ANNEXURE “D”

DEVELOPMENT MANUAL

Iyer Rothaug Collaborative, Vines Mikula and Architects Collaborative
Town & Regional Planners, Urban Designers and Architects

The Development Framework and its General Terms, Guidelines and Requirements

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## TABLE OF CONTENTS

### DEVELOPMENT MANUAL

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE BRIDGE CITY DEVELOPMENT FRAMEWORK</td>
<td>10</td>
</tr>
<tr>
<td>5.1 The Overall Development Vision</td>
<td>10</td>
</tr>
<tr>
<td>5.2 Bridge City’s Development Rights</td>
<td>10</td>
</tr>
<tr>
<td>5.2.1 Special Zone 44: Phoenix South – Bridge City (see attached Annexure A)</td>
<td>10</td>
</tr>
<tr>
<td>5.2.2 The Provision for a Development Framework</td>
<td>11</td>
</tr>
<tr>
<td>5.2.3 The Distribution of Rights</td>
<td>11</td>
</tr>
<tr>
<td>5.2.4 Land Use Categories within Special Zone 44</td>
<td>11</td>
</tr>
<tr>
<td>5.3 Specific Activity Patterns and the Use of Land in Terms of the Precinct Plans</td>
<td>12</td>
</tr>
<tr>
<td>5.3.1 Retailing and Entertainment</td>
<td>12</td>
</tr>
<tr>
<td>5.3.2 Offices</td>
<td>12</td>
</tr>
<tr>
<td>5.3.3 Civic Facilities</td>
<td>12</td>
</tr>
<tr>
<td>5.3.4 Mixed and Multi-Use</td>
<td>12</td>
</tr>
<tr>
<td>5.3.5 Special Uses and Facilities</td>
<td>13</td>
</tr>
<tr>
<td>5.3.6 Residential Development</td>
<td>13</td>
</tr>
<tr>
<td>5.3.7 Incorporation of Sidewalk Uses with Adjacent Lots and Sidewalk Servitudes</td>
<td>13</td>
</tr>
<tr>
<td>5.4 Circulation and movement</td>
<td>13</td>
</tr>
<tr>
<td>5.4.1 Transportation Networks</td>
<td>13</td>
</tr>
<tr>
<td>5.4.2 Rail, Taxi and Bus Operations</td>
<td>14</td>
</tr>
<tr>
<td>5.4.3 Pedestrian Circulation</td>
<td>14</td>
</tr>
<tr>
<td>5.4.4 Bridge City’s Open Space And Landscaping</td>
<td>15</td>
</tr>
<tr>
<td>5.5 The Package Of Plans Approach</td>
<td>16</td>
</tr>
<tr>
<td>5.5.1 Contextual Framework</td>
<td>16</td>
</tr>
<tr>
<td>5.5.2 Development Framework</td>
<td>16</td>
</tr>
<tr>
<td>5.5.3 Precinct Plans</td>
<td>16</td>
</tr>
</tbody>
</table>
16.5 The Role of Landscaping in Creating the Inner-Core of Each Urban Block 35

17. CONSTRUCTION ........................................................................................................... 36
17.1 General Construction Provisions .............................................................................. 36
17.2 Procedures before Construction Commencement ...................................................... 37
17.3 Site Demarcation ....................................................................................................... 37
17.4 Contract and Development Signage .......................................................................... 37
17.5 Miscellaneous Construction Provisions ...................................................................... 37
17.6 Completion and Sign Off .......................................................................................... 38

TABLES .............................................................................................................................. 39

TABLE 1: LAND USE CONTROLS ........................................................................... 39

1 MANAGEMENT OF THE SCHEME .............................................................................. 40
1.1 Scheme Control Mechanism ................................................................................... 41
1.2 Permitted Floor Area Bank ....................................................................................... 41
1.3 Urban Design Guidelines .......................................................................................... 41
1.4 Design Review Panel ............................................................................................... 42
1.5 Precinct Plans ........................................................................................................... 42
1.6 Transport ................................................................................................................... 42

2 ZONE CONTROLS ....................................................................................................... 43
2.1 Development Rights – General ............................................................................... 43
2.2 Development Rights – Specific ............................................................................... 43
2.3 Building Controls ..................................................................................................... 44
2.4 Parking Requirements .............................................................................................. 45
2.5 Land Use Categories ................................................................................................. 45
2.6 Development ............................................................................................................. 46
2.7 Precinct Plans ............................................................................................................ 46
2.8 Building Plans ........................................................................................................... 47

GLOSSARY OF TERMS AND DEFINITIONS .................................................................. 47

ANNEXURE “B” .................................................................................................................. 56
1. INTRODUCTION

The Development Manual serves as a brief for developers in Bridge City. The Development Manual is laid out in this volume.

The Development Manual lays out the relationship that Bridge City has to the region, the design philosophies on which it is based, the town planning context, and various processes put in place to manage both the development and ongoing operation of the New Town Centre. The Manual also describes the specific architectural guidelines applicable to the mixed-use sites, which comprise the true urban core of the New Town Centre.

2. DEFINITIONS

In this document, the following terminology is used:

- **Bridge City** refers to the Bridge City Urban Renewal Project.
- The **Association** refers to the Bridge City Management Association. This Association shall, at the Primary Developer's election, be set up by the Primary Developer and the Primary Developer will retain an on-going interest in the Association until it elects to withdraw. Every Lot Owner shall belong to the Association (if established) and shall be bound by the Association's objects and requirements. Every sectional title owner shall belong to the relevant body corporate (to be confirmed).
- The **Design Review Panel** (DRP) refers to a formalised sub committee of the Board of Directors of the Bridge City Management Association and which will be set up by the Primary Developer. This DRP is set up to assess Site Development Plans and Landscaping Plans for the development of each lot and to assess and recommend Building Plans for approval to the Local Authority.
- **DMA** means the Durban Metropolitan Area.
- **Development Rights** refer to bulk floor area and all development parameters ascribed to a Lot in terms of an approved Precinct Plan.
- **INK** refers to the Inanda Ntuzuma KwaMashu Municipal Area-based Management precinct. INK is a Presidential Lead Project.
- The **Joint Venture** means the Effingham Development Joint Venture, it being recorded that this is a joint venture between Tongaat Hulett Developments (Pty) Ltd and the Seller that includes the development of Bridge City.
- The **Local Authority** refers to the eThekwini Municipality which is the competent authority under which the Primary Developer discharges its development undertakings, duties and responsibilities.
- The **Package of Plans** approach refers to the overall approach to planning and development which is envisaged and deemed to be appropriate for Bridge City in facilitating a more flexible allocation of Development Rights and an effective method of management.
- **Primary Developer** refers to Tongaat Hulett Developments (Pty) Ltd. as the entity entering into the Joint Venture with the eThekwini Municipality and which is the organisation to which authority has been delegated by the eThekwini Municipality for the express purpose of managing development rights within Bridge City. The Primary Developer is responsible for the administration, planning and detailed design of the new town centre and its development. The Primary Developer may, if it so elects, cede its rights to the Association or alternatively, to the Design Review Panel set up by the Primary Developer.
- **Primary Floor Area Rights** refers to the current approved bulk floor area rights of...
100 000 m² which are immediately available to the Primary Developer for disposal.

