consent subject to conditions, the applicant may appeal against such decision to the NMC, which may, after consultation with the local authority, confirm such decision or direct the CAAC to grant the application subject to such conditions as the NMC may determine.
  
- 6.2 Any person who considers that the CAAC has granted special consent in contravention of subsection 5.5 of these by-laws may appeal within seven (7) days of the date of issue of such special consent to the NMC, which may, after consultation with the local authority, confirm such special consent or revoke such special consent and direct the CAAC to issue a special consent subject to such conditions as the NMC may determine.

## GOEWERMENTSKENNISGEWING

### DEPARTEMENT VAN KUNS, KULTUUR, WETENSKAP EN TEGNOLOGIE

No. 1276

22 Oktober 1999

**ORDONNANSIES BETREFFENDE DIE PARKTOWN RIDGE BEWARINGS-  
GEBIED, AANGEWYS INGEVOLGE GOEWERMENTSKENNISGEWING NO. 855,  
SOOS GEПUBLISEER IN STAATSKOERANT NO. 13182, GEDATEER 26 APRIL  
1991**

Ingevolge artikel 18(1) van die Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969), het die Raad vir Nasionale Gedenkwaardighede, met die goedkeuring van die Minister van Kuns, Kultuur, Wetenskap en Tegnologie, die ordonnansies in the volgende Aanhangsel uitgevaardig.

### AANHANGSEL

#### 1. OOGMERK

- 1.1 Die oogmerk van hierdie ordonnansies is die beskerming, handhawing en verbetering van die estetiese en geskiedkundige betekenis van die Parktown Ridge Bewaringsgebied (hierna die Bewaringsgebied genoem).
- 1.2 Die Bewaringsgebied word omskryf as die terrein begrens deur die oostelike grenslyn van Jan Smutslaan, beginnende vanaf die kruising met die noordelike grenslyn van Etonweg; daarvandaan noordwaarts tot by Jan Smutslaan se kruising met die grenslyn tussen Parktown en Forest Town tot by sy kruising met Oxfordweg; daarvandaan in 'n suid-westelike rigting langs die westelike grenslyn van Oxfordweg en die M.1 (Sir De Villiers Graaff)-Snelweg tot by sy kruising met die noordelike grenslyn van Etonweg; daarvandaan in 'n westelike rigting langs die noordelike grenslyn van Etonweg tot by die beginpunt, synde die kruising van Jan Smutslaan met Etonweg.
- 1.3 Hierdie ordonnansie mag herroep of gewysig word, en daar mag by hulle bygevoeg word, slegs na oorleg met die eiennaars van die eiendom binne die

Bewaringsgebied en met die Bewaringsgebied-advieskomitee ('n komitee wat deur die Raad vir Nasionale Gedenkwaardighede aangestel sal word en wat hierna die CAAC genoem word), en met die instemming van die plaaslike owerheid versuim om enige vertoë wat tot hom gerig word, binne 'n tydperk van 60 dae vanaf ontvangs van die kennisgewing van die Raad vir Nasionale Gedenkwaardighede (hierna die RNG genoem) goed of af te keur, die plaaslike owerheid geag sal word die veranderinge goed te gekeur het.

## **2. BOUWERK, KONSTRUKSIEWERK, VERANDERING VAN GEBRUIK EN ONDERVERDELING**

2.1 In die Bewaringsgebied mag geen persoon of liggaam –

- (a) die uitwendige voorkoms van 'n bestaande gebou verander of so 'n gebou afbreek nie;
- (b) enige heining, muur, hek of versperring oprig, verander of verwijder nie;
- (c) enige volwasse boom, geplante heining of natuurlike terreinvorm verwijder of beskadig nie;
- (d) enige diefwering, lugversorging, sonkragversamelaar, dakvenster, sonkap, prieel of brandtrap installeer wat van 'n openbare straat, openbare gebied of aangrensende gebou sal sigbaar wees nie; en
- (e) sonder die spesiale toestemming van die CAAC enige oppervlak plavei of herbedek met materiale wat anders is as dié wat reeds in gebruik is nie.

2.2 Enige nuwe gebou(e) moet gebou word met die materiale en volgens die skaal en proporsies neergelê deur die *Arts and Crafts*-beweging, waarvan die

werk van Sir Herbert Baker in die Parktown Ridge Bewaringsgebied as voorbeeld dien, behalwe waar spesiale vergunning van die RNG verkry is.

2.3 Geen persoon mag enige advertensieplakkaat of reclamebord op enige erf, grensmuur of heining, padreserwe of straatmeublement oprig of vertoon, of toelaat dat dit daar opgerig of vertoon word nie, behalwe in die geval van –

2.3.1 Eiendomme gesoneer vir residensiële/inrigtings- of opvoekundige gebruik, in welke geval die volgende toegelaat word:

- i) Slegs een teken, hoogstens 300 mm by 210 mm, op elke straatgrens van 'n erf, wat die bestaan van 'n sekuriteitstelsel of diefalarm of die teenwoordigheid van 'n blokwag of buurtwag op daardie erf aankondig.
- ii) Slegs een teken by elke kruising; aan die kant van die inkomende verkeer, wat kennis gee van die bestaan van 'n blokwag of buurtwag in daardie gebied.
- iii) Rigtingwysers opgerig of vertoon in verband met die verkoop van residensiële eiendom of van die inhoud daarvan. Sulke tekens mag nie vir langer as 36 uur vertoon word nie.