- **Total Maximum Floor Area Rights** refers to the maximum potential bulk floor area rights of 725 000 m² which may become available in phases to the Primary Developer for disposal subject to certain infrastructure being constructed.

- **Rights Bank** refers to the total pool of development rights (total bulk floor area) which are available to the Primary Developer, from time to time, as the relevant infrastructure is constructed, and from which the Primary Developer is to allocate bulk floor area to purchasers of lots in terms of sale agreements and within the ambit defined by the package of plans.


- The Seller is the eThekwini Municipality. It is recorded that the directors of Tongaat Hulett Developments are authorised by the Seller to negotiate and sign sale agreements on behalf of the Seller.

3. **BRIDGE CITY’S CONTEXT & SCALE IN THE REGION**

3.1 **Bridge City: An Island in Sea of Housing**

Bridge City is 60 ha in extent, 17 ha of which is on the “lower platform”, and is situated in the northern region of the Durban Metropolitan Area (DMA) 17 km away from Durban City centre. Over the years, population, investment and economic development have been shifting from southern to northern Durban and this phenomenon is particularly evident in the property market. Rapid growth in the property market has been seen in recent years in Durban’s northern region.

Regionally, the Bridge City site is located in the INK area, in the northern region of the eThekwini Municipality. The site is situated opposite the Phoenix Industrial Park, adjacent to the KwaMashu Highway (MR 93). The area is located at the confluence of the main traffic flows from KwaMashu, Inanda and Ntuzuma. It is strategically located to major development corridors and transport networks notably the N2, MR93 and North Coast Road. The locality of the Bridge City site suggests that, from a development perspective, the site is accessible to a local (i.e. surrounding areas) and regional (i.e. northern eThekwini) commuter and consumer markets.
The site lies between the Phoenix Industrial Park and the Piesang River floodplain to the north of KwaMashu. The site is surrounded by the largest concentration of residential population within the DMA region. The INK region consisting of KwaMashu, Ntuzuma, and Inanda has an estimated population of 510,695 compared to Umlazi’s 90,000 (Census 2001). Main Road 93, which serves as one of the city’s major movement corridors and links into the North Coast Road corridor, runs along the northern edge of the site.

In terms of the City scale context, Bridge City and the surrounding predominantly residential areas of INK are characterised by:

- Uneven spatial distribution with concentration of need in periphery.
- Urban opportunity within central and southern areas;
- Dysfunctional urban system, e.g. travel time, unsustainability;
- High population with rising incomes as shown in the table below:

<table>
<thead>
<tr>
<th>Source: Census 2001</th>
<th>Population</th>
<th>Households</th>
<th>Household Size</th>
<th>Household Annual Income</th>
<th>Total Annual Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inanda</td>
<td>221,794</td>
<td>53,731</td>
<td>4.13</td>
<td>R15,966</td>
<td>R631,584,189</td>
</tr>
<tr>
<td>Ntuzuma</td>
<td>114,231</td>
<td>46,878</td>
<td>2.44</td>
<td>R20,544</td>
<td>R648,890,168</td>
</tr>
<tr>
<td>KwaMashu</td>
<td>174,670</td>
<td>27,408</td>
<td>6.37</td>
<td>R12,084</td>
<td>R297,111,600</td>
</tr>
<tr>
<td>Total</td>
<td>510,695</td>
<td>128,017</td>
<td>3.99</td>
<td>R16,884</td>
<td>R1,577,585,957</td>
</tr>
</tbody>
</table>
The Bridge City site has long been regarded as a major investment node within the INK area, with plans for an urban regeneration project being earmarked for the area in the eThekwini Municipality’s Spatial Development Framework. The project focuses on the establishment of major retail activity, civic buildings and spaces, mixed commercial, business and light industrial areas, railway, bus and taxi terminus, all of which is aimed at stimulating the local economy of INK through the provision of business and employment opportunities.

Planning and development strategies highlighted in the eThekwini Municipality’s Integrated Development Plan for dealing with the above include:

- Concepts of metropolitan corridors and nodes seeks to address imbalances and extend urban opportunity - jobs, social facilities etc.
- The northern corridor and MR 93 are important urban systems
- Bridge City represents a key node along this system

3.2 CREATING A DEVELOPMENT CATALYST IN THE INK AREA

Bridge City and its surrounds have the following district and site opportunities and challenges:

- Potential district connectivity
- High visibility and exposure – commercial potential
- Potential for regional / district scale activities
- Large underutilised land within broader area of need
- Unconstrained landownership
- Bridges to surrounding residential thresholds
- Potential future commuter rail – transport node
- Social justice objectives – political support
- Topographically and physical unconstrained
- Access to existing services
- Congested and limited direct access
- Poorer market profile
- Safety and Security
- Proximity to surrounding informal development
- Degraded open space system

Bridge City is the largest of several new developments proposed in terms of the INK programme. Specific proposals for Bridge City include:

C:\Users\Cara pc\Google Drive\Placemaking\Bridge City\Jo for website\Development documents\Construction-Development\Bridge City Development Manual 110420.doc
• Institutional developments set along the eastern edge of the site to form an impressive urban skyline. This is the most visible portion of the site coming from central Durban and KwaMashu;
• Mixed-use, including above ground residential development, throughout the site to maximise complementary land uses;
• Industrial / Business Park development to the east of Bridge City;
• A major inter-modal transfer station for bus and taxi and rail termini;
• Large, medium and micro retail and other business activities to create an economic hub for upliftment; and
• Community, recreational and sporting activities to be provided in the upgraded Piesang River Floodplain areas (subject to Environmental approval).