2.3.2 Eiendomme gesoneer vir besigheidsdoeleindes, in welke geval die volgende toegelaat word:

- i) Slegs een teken per straatfront, nie groter nie as vier vierkante meter en nie hoër geleë nie as 1,5 meter bo sypadjievlek, wat die naam van die gebou of hoofhuurder aangee. Die letterwerk op die teken moet nie hoër as 200 mm wees nie: Met dien verstande dat 'n korporatiewe kenteken of hoofletters nie hoër as 500 mm mag wees nie.
- ii) Slegs een teken, aan 'n gebou vasgemaak, wat die naam van die gebou aangee. Die letterwerk op die teken mag nie hoër as 450 mm

wees nie en die reël letterwerk moet hoogstens ses meter lank wees. Indien daar meer as een reël letterwerk is, mag die algehele oppervlak van die hele teken hoogstens agt vierkante meter wees.

- iii) Tydelike reclameborde wat die name van argitekte en kontrakteurs, asook persele te huur, adverteer, word toegelaat gedurende konstruksiewerk en vir drie maande daarna.
- iv) Tydelike reclameborde wat ruimte te huur adverteer, word toegelaat slegs waar die ruimte wat beskikbaar is, nie minder nie as een derde van die netto vloeroppervlake uitmaak, en is onderworpe aan beperkings betreffende waar dit geplaas word en vir watter tydperk dit vertoon word, soos deur die CAAC vereis.
- v) Geen tekens in die lug of tekens wat van binne verlig word, word toegelaat nie.

2.3.3 Tydelike kentekens wat in die uitvoer van sy werksaamhede deur die plaaslike owerheid vereis word, kan sonder raadpleging van die CAAC opgerig word.

2.4 In die Bewaringsgebied mag geen persoon of liggaam enige stuk grond onderverdeel of die grondgebruik van enige stuk grond of gebou verander nie sonder om eers met die CAAC oorleg te pleeg, welke oorlegpleging tot tevredenheid van die plaaslike owerheid moet wees.

2.5 Geen gebou wat hoër as 6,5 m is, word toegelaat nie, tensy spesiale toestemming van die CAAC, en spesiale goedkeuring van sowel die plaaslike owerheid as die RNG, verkry word.

2.6 Betreffende eiendom aangrensend aan The Valley Road mag geen nuwe dak bo die topografiese rif uitsteek nie en moet die spits van enige nuwe dak minstens 3,5 m laer as die laagste punt van die rif op daardie erf wees.

Visierlyne moet geneem word vanaf die middelpunt van die naaste padreserwe, noord sowel as suid van die betrokke eiendom.

- 2.7 Die plaaslike owerheid moet die RNG raadpleeg voordat enige beplanningsaansoek goed- of afgekeur word.
- 2.8 In die geval van 'n appèl teen 'n besluit van die plaaslike owerheid moet die Dorpsraad die RNG raadpleeg voordat hy die appèl handhaaf of verwerp.

### **3. OPENBARE WERKE**

Geen persoon of owerheid mag sonder oorleg met die RNG in openbare gebiede straatmeublement installeer of terreinvorm aanlê nie.

### **4. INSTANDHOUDING**

- 4.1 Die instemming van die CAAC word nie vereis nie vir –
  - (a) roetine instandhouding wat nie die uitwendige voorkoms van 'n gebou of struktuur raak nie;
  - (b) herstelwerk met, of vervanging van materiale deur, materiale identies aan dié wat verwijder word; of
  - (c) die instandhouding, herstel of opgradering van dienste wat deur die plaaslike owerheid gelewer word.
- 4.2 Die plaaslike owerheid het te alle tye beheer oor die padreserwes: Met dien verstande dat hy met die RNG moet oorleg pleeg in die geval van enige padverbeteringe wat nodig kan wees.

## 5. PROSEDURE VIR SPESIALE TOESTEMMING

- 5.1 Die Parktown Ridge Bewaringsgebied-advieskomitee kan –
- spesiale toestemming verleen of sodanige toestemming weier betreffende alle aansoeke ingevolge subartikels 2.1 en 2.3 van hierdie ordonnansies; en
  - met enige persoon of liggaam ingevolge subartikel 2.4 van hierdie ordonnansies oorleg pleeg.

Die RNG moet ook reëls en procedures aangaande die lidmaatskap van so 'n Komitee voorskryf. Minstens twee lede van die CAAC moet by 'n spesiale vergadering wat vir hierdie doel saamgeroep is, deur die eienaars van eindom binne die bewaringsgebied genomineer word. Sodanige komiteelede moet vir 'n tydperk van hoogstens twee jaar dien, maar kan vir verdere ampstermyne genomineer word.

- 5.2 Die plaaslike owerheid kan van enige aansoeker vereis om bewyse te lewer wat die plaaslike owerheid daarvan sal oortuig dat die bouwerk, konstruksiewerk, onderverdeling of verandering van gebruik wat in die aansoek bedoel word, nie met die oogmerke van hierdie ordonnansies strydig sal wees nie, met inagneming, oor die algemeen, van die karakter van die straat waar die terrein geleë is, asook van die goedgekeurde grondgebruik en tipes geboue in die omgewing en die besondere ligging van die terrein.
- 5.3 'n Aansoeker, hetsy 'n eienaar of die plaaslike owerheid, kan 'n onderhoud met die CAAC aanvra.
- 5.4 Die CAAC reik betreffende enige aansoek ingevolge subartikel 2.1 en 2.3 van hierdie ordonnansies 'n spesiale toestemming uit, onderworpe aan sodanige voorwaardes as wat in die toestemming gespesifiseer kan word.

- 5.5 Die CAAC reik nie betreffende bouwerk of konstruksiewerk 'n spesiale toestemming uit nie indien hierdie werk nadelig sal wees vir die beskerming en/of handhawing van die estetiese, geskiedkundige of wetenskaplike betekenis, na gelang van die geval, van die gebied waarin die werk beoog word.

## 6. APPÈLLE

- 6.1 Waar die CAAC 'n aansoek verwerp het of spesiale toestemming onderworpe aan voorwaardes verleen het, kan die aansoeker by die RNG teen sodanige besluit appelleer; na oorleg met die plaaslike owerheid kan die RNG sodanige besluit bevestig of die CAAC gelas om die aansoek toe te staan onderworpe aan die voorwaardes wat die RNG kan bepaal.
- 6.2 Enige persoon wat van mening is dat die CAAC in stryd met subartikel 5.5 van hierdie ordonnansies spesiale toestemming verleen het, mag binne sewe (7) dae vanaf die datum van uitreiking van sodanige spesiale toestemming by die RNG appèl aanteken, en die RNG kan, na oorleg met die plaaslike owerheid, sodanige spesiale toestemming bevestig of sodanige spesiale toestemming terugtrek en die CAAC gelas om 'n spesiale toestemming uit te reik onderworpe aan die voorwaardes wat die RNG kan bepaal.

## XITIVISO XA MFUMO

### HUVO YA VUTSHILA, NDHAVUKO, SAYENSE NI THEKINOLOJI

No. 1276

22 October 1999

**SWINAWANA MAYELANA NI XIVANDLA XA NHLAYISO XA PARKTOWN RIDGE, LEXI HLAWURIWEKE KU YA HI XITIVISO XA MFUMO XA NO. 855, TANI HILAH XI KANDZIYISIWEKE XISWONA EKA GAZETE YA MFUMO YA NO. 13182, YA TI 26 DZIVAMUSOKO 1991.**

Hi ku ya hi xiyenge xa 18(1) xa Nawu wa switsundzuxo swa tiko, wa 1969 (Nawu wa No. 28 wa 1969), Huvo ya switsundzuxo swa tiko, hi mpfumelelo wa holobye wa vutshila, ndhavuko, sayense ni thekinoloji, yi endlile swinawana swo engetela leswi landzelaka.

### ENGETELO

#### 1. NKONGOMEOLO

- 1.1 Nkongomelo wa swinawana leswi i ku sirhelela, ku hlayisa ni ku yisa emahlweni nsasekiso ni matimu ya Xivandla xa Nhlayiso xa Parktown Ridge (ku sukela sweswi laha xi ta vuriwa Xivandla xa Nhlayiso).
  
- 1.2 Xivandla lexi xa Nhlayiso xi hlamuseriwa xi ri ndhawu leyi tsemiweke hi le vuxeni bya ndzelekano wa Jan Smuts Avenue, ku sukela laha yi nghenelelanaka kona ni ndzelekano wa n'walungu wa patu ra Eton; ku kongoma en'walungu ku fika eka nghenelelano wa Jan Smuts Avenue ni ndzelekano exikarhi ka Parktown na Forest Town, ku fika eka nghenelelano wa ndzelekano wa le vuxeni wa patu ra Oxford ni ra M1 (Sir De Villiers Graaf) ra mimovha ku fika eka nghenelelano ni ndzelekano wa n'walungu wa patu ra Eton ku ya emasungulweni, lama ku nga nghenelelano wa Jan Smuts Avenue na patu ra Eton.

1.3 Swinawana leswi swi nga susiwa, hundzuluxiwa kumbe ku tatisiwa ntsena endzhaku ka ku burisana ni vinyi va nhundu leyi nga eka Xivandla xa Nhlayo ni va komiti ya ntsundzuxo ya Xivandla xa Nhlayo (komiti leyi nga ta hlawuriwa hi Huvo ya Switsundzuxo swa Tiko leyi ku sukela sweswi yi nga ta vuriwa CAAC), xikan'we ni hi mpfumelelo wa mfumo wa le kusuhi: Loko mfumo wa le kusuhi wo tsandzeka ku hlamula hi ndlela yo amukela kumbe ku ala leswi yisiweke hi ntlawa wa vayimeri vo karhi, leswi yisiweke ku ringana masiku yo ringana 60 ku sukela siku ra ku amukeriwa ka xitiviso xo huma eka Huvo ya Switsundzuxo swa Tiko (leyi ku sukela sweswi yi nga ta vuriwa NMC), swi ta tekiwa xikan'we leswaku ku cinca loku yisiweke ku amukeriwile hi mfumo wa le kusuhi.