The scale of Bridge City makes it one of the largest development initiatives in any of South Africa’s previously disadvantaged areas. It is widely accepted that this development should embrace the role of being a regionally influential development node and a major urban revival project in restructuring and revitalising the growth pattern of Metro Durban.

The development of Bridge City is expected to create new jobs and generate rate incomes to the City. This boost in economic activity and municipal revenue will be beneficial to the area as a whole, allowing for the upgrading of infrastructure and an improved quality of life in general.

3.3 REGIONAL DEVELOPMENT POTENTIAL

The African urban experience is one where streets and public spaces are treated as social and economic arenas. Typically, British and Calvinist planning philosophies have actively discouraged this communal orientation by forcing such activities indoors behind fences. This is not appropriate in countries with hotter climates, as is evident in the plethora of urban examples from North Africa, the Mediterranean and the Middle and Far East. Sustainable urbanism does not mean bigger and bigger air conditioners for covered malls. Rather buildings should respond to the local climate and maximise local opportunities through intelligent design. A good example of this is the new Supreme Court in Johannesburg.

The designated site is large, well located relative to existing movement patterns and visually and physically accessible. For comparative purposes, it is interesting to note that this site is of the same order of magnitude as the area comprising the Point Redevelopment, or alternatively, the Durban CBD.

The planned use of Bridge City is consistent with the area’s interceptory nature in metropolitan Durban and with the Municipality’s efforts to restructure urban form, particularly in relation to previously disadvantaged dormitory suburbs. This development will become the anchor for future development in the INK region, and will consolidate and expand the limited but expanding investment in the region.

4. THE DEVELOPMENT PHILOSOPHY OF BRIDGE CITY

4.1 PRINCIPLES AND AIMS

A key focus here is on dismantling the inherited dysfunctional apartheid city by addressing the imbalances in the distribution of social and economic opportunity. Bridge City provides a unique opportunity within the INK initiative to bridge the development divide that still plagues our city. For Bridge City to fulfil its role as the core of an emerging, complex urban node, the development must cast off the inwardly focused character of
the surrounding township developments. Trends in the past have been to develop stand-alone single-use commercial developments in isolation that create a sea of sterilised parking zones around internalised shopping malls or offices.

A determined move away from the inward looking suburban pattern of development has emerged and is encapsulated in the so-called “The New Urbanism” philosophy. This has been further pursued in terms of “African Urbanism” in other developments such as the Durban Point Development. As a new town centre of quality and situated within the African context, Bridge City will thus promote a complex and appropriate range of opportunities and activities, including commercial activities, service industries, residential development, entertainment and civic activities. The Umhlanga Ridge New Town complex and Durban Point are providing concrete examples of development in accordance with these “new urbanism” design principles. It is interesting to note that this “new” philosophy seeks to create the richness and complexity that many older cities always had.

Durban is the city in South Africa that has the best climate throughout the year for outdoor activities. Bridge City has outstanding opportunities to define an urban experience based on the local African context rather than the import of ideas from Northern European and American experiences. This includes the promotion of outdoor street-orientated activities, e.g. pavement cafes, street vendors, open air (but covered) markets. Furthermore, this site will become a proper urban town centre over time, in anticipation of future growth in a predominantly Black market.

The essence of the controls and framework of Special Zone 44: Bridge City, relate to the need to create a more appropriate, realistic and exciting spatial framework with key areas of certainty whilst at the same time providing a suitable mechanisms that will enable development to unfold and grow in a spontaneous and facilitative manner.

4.2 **Key Urban Design Principles**

The overriding development philosophy is to develop a new urban or town centre. Bridge City will develop on the following urban design principles:

- The creation and promotion of an urban quality of life
- Ensuring the maintenance of a human scale
- The creation of a pedestrian friendly environment
- The creation of a legible urban environment
- Emphasis on mixed-use and residential developments
- The maintenance of a clean, well managed and safe environment

4.2.1 Urban Quality of Life

This principle relates to the intensity and variety of activity (mixed use) within the Bridge City development. There is a need to create the appropriate conditions in order for this “urbanness” to evolve and develop and this is achieved through the appropriate level of development rights and development controls such as minimum heights and sites of accentuation.

Developments are to be encouraged and required to respond to this principle through the determination and manipulation of bulk floor area, building heights and build-to lines.

A mixture of broad land use activities of commercial retail, commercial office, residential, service industrial and other activities that are synonymous with a city
environment are to be encouraged by way of a mix of land uses and incentives for residential developments in conjunction with non-residential developments.

4.2.2 Human scale development
The creation and promotion of a human scale by way of height limitations, a structured, aesthetically pleasing public environment and specific architectural guidelines.

The width and nature of streets, sidewalks and boulevards will contribute to the scale of Bridge City. These are all predetermined to create the basic framework.

The intention is to create an atmosphere where the public and private realms ‘blend’ together to a degree where there is no distinction.

This is to be achieved by enabling the sidewalks to be appropriately treated and managed to allow an integration of the public and private spheres.

4.2.3 Pedestrian friendly environment
The emphasis within Bridge City is on creating a pedestrian friendly environment from all perspectives including sidewalks, boulevards, parks, squares, traffic circles and islands, road reserves, buildings and other features.

This principle will be achieved through the creation of a high standard, secure public environment that is created by an adherence to the principle of a human scale of development and the use of designed, but low key, security systems.

4.2.4 Legible Urban Environment
The road network provides for a rigid structure in terms of road hierarchy and layout as well as flexibility in terms of incremental development and options of movement.

The pedestrian system involves the use of wide, managed sidewalks as well as the open spaces which include boulevards, parks, squares, traffic interchanges and islands and road reserves. These components are integrally designed and structured to be of maximum use and effectiveness to achieve a safe, pedestrian environment and also a convenient, recreational environment which is both functionally and physically integrated into the Bridge City development.