## **MINTIRHO YA VUAKO, NCINCO WA MATIRHISELO NI AVANYISO**

2.1 Eka Xivandla lexi xa Nhlayo a ku na munhu loyi a pfumeleriwaka ku-

- a) hundzuluxa xiyimo xa le handle kumbe ku mbundzumuxa muako wihi kumbe wihi;
- b) ku dzima, cinca kumbe ku susa darata, khumbi, heke kumbe rihlampfu;
- c) ku susa kumbe ku dlaya murhi lowu tiyeke, rihlampfu kumbe xivumbeko xa ntumbuluko;
- d) ku nghenisa nsivela-vugevenga, xiringaniselo xa mahiselo ya moyo, xihlengeleta-dyambu (solar collector), fasitere ra le Iwangwini (skylight), "awning", "pergola" kumbe xibaleka-ndzilo (fire escape) lexi nga vonakaka ku sukela epatwini ra vanhu kumbe muako lowu nga kusuhi; ni ku

e) semendhela xivandla xihi kumbe xihi hi swo hambana ni leswi a swi tirhisiwile eku sunguleni ku nga ri ni mpfumelelo wo huma eka CAAC.

2.2 Muako wun'wana ni wun'wana lowuntshwa wu ta akiwa hi ku tirhisa swiako, mimpimo ni ndzinganiso leswi vekiweke hi Nhlangano wa swa Vutshila ni swa mintirho ya swa Mavoko (Arts and Crafts Movement) tani hilaha swi kombisiweke hakona hi Nkulukumba Herbert Baker eka Xivandla xa Nhlayiso xa Parktown Ridge, handle ka loko ku kumiwe mpfumelelo eka va NMC.

2.3 Ku nga tshuki ku vekeriwile bodo ya xinavetiso erihlampfini kumbe edarateni kumbe eka fanichara ya le tlhelo ka patu ya Xivandla lexi xa Nhlayiso handle ka loko:

2.3.1 Ku ri minchumu leyi fambelanaka ni swa xikolo kumbe vutshamo bya laha Xivandleni lexi laha na kona ku nga ta pfumeleriwa leswi landzelaka ntsena:

- (i) Sayini yin'we ntsena, leyi nga tluliki 300mm hi 210mm, eka ndzelekano wa xitarata xin'wana ni xin'wana xa Xivandla lexi, sayini leyi yi ri leyi tivisaka vukona bya ndlela ya vusirheleli kumbe xitivisa mhangu leswi nga kona eka ndhawu yoleyo.
- (ii) Sayini leyi yi fanele yi va yi ri yin'we laha switarata swi nghenelelanaka kona naswona yi vekiwe yi languta tlhelo leri mimovha yi taka hi kona.
- (iii) Tisayini to tivisa leti nga dzimiwaka kumbe ku vekeriwa leti kombisaka kumbe leti letelaka mayelana ni ku xavisiwa ka minchumu kumbe nhundu yo karhi exivandleni lexi. Tisayini leti a ti fanelanga ku vekeriwa nkarhi wo tlula 36 wa tiawara.

2.3.2 Minchumu leyi fambelanaka ni swa mabindzu, laha ku nga ta pfumeleriwa leswi landzelaka ntsena:

- (i) Sayini yin'we ntsena emahlweni ka xitarata, leyi nga hundziki mune wa swikwere mitara naswona yi nga lehi ku tlula 1,5 wa timitara ku sukela emasungulweni ya xitupu xa patu lexi yi vekiweke eka xona yi karhi yi kombisa vito ra muako kumbe vito ra mutshami. Marito lama tsariweke a ma fanelanga ku tlula 200 wa timilimitara hi ku leha: Loko ku ri logo kumbe maletere lamakulu, leswi tirhisiweke swona a swi fanelanga ku tlula 500 wa timilimitara hi ku leha.
- (ii) Sayini yin'we ntsena eka muako wun'wana ni wun'wana, yi karhi yi kombisa vito ra muako lowu. Maletere lama tirhisiweke eka sayini leyi a ma fanelanga ku tlula 450 wa timilimitara hi ku leha naswona ku leha ka layini ya maletere lawa ku nga tluli tsevu wa timitara. Loko ku ri tilayini to tlula yin'we sayini hinkwayo yi nga tluli nhungu wa swikwere mitara.
- (iii) Tibodo ta navetiso ta nkarhinyana to navetisa mavito ya vaaki ni kontiraka, xikan'we ni ndhawu yo hirisa swi ta pfumeleriwa hi nkarhi lowu ku nga ku akiweni ni ku ringana tin'hweti tinharhu ntsena endzhaku ka loko ku hetiwile ku aka.
- (iv) Tibodo ta navetiso ta nkarhinyana to navetisa ndhawu yo hirisa ti ta pfumeleriwa ntsena loko ehansi ka ndhawu ya kona leyi navetisiwaka ku tlula xin'we xa nharhu hi ku kula naswona ku ta landzeleriwa swilaveko swa va ka CAAC swa maakelo ni ku leha ka nkarhi wa nkombiso ni maakelo.

(v) Tisayini ta le mpfhukeni kumbe leti nga ni timboni ta le ndzeni a ti pfumeleriwi.

2.3.3 Tisayini ta nkarhinya ti nga vekeriwa hi mfumo wa le kusuhi loko 'ku ri hi xikongomelo xo yisa ntirho wa wona emahlweni handle ko burisana ni va ka CAAC.

2.4 Eka Xivandla xa Nhlayiso a ku na munhu kumbe nhlangano wo karhi lowu pfumeleriwaka ku ava ndhawu ya Xivandla lexi, kumbe ku cinca ntirho wa yin'wana ya swiphemu eXivandleni lexi kumbe ku cinca ntirho wa wun'wana wa miako eka Xivandla lexi handle ko rhanga ku burisaniwa ni va ka CAAC, laha hinkwaswo leswi bohiwaka swi nga ta va leswi amukelekaka eka mfumo wa le kusuhi.

2.5 A ku pfumeleriwi miako leyi leheke ku tlula 6,5 wa timitara. Leswi swi nga pfumeleleka ntsena endzhaku ka mpfumelelo hi ya ka CAAC hi ku pfumelelana ni mfumo wa le kusuhi xikan'we ni NMC.

2.6 Mayelana ni miako leyi nga eka ndzelekano wa The Valley Road, a ku pfumeleriwi Iwangu leri hundzaka "topographical ridge", naswona ehenhla ka Iwangu rin'wana ni rin'wana lerintshwa ku fanele ku va ku tlula 3,5 wa timitara ku pima hi le hansi –hansi ka "ridge" eka ndhawu yoleyo. Tilayini ta patu (sight lines) ti ta tekiwa ku sukela exikarhi ka patu ro hlawuleka leri nga kusuhi ngopfu, mathelo hinkwawo ya n'walungu ni le dzongeni bya miako leyi khumbekaka.

2.7 Mfumo wa le kusuhi wu fanele ku burisana ni NMC wu nga se nyika mpfumelelo kumbe ku ala swikombelo swa pulani yin'wana ni yin'wana.

2.8 Loko ko tshuka ku vile ni xirilo xo karhi mayelana ni leswi bohiweke hi mfumo wa le kusuhi, Bodo ya swidorobana (Townships Board) yi ta burisana na NMC yi nga si seketela kumbe ku kaneta xirilo lexi.

### 3. MINTIRHO YA TIKO

A ku pfumeleriwi munhu kumbe mfumo wo karhi ku vekela fanichara ya le patwini kumbe ku akelela nkanghala handle ko burisana ni NMC.

### 4. NHLAYISO

4.1 A ku laveki mpfumelelo hi CAAC ku endla leswi landzelaka-

- (a) Ku hlayisa ka ndhawu siku na siku loku nga vangiki ku cinca ka xiyimo xa miako kumbe ndhawu; kumbe
- (b) Ku lunghisa ni ku siva nhundu leyi onhakeke hi leyi fanaka na yona; kumbe
- (c) Ku hlayisa, ku lunghisa kumbe ku antswisa mintirho leyi endliwaka hi mfumo wa le kusuhi.

4.2 Mfumo wa le kusuhi wu fanele ku lawula mapatu yo hlawuleka hi minkarhi hinkwayo: Loko mfumo wa le kusuhi wu lava ku endla swo karhi ku antswisa patu wu fanele wu sungula wu burisana ni NMC.

## 5. MAENDLELO YO NYIKA MPFUMELELO EKA SWIKOMBELO SWO HLAWULEKA

5.1 Komiti yo tsundzuxa ya Xivandla xa Nhlayiso xa Parktown Ridge yi nga-

- (a) Nyika kumbe ku tsona mpfumelelo mayelana ni swikombelo hinkwaswo hi ku ya hi swiyenge-ntsongo swa 2.1 na 2.3 swa swinawana leswi; ni ku
- (b) burisana ni munhu kumbe nhlangano wun'wana ni wun'wana ku ya hi xiyenge-ntsongo xa 2.4 xa swinawana leswi.

NMC yi ta longoloxa milawu ni maendlelo mayelana ni vuxirho bya komiti ley. Swirho swo ringana swimbirhi swa CAAC swi ta hlawuriwa hi vinyi va ndhawu leyi welaka eka Xivandla xa Nhlayiso eka nhlenegetano yo hlawuleka leyi nga ta va yi langutise timhaka ta nhlawulo ntsena. Swirho leswi nga ta hlawuriwa a swi pfumeleriwi ku tirha ku tlula malembe mambirhi kambe swi nga ha hlawuriwa nakambe ku ya emahlweni ni ntirho endzhaku ka malembe mambirhi.

5.2 Mfumo wa le kusuhi wu nga ha lava leswaku mukomberi wun'wana ni wun'wana a nyika vumbhoni byo enerisa eka wona bya leswaku ntirho wa vuaki, vuavanyisi bya ndhawu kumbe ku cinca ka ntirho leswi kombisiweke eka xikombelo a swi tluli swilaveko ni swileriso swa swinawana leswi, ku karhi ku xiyisisiwa hi ku angarha xivumbeko xa ndhawu ni patu laha muako wu nga ta akiwa kona, xikan'we ni ntirho wa ndhawu yaleyo ni muxaka wa miako leyi kumekaka eka ndhawu yoleyo ni ndhawu-xidzi laha muako wu lavaka ku akiwa kona.

5.3 Mukomberi, loyi a nga vaka n'winyi wa muako kumbe mfumo wa le kusuhi, va nga kombela ku va ni mbhirisano na CAAC.

5.4 CAAC yi ta nyika mpfumelelo wo hlawuleka eka xikombelo xin'wana ni xin'wana ku ya hi swiyengentsongo swa 2.1 na 2.3 swa swinawana leswi, hi ku landzelela swilaveko leswi nyikiweke eka mpfumelelo.

5.5 CAAC yi nge nyiki mpfumelelo wo hlawuleka eka ntirho wo aka loko ntirho lowu wu ta onha vuhlayiseki ni kumbe nhlayiseko wa vuxongi, matimu kumbe ntikelo wa ntivo-vutivi, bya ndhawu laha ntirho wo aka wu lavaka ku endliwa kona.