The primary requirement is the ongoing appropriate management and the Development Framework has, as the core component, a structured, legible environment, which includes the road network, the pedestrian system and open space areas.

4.2.5 Mixed-Use Developments
Encouragement of a complex integration of retail, commercial, office, entertainment and residential activities is a key principle of Bridge City. Integration of urban activities emphasises the principles of mixed-use.

The activities and uses within buildings at ground floor level are critical to maintaining a sense of continuity and a vibrant, urban life. Developers are encouraged to use the ground floor, as far as possible, for retailing, entertainment, restaurants and uses that can spill out onto the sidewalk space adjacent to the building. In this instance, and if required in terms of the contract of sale agreement, developers will be required to register a use agreement with the Management Association (see Annexure C. for proforma)

Above ground floor, the design of the building and the uses on the upper floors are to encourage surveillance of the public environment. In this regard, the outward facing of office and residential uses from upper floors, together with balconies, is encouraged.
4.2.6 Clean, Safe Managed-Environment
The quality of the public environment and the importance of high standard streetscapes, open spaces and squares are crucial in the design of Bridge City. A well-maintained, clean, attractive and secure environment is an important goal for the new urban area.

4.3 THE ROLE OF INDIVIDUAL DEVELOPERS IN REALISING THE BRIDGE CITY VISION
The primary development response required from individual developers, from a design point of view, is that of using their buildings to define space. That is, rather than buildings being designed as objects standing in isolation on individual sites, buildings are used in grouped form to define the edges of the public environment. Buildings are encouraged to define their boundary lines and collectively form a human scale within the space allocated. These lead to feeling of containment and the surveillance gives the public environment the sense of scale, safety and security typical of many older Northern and Eastern African towns and cities as well as many cities in other parts of the world.

In response to the street spaces, parks or urban squares making up the public environment of the urban centre, buildings are also encouraged to come as close to their neighbours as possible, preferably abutting them. The definition of the public environment is one of continuity so that large gaps are not left in the urban fabric. This provides pedestrian continuity, fosters interest and maintains an interesting experience along the length of roads and around public places.

4.3.1 Mixed Use and a Vibrant Quality of Urban Living
The emphasis is on mixed-use developments encouraging a complex integration of complementary activities such as retail, commercial, office, public transport, civic, entertainment and residential activities.

The activities and uses within buildings at ground floor level are critical to maintaining this sense of continuity and a vibrant, urban life and developers are encouraged to use the ground floor, as far as possible, for retailing, entertainment, restaurants and uses that can spill out onto the sidewalk space adjacent to the buildings.

Above ground floor, the design of the building and the uses on the upper floors are to encourage surveillance of the public environment. The outward orientation of office and residential uses from upper floors, together with balconies, is promoted. The model for a mixed-use building comprises an active ground floor of retail or commercially related uses; a second level of retail / commercial / office uses; one or two levels of offices; community or educational uses above this; and further levels of residential apartments or penthouses.

The height of buildings is a critical ingredient in the spatial qualities of the urban centre. Unremarkable one and two storey developments detract from the public environment and senses of urbanity and enclosure and give a suburban impression. Developers are encouraged to develop to the maximum permissible height as defined in the Precinct Plans. Bulk and coverage allowances have been formulated to enable this. Where two or three storeys are to be developed in terms of the minimum that may be developed in terms of the precinct plans, it is intended that the buildings be accentuated to provide vertical profiles.

The character of the urban centre is embodied in the street grid and prominent corners created by vistas through this radial grid. Developers are encouraged to
accentuate the design of these corners and to pay particular attention to their importance in the overall townscape. In instances where vistas in the townscape make certain sites particularly prominent, it is required that developers on these sites are mindful of points of architectural accentuation in their buildings.

The lifeblood of the urban area is the ease with which people can get to it by car and public transport, and thereafter park or disembark conveniently and safely. In the medium to longer term, there is a commitment to higher proportion of public transport users and the increased viability of public transport systems. These will reduce reliance on private vehicles. In the short term it is important that the requirements of vehicular transport are not allowed to impose their own identity on Bridge City as primarily being a place of wide, fast-moving roads and vast expanses of on-ground parking. A specific concern of the development is to ensure that vehicular access to individual buildings and parking facilities is managed as far as possible as a co-ordinated and integrated design exercise. It is important to note that the parking requirements as contained in the Precinct Plans may take into account “super basement”, public parking areas and parking garages when motivating parking requirements to the DRP.

4.3.2. Management, Cleanliness and Security

The vibrant use of sidewalks, pavements, road islands and public squares and meeting places, as well as their maintenance and a sense of safety are all aspects encouraged by the Development Manual. For this reason, all sidewalks are under the control of the Association, which may appoint responsibility for their maintenance, cleansing and security arrangements to lot owners or other organisations. It is anticipated that lot owners may wish to enter into an agreement with the Association in order to use the sidewalk area as an extension of the activities on the adjacent lot and a standard Use Agreement is available to regulate this (see Annexure C).

A high degree of Bridge City’s security needs is likely to be controlled by the Association, together with the emphasis on natural surveillance and defensibility placed on each development in the design review process.

Notwithstanding the above, each developer is responsible for the security arrangements on its site. Apart from electronic systems and devices designed as an integral part of a building’s architecture, fencing and perimeter security systems are discouraged and, where used, should only be of extremely limited extent and in terms of the guidelines noted in Section 13 of the Development Manual. The emphasis for individual developments must be on designing the building itself in such a way as to create its own perimeter security without compromising any of the urban qualities set out above.

4.3.3. Building Setbacks on Road Corners

Building setbacks are required on corner sites as stipulated on the Precinct Plans, generally 3m x 3m, but in some cases annotated as 5m x 5m. These are to assist in traffic site lines and the placing of servitudes for services. Servitudes for other services running through sites are depicted on the precinct plans and will be further defined as the sites are registered. In these cases, the motivation of first floor “air rights” over such servitudes can be motivated to the DRP.
4.3.4. Development Directions

The Development Manual does not set out to prescribe any particular architectural theme or style, but rather to engender an awareness of urban architecture as an integrating element of urbanism and memorable experience. Within the ambit of the parameters set out in the Development Manual, individual developers are encouraged to create architecture that reflects an African urbanism or renaissance. Adherence to a broad but integrated range of materials and qualities will promote diversity within a common vernacular that will enhance the urban area’s sense of place and identity.