## 6. SWIVILELO

6.1 Laha CAAC yi nga ala xikombelo kumbe yi nyikeke mpfumelelo wo hlawuleka wu ri ni swipimelo swo karhi, mukomberi a nga hundzisela xivilelo xa yena mayelana ni xiboho lexi emahlweni eka NMC leyi endzhaku ko burisana ni mfumo wa le kusuhi yi nga tiyisisaka xiboho lexi bohiweke kumbe ku lerisa CAAC ku nyika mpfumelelo ku ya hi leswi NMC yi nga ta tiyisia swona.

6.2 Munhu un'wana ni un'wana loyi a nga vonaka onge CAAC yi nyikile mpfumelelo wo hlawuleka ku nga ri hi ku landzelela xiyenge-ntsongo xa 5.5 xa swinawana leswi, a nga yisa xivilelo eka NMC ku nga si hundza 7 wa masiku ku suka siku ra ku nyikiwa ka mpfumelelo wo hlawuleka, laha NMC endzhaku ka mbhirisano ni mfumo wa le xikarhi yi nga tiyisaka xiboho lexi bohiweke, kumbe ku hundzuluxa mpfumelelo wo hlawuleka hi ku lerisa CAAC ku nyika mpfumelelo lowu hi ku landzelela swipimelo leswi lavekaka ku ya hi sweswi NMC yi nga ta tiyisia swona.

## ISAZISO SIKA HULUMENI

### UMKHANDLO WE ZOBUCIKO, AMASIKO, ISAYENSI NOBUCHWEPHESHE

**No. 1276**

**22 October 1999**

**ENDAWENI YASE PARKTOWN RIDGE, EYABIWE NGOKWESAZISO  
SIKAHULUMENI ESINGUNOMBOLO 855, NJENGOBA KUSHICILELIWE  
KWIGAZETHI KAHULUMENI ENGUONOMBOLO 13182, YANGOMHLAKA  
26 EPRELI 1991**

NgokweSigaba 18(1) soMthetho wamaGugu eSizwe, ka 1969 (uMthetho onguNombolo 28 1969), uMkhandlu wezamaGugu eSizwe, ngemvume kaNgqongqoshe wezoBuciko, amaSiko, iSayensi noBuchwepheshe, wenze imithetho yedolobha equkethwe kwisiXhumelo salapha:

### OKUXHUNYELWE

#### **IMPOKOPHELO**

- 1.1 Okuphokophelelwe ngale mithetho yedolobha ukuvikela, ukugcina esimweni kanye nokukhuthaza ubuhle nokubaluleka komlando weParktown Ridge Conservation Area (emveni kwalokhu izobizwa nge-Conservation Area).
- 1.2 I-Conservation Area ichazwa njengesigceme esincike emngceleni we Jan Smuts Avenue, iqala ekuhlanganeni kwezindlela zomngcele wasenyakatho ku-Eton Road; usuke lapho ubheke ngasenyakatho kuze kufike ekuhlanganeni kwezindlela zase Jan Smuts Avenue nomngcele ophakathi kwe-Parktown ne-Forest Town, kuye kufike ekuhlanganeni kwezindlela zomngcele wasentshonalanga ku-Oxford Road kanye no M.1 (Sir De Villiers Graaf) Motorway kuye kufike ekuhlanganeni nomngcele i-Eton Road kuye ekuqaleni kwesigceme, okuwukuhlangana kwezindlela i-Jan Smuts Avenue kanye no-Eton Road.

1.3 Le ithetho yedolobha ingaqedwa, ichibiyelwe noma ithayiselwe kuperha emveni kokubonisana nabaniKazi bendawo engaphakathi kwi- Conservation Area kanye noKomidi yokwaluleka ngeConservation Area (okuyikomidi okufanele ikhethwe uMkhandlu wezamagugu eSizwe emveni kwalokho uzobizwa nge CAAC) kanye nangemvume yesiphathimandla sendawo: inqobo nje uma isiphathimandla sendawo singakwazanga ukuvuma noma siphikisana neziphakamiso ezenziwe esikhathini esiyizinsuku ezingu 60 kusukela osukwini okutholakale ngalo isaziso esiqhamuka kuMkhandlu kaZwelonke wezamaGugu (emveni kwalokhu ozobizwa nge NMC), ushintsho luyothathwa njengalolo oluvunyeliwe yisiphathimandla sendawo.

**2. UMSEBENZI WEZAKHIWO, UMSEBENZI WOKWAKHA,  
UKUSHINTSHWA KOKUSEBENZISA KANYE NOKWAHLUKANISA I**

2.1 Endaweni yoKongiwa kweMvelo akukho muntu noma inhlango okufanelekile uku –

- (a) shintsha ukubukeka kwangaphandle noma ukubhidliza ibhilidi elivele likhona;
- (b) misa, ukushintsha noma ukususa noma iluphi uthango, udonga, isango noma isithiyo;
- (c) susa noma ukulimazza noma isiphi isihlala esidala, uthango lwezihlahla noma yini yemvelo;
- (d) faka izivimbeli zigegebengu, izipholisa zasendlini, iqoqa likagesi welanga iwindi elisophahleni, ugagane noma imigudu yokubalekela umlilo enokubonakala uma usemgaqwani, emehlwani abantu noma esakhiweni esisondelene; kanye