Developers’ design proposals should show their vision of Bridge City as an African City as detailed in Section 5 below.

5. THE BRIDGE CITY DEVELOPMENT FRAMEWORK

5.1 The Overall Development Vision

The Development Framework has been formulated on urban design principles that emphasise the creation of a new urban centre with a human scale. This, is based on a number of core principles in terms of the development framework:

- Using Urban Design Guidelines, such height controls, build-to-lines and architectural controls to achieve a sense of enclosure.
- Accommodating pedestrians first and ensuring that vehicular movement is subservient to the human needs of the town.
- Providing comfortable areas for pedestrian movement and creating well-landscaped formal parks linked into a wider open space system of boulevards, avenues and lanes.
- Encouraging taller, more impressive buildings in appropriate locations to provide landmarks in the built fabric.
- Crafting the qualities of the formal road system, acknowledging street-space as one of the primary viewing platforms and experiences of an urban area’s quality.
- Assisting people to orientate themselves in the urban environment by creating a distinctive hierarchical road structure and implementing a grid pattern that is clear and legible.
- Creating complexity and diversity through a mix of uses that mitigates against the sterility of many suburban environments.
- Using land use controls and zoning mechanisms that are creative, adaptable to the market as times and needs change and, above all, are driven by the promotion of design excellence.

5.2 Bridge City’s Development Rights

5.2.1 Special Zone 44: Phoenix South – Bridge City (see attached Annexure A)

The zoning of Bridge City is contained in the municipal byelaws entitled “Special Zone 44: Phoenix South – Bridge City”, as amended and approved by eThekwini Municipality’s Exco on 31 July 2007. This zoning replaces the earlier Special Zone regulations and other land use zones. The Special Zone consolidates a significant package of development rights consistent with the building of a new town centre.
on urban design principles (see Annexure A for an interim draft of the final approved scheme controls).

Town Planning mechanisms have been introduced to enable the appropriate development, growth and management of the new urban centre in a manner that enables the realisation of the vision and principles on which it is based. These mechanisms set out to provide certainty on key aspects relating to the control and management of the new urban centre while providing flexibility and adaptability to enable it to evolve and develop naturally and in keeping with the vision of the area.

5.2.2 The Provision for a Development Framework
The intention is to create a unique partnership between the Local Authority and the Primary Developer (i.e. Tongaat Hulett Developments) in the development of Bridge City. A Development Framework outlining the overarching intentions of the project was approved by the Municipality in November 2006.

The essence of the development framework relates to the ability to allocate and distribute rights (bulk floor area) in a facilitatory and flexible manner according to pre-determined limits on density, height and other controls.

The Development Framework’s key determinants are minimum and maximum FAR and height controls applicable to each site.

5.2.3 The Distribution of Rights
The total rights applicable within the Special Zone 44 Phoenix South - Bridge City New Town Centre are 725 000m² of bulk. These rights are held in a ‘Rights Bank’, and are to be distributed and allocated in phases by the Primary Developer in terms of the Development Framework. The Special Zone was amended and approved in February 2007.

All development rights (bulk floor area) are drawn down from the Rights Bank that has been allocated to the Primary Developer. A developer is required to build to at least the minimum required level and intensity initially (as stipulated in Clause 7.9 of the sale agreement), and may have an option in which to take up any additional development rights (bulk floor area).

5.2.4 Land Use Categories within Special Zone 44
The attached Table 1: Land Use Controls (see p39) provides the overall permitted land uses within the Special Zone. The land uses indicated as permissible in terms of the mixed use zoning in the Development Framework are the primary level of land use management.

The land use zone is ‘mixed use’ and encouragement is given to developments that integrate shopping at ground and upper levels (with or without sidewalk uses such as sidewalk cafes and trading areas), levels of offices above this, and levels of residential accommodation above these in turn.

In achieving a vibrant urban centre, the emphasis is on promoting mixed-use development where people live, work, sleep, learn, pray and play. The urban area thus has civic, retailing, office, commercial, ecclesiastical/places of worship,
educational, residential and recreational dimensions and a rich mix in all of these is sought.

5.3 **Specific Activity Patterns and the Use of Land in Terms of the Precinct Plans**

5.3.1 **Retailing and Entertainment**

The main retailing and entertainment precinct is in the centre of the development area – specifically focused around main activity streets or boulevards - the epicentre of the urban renewal project.

Off-prime shopping and motor town retailing is intended outside Precinct 2 of the urban centre and is related to MR457 (Dalmeny or Ntuzuma Access Road) and MR93 corridors. The proposed extension of Bhejane Road from the existing KwaMashu Town Centre will also bring new opportunities.

Prime retailing and speciality shopping, including medium and smaller stores, eating houses and restaurants, are included along the main activity street or boulevard in Precinct 2 linking the whole development together.

Locally-owned and managed businesses are envisaged as being located according to emerging demand, primarily to serve the needs of the residential populations surrounding Bridge City.

5.3.2 **Offices**

Prime office space is expected to focus around the main activity streets. Additional office and light and service industrial activities are encouraged throughout the site.

The extensive nature of the Mixed Use Zone envisages that retail, residential and office development will be the majority land use in the urban centre and fill the majority of the blocks.

5.3.3 **Civic Facilities**

Sites have been designated for Institutional and civic uses. Should it be required, a new civic centre could be in the Bester’s Camp vicinity to reinforce the existing civic node. Active leisure facilities have also been included.

Prominent positions could be used for important pieces of civic architecture such as a hospital, library, magistrate’s court, place of worship or museum. Secondary civic and educational facilities are encouraged above ground floor in the mixed use zone.

5.3.4 **Mixed and Multi-Use**

Mixed-use and multi-use is an important principle within Bridge City and the majority of sites are seen as being suitable for a wide variety of urban uses provided they are non-noxious and promote the image of a well-designed urban centre. For this reason the allocation of land uses has been as inclusionary as possible in order to promote a complex profile of urban activities and create diverse opportunities for a wide variety of entrepreneurs and a broad range of enterprises.

These mixed-use zones account for the majority of the land use within Bridge City.
5.3.5 Special Uses and Facilities

The urban centre abounds with prominent sites offering opportunities for flagship buildings in order to create landmarks for Bridge City and signal its growth and renewal intentions. In these cases the DRP would support height increase via Special Consent, subject to local authority and other regulatory approval.

5.3.6 Residential Development

Residential development is encouraged as an integral part of Bridge City’s life. In urban terms, these developments could take the form of flats above shopping office or manufacturing blocks, with opportunities for better quality apartments, or combinations of these.

The central area within Bridge City is conducive to 5 to 8 storey (up to 40m) apartment developments. Given the expansive views, it is anticipated that flats and apartments will be established trading on the extraordinary convenience and lifestyle offered by Bridge City.

5.3.7 Incorporation of Sidewalk Uses with Adjacent Lots and Sidewalk Servitudes

All sidewalks (defined as the area extending from the street frontage of a lot to the kerb line of the adjacent road) are subject to a servitude in favour of the Association. This will enable the Association to enforce appropriate levels of cleanliness, safety, security and maintenance by owners/tenants and provide for desired levels of formal usage by adjacent owners/tenants.

A Use Agreement may be entered into between the Association and a lot owner in respect of the sidewalk area (refer to Annexure C: Draft Use Agreement (Sidewalk)).

5.4 Circulation and Movement

5.4.1 Transportation Networks

The transportation network is a fundamental component of Bridge City and has been informed by the principles and vision of Bridge City. A Traffic Report prepared by Iliso Engineers concluded that the total development of Bridge City as envisaged in the Development Framework can be accommodated provided that additional road infrastructure is built.

The Traffic Report highlights future traffic and parking requirements for the area. The parking requirements have been included in the proposed Special Zone 44 scheme controls. The following upgrading is required to achieve the potential Bulk Floor Area:

- Upon construction of road link between the top platform and the industrial platform 33 000m².
- Construction of Ntuzuma Access – 67 000m².
- Bhejane Road Link – 187 500m² (currently under construction by eThekwini Municipality).
- New half-diamond interchange on MR 93 - 187 500m².
- An additional 250 000m² GFA will be released with the construction of the Inanda Rail and Station.

In order to achieve the envisaged 725 000m², the above upgrades will need to be done in any order.
In terms of the internal road network, the Development Framework is structured around a hierarchical transportation network. The sub-regional road network informs this network. Four main streets are proposed:

- A central activity street or boulevard linking from Besters traffic circle eastwards to the proposed Bhejane Road extension, and the existing general industrial area on the lower platform;
- The Bhejane Road arterial road extension linking from the existing developed areas of KwaMashu to the new half diamond interchange onto MR 93;
- An activity street linking together the central urban precinct to the proposed inter-modal railway station, bus and taxi ranks, and general parking area.
- A new arterial road past the inter-modal transfer station linking Bhejane Road extension to the Besters circle.
- The remaining internal road network is set out in a radial grid pattern radiating off these main boulevards and from the main access and egress points into and out of Bridge City.

It is important in the broader sub-regional framework of corridor development of MR93 from Durban North road to the Inanda Police Station, that development east and west of Bridge City is integrated into a corridor based on the MR93 and its adjacent routes.

The road infrastructure of the Phoenix Industrial Park and KwaMashu is thus linked into the planning of the road network of the urban centre. For example, a new vehicular link is proposed under MR 93 to Phoenix Industrial Park. Similarly, despite severe topographical constraints, vehicular and pedestrian links are proposed into the adjacent residential areas of KwaMashu and Besters to the south and west.

5.4.2 Rail, Taxi and Bus Operations

A major inter-modal transfer station has been planned by eThekwini Municipality at Bridge City incorporating rail, bus and taxi termini. The rail station will be built at the end of a new railway spur from the Duffs’ Road station. Projections by metro transport consultants suggest that this inter-modal transfer station will be the second busiest, in terms of numbers of peak hour commuters, in KwaZulu Natal after the Berea Road Station. This accessibility and the potential number of commuters clearly represent major opportunities for Bridge City.

Bus and taxi ranks will be integrated into the inter-modal transfer facility. Additional lay byes and smaller facilities are located in other parts of the development for convenience, for example adjacent to the Magistrates Courts and Hospital (as demarcated on the Precinct Plans).

5.4.3 Pedestrian Circulation

An overriding ethic for Bridge City is its “pedestrian friendliness” with the emphasis being on a well-designed, maintained, controlled and safe environment.

The streets and malls within Bridge City are regarded as pedestrian precincts within the overall urban renewal project and are networked outwards to link into the mixed-circulation grid of Bridge City. The Town Centre anticipates this by having several points of entry that coincide with the wider circulation patterns of the area. Details of these points will be finalised with the Design Review Panel.
As development of the larger development parcels within the urban development project proceeds, the principle of opening up additional mid-block pedestrian links is to be observed in order to make the urban system permeable but safe in terms of pedestrian movement. Details of these will be approved and confirmed by the DRP.

5.4.4 Bridge City’s Open Space And Landscaping

While Bridge City is situated on reclaimed land above the Piesang River floodplain, significant open space features on site have been planned and incorporated into the framework to reinforce the outdoor and pedestrian orientation of the development. These add value to the aesthetics, legibility, and sense of place and provide convenient linkages. The structure of the open space system is a crucial element of the Urban Centre and caters for the following needs of its users:

- Active and passive recreation
- Visual and aesthetic
- Storm-water management
- Landmark
- Sense of place

The system is conceived as a network of prominent hard and soft open spaces, of varying size, linked together with linear paths and pedestrian walkways.

Components of the open space system comprise:

- The main activity street or boulevard as the focus of the retailing hard core, being a combination of special paving areas, slow moving traffic, sidewalk cafes and outdoor vending activities, water feature and green traffic islands through the development along the major east – west axis,
- The demarcated park represents the central park, possibly incorporating an open-air amphitheatre for meetings, concerts, etc;
- Other parks defined within the site blocks and circled by buildings on the perimeter. These provide open sanctuaries for games, relaxation and rest within the highly urban environment;
- Wide medians running the length of the major streets as pedestrian and activity-friendly spaces. These would incorporate indigenous shade trees as opposed to ceremonial trees and would be major urban landscaping features providing prominent linear open spaces;
- The formal planting of street trees along the primary boulevards and on-street parking spaces to define pedestrian channels distinct from the trafficked roadways;
- The creative use of traffic intersections for visual amenity and distinctive landmarks developed around a core planting mix;
- A secondary order of street tree planting used to define important avenues in Bridge City’s structure with the emphasis on developing a street canopy that arches over the carriageway from both sides of the road;
- A tertiary order of street trees used to define the lower order streets within Bridge City;
Sidewalks include formal planters, which demarcate the pedestrian zone, provide a sense of separation from the streets and help in defining street hierarchy.