- (e) nokukhonka noma ukugandaya noma iyiphi indawo ngezinto ezahlukile kulezo ezivele zikhona ngaphandle kwemvume yalokho eqhamika kwi-CAAC.
- 2.2 Noma yisiphi isakhiwo esisha kufanele sakhiwe ngezinto, nangezibalo ezibhalwe phansi yiNhlango yezoBuciko nemisebeni yezandla (Asrts and Craft Movement) njengokubonisa kuka Sir Herbert Baker eNdaweni yoKongiwa kweMvelo e-Parktown Ridge, ngaphandle kwalapho kutholakale khona imvume ye-NMC.
- 2.3 Akukho muntu ofanele ukumisa noma ukukhangisa noma ukuvumela ukuthi kumiswe noma kukhangiswe nganoma yiziphi izimpawu zokukhangisela ukuthengisa noma ukumisa ibhodo enkuI yokukhangisela ukuthengisav kunoma isiphi isiza, udonga oluwumngcele, umgaqo ogciniwe noma ifenisha yasemgaqweni, ngaphandle uma:
- 2.3.1 Izindawo ezabelwe ukuhlala/izizinda noma ukusetshenziselwa imfundu, lapho-ke lokhu okulandelayo kuyovumeleka:
- i) isayini eyodwa kuphela, engekho ngaphezulu kuka 300 mm ephindaphindwe ngo 210 mm, kulowo nalowo mngcele wesiza somgaqo, ukukhombisa isakhiwo sokuphepha noma isithiyo sokushaya icilongo labagqekezi, noma ukubakhona kwababhekimiZi baleso sigceme.
  - ii) Isayini eyodwa kuphela kuleyo naleyo nhlanganiso yezindlela, ebhekene nezimoto ezizayo, ukwazisangobukhona bababhekimiZi kuleyo ndawo.
  - iii) Amasayini akhombisa indlela noma akhangisiwe mayelana nendawo ethengisayo noma ompahla yayo. Lawo masayini akufanele akhangisiwe isikhathi esingapgezulu kwamahora angu 36.

2.3.2 Izindawo ezabelwe ukusetshenziselwa amabhizinisi, lapho lokhu okulandelayo kuyovumeleka:

- i) Isayini eyodwa kuphela emgaqweni umunye, engeqile kumamitha amane ayisikwele ( $4^2$  m) ebekwe endaweni engeqile ku 1,5 wamamitha ngaphezulu konqenqema, inikeze igama lesakhiwo noma isiqashi esikhulu sakhona. Imibhalo kwisayini kufanele ingabi ngaphezulu kuka 200mm ngobude: Inqobo nje uma ukusayinda kwebhizinisi noma izinhlamvu ezamagama ezinkulu zingeqile ku 500 mm ngobude.
- ii) Isayini eyodwa kuphela, enanyathisewo odongeni Iwesakhiwo, eyazisa ngegama lesakhiwo. Imibhalo kwisayini akufanelekube ngaphezulu kuka 450 mm ukuphakama besekuthi ubude bamagama bungabi ngaphezulu kwamamitha ayisithupha. Uma kunemigqa engaphezulu kowodwa, lapho-ke akufanele ukuthi idawo isiyonke enombhalo ibe ngaphezulu kuka  $8^2$  m.
- iii) Amabhodi esikhashana akhangisa ngamagama abadwebi bamapulani ezakhiwo (architects) kanye nezinkontileka, kanjalo nangamagceke avulelekile ukuqashisa, ayovumeleka ngesikhathi kwakhiwa kanye futhi nesikhathi esiyizinyanga ezintathu emveni kwalokho.
- iv) Amabhodi esikhashana akhangisa ngendawo ekhona yokuqashisa ayovumeleka kuphela uma indawo ekhona ingekho ngaphansi kwengxenyenye eyodwa endaweni isiyonke, futhi iyoba ngaphansi kwemibandela emayelana nesikhathi sokubeka nokukhangisa ngokwezidingongqagi ze-CAAC.
- v) Angeke avumeleke amasayini aphanyekiwe noma akhanyisiwe ngaphakathi kuwona.

- 2.3.3 Amasayini esikhashana ngokwezidingongqangi zesiphathimandla sendawo ngesikhathi senza umsebenzi waso angaphanyekwa ngaphandle kwemibandela yw-CAAC.
- 2.4 Endaweni yoKongiwa kweMvelo akukho muntu noma inhlango eyovumeleka ukudabula idawo noma umhlabo, noma ukushintsha lokho indawo, umhlabo noma isakhiwo okusetshenziselwa khona, ngaphandle kokubonisana ne-CAAC kuqala, lokho kubonisana kufanele kusanelise isiphathimandla sendawo.
- 2.5 Isakhiwo esingaphezulu kuka 6,5 angeke sivumeleke, ngaphandle uma kutholakale imvume eqhamuka kwi-CAAC kanye nemvume eqondene etholakale kwisiphathimandla sendawo kanye no-NMC.
- 2.6 Mayelana nomhlabo osemngceleni we-Valley Road, akufanele kube khona uphahla oluqhamuka lube ngaphezulu komdwebo wegquma kwibalazwe, kanti nesihloko sanoma yiluphi uphahla olusha akufanele lube ngaphansi kuka 3,5 wamamitha ngaphansi kokuzinza kwegquma eliokuleso siza. Imigqa yokubonisa iyosuswa ephuzwini elimaphakathi nendawo leyo eseduzane kakhulu nomgaqo owongiwayo, macala womabili asenyakatho nasingizimu nendawo leyo okukhulunywa ngayo.
- 2.7 Isiphathimandla sendawo kufanele siqale sibonisane no-NMC ngaphambi kokusivumela noma ukusichitha isicelo sepulani esifakiwe.
- 2.8 Maqondana nokudluliswa kwesikhala zo mayelana nesinqumo esithathwe yisiphathimandla sendawo, iBhodi yeLokishi kufanele ibonisane no-NMC ngaphambi kokwamukela noma ukuchitha isikhala zo esidlulisiwe.

### **3. IMISEBENZI YEZOMPHAKATHI**

Akukho muntu noma siphathimandla esiyofaka ifenisha emgaqweni noma sakhe imidwebo yendawo ezindaweni zomphakathi ngaphandle kokubonisana kuqala no-NMC.

### **4. UKUGCINA ESIMWENI**

#### **4. Imvume ka CAAC ayidingeki –**

a) ukwenza umsebenzi oywayelekile wokugcina izinto zisesimweni ongakuthika mezi ukubukeka kwangaphandle kwesakhiwo noma uhlaka oluthize;

b) ukuchibiyela noma ukuthola ezinye izinto, ngokusebenzia izinto ezifanayo nalezo ezsisiwe; noma

c) ukugcina simweni, ukuchibiyela noma ukwenza ngcono izinsiza eziphakelwa yisiphathimandla sendawo.

4.2 Isiphathimandla sendawo kufanele kube yiso esilawulayo ngokongiwa kwemigaqo ngaso sonke isikhathi: Inqobo nje uma sibonisana no-NMC uma kuba nesidingo sokulungisa umgaqo.

### **5. INQUBO YOKUTHOLA IMVUME EHLUKILE**

5.1 Komidi yokwaLuleka ukoNgiwa kweNdawo yaseParktown Ridge ingaba nako –

a) ukunikeza noma ukwenqabelo imvume ehlukile mayelana nezicelo ezifakiwe ngokwézigatshana 2:1 no 2:3 zalemithetho yedolobha; kanye

- b) ukubonisana nanoma yimuphi umuntu noma inhlango ngokwesigatshana 2.4 salemithetho yedolobha.

U-NMC kufanele abeke imithetho yenqubo kanye nequbo mayelana nobulunga bale Komdi. Kufanele abanikazi bendawo engaphakathi endaweni leyo eyongiwayo bakhethe okungenani amalungu amabili e-CAAC lokho bakwenze emhlanganweni ohlukile obizelwe khona lokho. Lawo malunga ekomidi kufanele asebenze isikhathi esingaphansi kweminyaka emibili, kepha angakwazi ukuthi aphinde futhi akhethwe ukuqhube ka asebenze kulezo zihlalo zehhovisi.

- 5.2 Isiphathimandla sendawo singadinga ukuthi noma ubani ofake isicelo aphinde alethe ubufakazi obuzokwanelisa isiphathimandla sendawo ukuthi umsebenzi wezakhiwo, umsebenzi wokwakha, ukwahlukanisa noma ushintsho lokusebenzisa olubaliwe esicelweni angeke Iwashayisana nezimpokophelo zale mithetho yedolobha, ngokubhekelela okungujikelele isimo sendawo kanye nomgaqo lapho kumi khona isiza, kanjalo nokusetshenziswa komhlaba okuvumelekile kanye nezinhlobo zezakhiwo ezikhona endaweni kanye nendawo lapho kumi khona isza leso.
- 5.3 Ofake isicelo, okungabe kungumnikazi noma isiphathimandla, angacela ukubonana no-CAAC.
- 5.4 U-CAAC kufanele akhiphe imvume ehlukile emaqondana nesicelo esifakiwe ngokwezigatshana 2.1 no 2.3 zalemithetho yedolobha, ngokuhambisana nemibandela leyo engase kube ichaziwe ngokwemvume.
- 5.5 U-CAAC akufanele akhiphe imvume ehlukile mayelana nomsebenzi wezakhiwo noma wokwakha uma lokho kuyolimaza ukuvikeleka kanye/noma ukugcina esimweni ubuhle, umlando noma ukubaluleka ngokwesayensi, lokho nje okuyikho, endaweni lapho kunesiphakamiso somsebenzi khona.

## 6. UKUDLULISA

- 6.1 Lapho u-CAAC esichithile isicelo ebefakile noma enikeze imvumè ehlukile ngokuhambisana nemibandela, ofake isicelo angasidlulisa isikhala zo sesinqumo asibhekise kwi-NMC, okungase, emveni kokubonisana nesiphathimandla sendawo, i-NMC isigcizelele lesi sinqumo noma itshele i-CAAC ukuthi mayisiphumelelise isicelo lokho kuhambisane nemibandela leyo i-NMC eyoyibona ifanelekile.
  - 6.2 Noma yimuphi umuntu obona ukuthi i-CAAC inikeze imvume ehlukile okwephula isigatshana 5.5 sale mithetho yedolobha angadlulisa isikhala zo zingakapheli izinsuku eziyisikhombisa (7) kusukela osukwini ekhishwe ngalo lemvume ehlukile yi NMC, okungenzeka ukuthi emveni kokubonisana nesiphathimandla sendawo, lemvume igcizelelwe noma imiswe futhi kutshelwe u-CAAC ukuthi makakhipe imvume ehlukile ngokuhambisana nemibandela leyo I-NMC eyoyibona ifanelekile.
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