The extensive embankment edges of MR93, the new Interchange and the earth banks to be planted with local coastal trees and shrubs;

A series of smaller scale parks together with widened median areas are planned within the mixed use areas within the urban centre.

5.5 THE PACKAGE OF PLANS APPROACH

Bridge City, from a planning and development context, is structured around a package of plans approach. This package of plans is comprised of the following five key elements:

5.5.1 Contextual Framework
A contextual framework setting out the overriding vision and role the new town centre is to play in the sub-region and the broad range and quantum of development rights warranted by the area as an emerging node.

5.5.2 Development Framework
A development framework establishing the legal entity, road layout, block subdivision, activity patterns, general distribution of bulk, height, coverage and design intentions and infrastructural inputs.

5.5.3 Precinct Plans
Precinct plans submitted by the Primary Developer in terms of which detailed development packages are derived, development rights allocated, detailed design controls and guidelines prescribed and implementation of the public environment undertaken.

5.5.4 Site Development Plans
Site development plans submitted by individual developers indicating how the development of individual sites is to achieve the development intentions of Bridge City, how access and egress is to be handled, the resolution of on-site parking and site works, and how the design controls and guidelines have been achieved to the satisfaction of the local authority and the DRP.

5.5.5 Building Plans
Building Plans submitted by individual developers for approval by the DRP and the local authority in terms of detailed design aspects and the National Building Regulations (NBR) requirements.

6. SCHEME MANAGEMENT

The following development control principles will act as the critical guiding and managing ‘mechanisms’ in order to ensure that the vision for the Bridge City development is not jeopardised, but facilitated:

1. The creation of a flexible Scheme control mechanism, which provides key areas of certainty in order to ensure the basic integrity of Bridge City.

2. The use of a defined, detailed Precinct Plans that provide certainty in terms of overall spatial frameworks and primary structuring elements, broad land use categories, potential heights and potential floor area ratios.

3. The management of Development Rights in terms of a “Rights Bank” and the vesting of all of the Development Rights contained in the Bulk Floor Area with the
Primary Developer and through whom and by whom, within the provisions of this zone, all Rights are allocated.

4. The imposition of Urban Design Guidelines, such as Build-To Lines, to which all sites must adhere.

5. The use of a Design Review Panel to review all development proposals prior to Local Authority approval of Building Plans.

6. The preparation of Precinct Plans by the Primary Developer with local authority input and approval to guide the detailed development on a site by site basis.

6.1 Scheme Control Mechanism

6.1.1 The Scheme Control Mechanism is implemented through the Town Planning Regulations with specific reference to Special Zone 44: Phoenix South - Bridge City (see Annexure A).

6.1.2 A critical feature of the Bridge City development is the carefully formulated Town Planning Scheme mechanism. This mechanism provides certainty on key aspects relating to both the control and management of the Bridge City development but also provides sufficient adaptability and flexibility to enable the Bridge City development to evolve and develop naturally in tune with changing demands and wider socio-economic conditions and to be managed in a facilitative and proactive manner.

6.1.3 The Scheme control mechanism is based on the overarching vision and Development Framework as well as the particular precinct planning, landscaping, site and other development controls as provided for below.

6.2 Rights Bank

6.2.1 The total maximum Development Rights (bulk floor area) envisaged for Bridge City is 725 000m².

6.2.2 The current Primary Floor Area Rights (Rights immediately available to be sold and utilised) available is 100 000 m². The Primary Floor Area Rights are included within the amount indicated in 6.2.1 above.

6.2.3 The total amount of Development Rights will be held in a "Rights Bank" which is effectively controlled and managed by the Primary Developer in conjunction with the Local Authority.

6.2.4 All Rights which are sold/transferred/distributed or used shall be taken from the Rights Bank solely by the Primary Developer.

6.2.5 The manner in which the Development Rights held in the "Rights Bank" will be sold/transferred/distributed and used will be in accordance with the Precinct Plans and Development Manual.

6.2.6 Any Development Rights as sold but not used on any site (in which the maximum permitted FAR is not taken up) will automatically be reallocated into the "Rights Bank" for future use and sale by the Primary Developer.

6.2.7 Any Development rights sold but not developed will also come back to the Primary Developer. The period is stipulated in the sales agreement for rights as sold but not taken up. Unused Rights will be reallocated to the Rights Bank after this period.

6.3 Package of Plans

Bridge City will be controlled and managed in terms of a Package of Plans approach. This will be based on the following:
• Development Framework (defined in terms of a minimum and maximum FAR)
• Precinct Plans
• Site Development Plans
• Landscaping Plans
• Building Plans

6.3.1 Development Framework

6.3.1.1 The Bridge City development is to be developed in accordance with the Development Framework which will act as a master plan indicating the potential, envisaged total development of Bridge City on a site specific basis over the next 10 years. A Development Framework Plan (November 2006) provides a conceptual portrayal of how the zone would develop over time. It is noted that this plan is conceptual and is subject to change to the satisfaction of the Head: Development Planning and Management.

6.3.2 Precinct Plans

6.3.2.1 The Special Zone 44 Phoenix South - Bridge City area will be divided into a number of Precincts as determined by the Primary Developer.

6.3.2.2 Each Precinct, which may be comprised of any number of sites, will have a Precinct Plan prepared for it by the Primary Developer.

6.3.2.3 Such Precinct Plans are to be prepared with the Local Authority’s input and must be formally submitted to the Local Authority for approval in terms of Section 2.7 below.

6.3.2.4 The Development Framework will provide the over-arching development control of Bridge City and within which all planning and development decisions will be made and approved.

6.3.2.5 The Development Framework will be expressed in terms of 3 components, expressed in 2 separate plans, Plan A and Plan B. The 3 components are; land use categories, floor area ratio and height.

6.3.2.6 Plan A indicates the minimum development level which must be developed to and Plan B indicates the maximum permissible development level.

6.3.2.7 The attached Table is an extract from the municipal byelaws that provides controlling mechanisms within which the various land uses are to be managed and developed.

6.3.2.8 Any number of sites may be included in a Precinct Plan.

6.3.2.9 No site shall be sold unless the site is included within a Precinct Plan, and approved by the Local Authority’s delegated body.

6.3.3 Site Development Plans (SDP)

6.3.3.1 Every site in Bridge City shall have a Site Development Plan prepared for it and accepted, in writing, by the DRP prior to submission to and approval by the Local Authority and prior to any construction on the site. Development on the site shall be in accordance with such Plan.

6.3.3.2 The SDP plan will be subject to the Precinct Plans and architectural guidelines as outlined in the Development Manual.

6.3.3.3 The Site Development Plan will be reviewed by the Design Review Panel prior to submission to the Development Planning and Management Department and prior to the submission of Building Plans to the Development Planning
and Management Department, save that the SDP and Building Plans may be submitted simultaneously with the DRP’s written recommendation.

6.3.3.4 The Primary Developer will establish a DRP, including local authority representatives, that will be responsible for considering and recommending for approval all Site Development Plans and Building Plans with the provision that no Building Plan may be approved unless a Site Development Plan has been reviewed and recommended for acceptance, in writing, by the Design Review Panel.

6.3.4 Landscaping Plans

6.3.4.1 Every site in Bridge City shall have Landscaping Plans prepared for it and accepted, in writing, by the DRP prior to approval by the Local Authority (if required by the Local Authority) and prior to any construction on the site. Development on the site shall be substantially in accordance with such Plan.

6.3.4.2 The Landscaping Plans will be subject to the Precinct Plans and architectural guidelines as outlined in the Development Manual.

6.3.4.3 All Landscaping Plans will be reviewed by the Design Review Panel prior to submission to the Development Management Department and prior to the submission of Building Plans to the Development Planning and Management Department.

6.3.5 Building Plans

6.3.5.1 Every development will be subject to the submission of Building Plans for approval by the Local Authority.

6.3.5.2 The Local Authority shall only approve Building Plans provided that a SDP and Landscaping Plan have been reviewed and accepted by the DRP and provided that the Building Plans have been recommended for approval in writing by the DRP and the Building Plans have been stamped and signed by the DRP.

6.3.5.3 Every Building Plan shall be subject to the SDP and Landscaping Plans, the architectural guidelines in the Development Manual, the general provisions of the Town Planning Scheme, the Local Authority’s procedures, regulations and byelaws, and the National Building Regulations.

6.4 Management Association

6.4.1 The Primary Developer may elect to establish a Management Association and all Lot owners will be obliged to become members, remain members and abide by the objects of the Association (if established) and as set out in the articles and rules of the Association (all sectional title owners will become members of the relevant body corporates – to be confirmed).

6.4.2 The Local Authority will be a member of the Association both as an owner as well as a managing partner of Bridge City due to its ownership of the land until sold to individual developers.

6.4.3 The Association shall manage and control the town centre (as provided for in Clause 5 of the Sale Agreement). This may include maintenance (in the open space areas and sidewalks) and security of Bridge City.

6.5 Sidewalk Servitude

6.5.1 It is intended that the sidewalks within Bridge City will be owned by the Local Authority, but in line with the principles on which Bridge City is developed, the Management Association will have a “User Right” over the sidewalk.
6.5.2 Such “User Right” shall be formalised by way of a Sidewalk Servitude as outlined in Sec 5.3.7 above and Annexures B and C attached in favour of the Management Association with the necessary conditions.

6.6 DESIGN REVIEW PANEL (DRP)

6.6.1 A DRP will be established by the Primary Developer and the composition, function and responsibilities of the DRP will be agreed to by the Head : Development Planning and Management. The DRP’s responsibilities will include, but not be limited to, the review, assessment and acceptance of all development proposals including SDP’s, Landscaping Plans, and Building Plans and for the recommendation of all such Plans to the local authority as provided for in 7.2 below.

7. THE DESIGN REVIEW PROCESS

7.1. THE PURPOSE OF THE DEVELOPMENT MANUAL AND DESIGN REVIEW PROCESS

7.1.1 Bridge City is being developed by the Effingham Development Joint Venture (JV) which has appointed Tongaat Hulett Developments (Pty) Limited (Tongaat Hulett Developments) formally as Project Manager for Bridge City. This Development Manual sets out the design directives and requirements in terms of which individual sites are to be developed in Bridge City. The detailed designs are to be prepared within the guidelines of the Development Framework and the precinct plans, and are to be subject to a design review process.

7.1.2 The spirit of the Manual is one of co-operation to jointly develop a successful urban area that reinstates the importance of mixed-use, people-oriented nodes in an increasingly disaggregated metropolitan system. An overall standard is sought for Bridge City that adds to property and building values within the urban area.

7.1.3 A Design Review Panel (DRP), working within the framework provided by the Development Manual, will scrutinise proposed developments for individual sites within Bridge City. The objectives of this Panel will be:

- To ensure that the overall design intentions and vision for Bridge City are being met.
- To establish patterns of development between sites that promote synergy between developments and promote the integrated growth of the urban area.
- To co-ordinate the shared use of vehicular access, parking, loading, access to utilities and service facilities between developments.
- To ensure that both the minimum and maximum limits on development of each site are complied with.
- To monitor compliance with the design directives.
- To ensure the Developer maximises the current Development Rights.
- To monitor the use of bulk in Bridge City in terms of the overall development framework and the particular precinct plan to which the site is subject.
- To endeavour to minimise the negative impact of a proposed development on any adjacent sites.
- To ensure that the development of any particular site is in keeping with the character of the precinct of which it is a part and constitutes a development of quality in that specific context.
7.1.4 Working within the framework of the Development Manual and subjecting individual developments to design review is intended to protect both the value of the overall town centre and the interests of individual developers. Extensive effort on the part of the Primary Developer has gone into creating a holistic development framework. The Development Manual and the DRP, in collaboration with each developer, will ensure that its intentions are realised in individual developments.

7.1.5 Each developer within the urban area will own the site in freehold title and will be obliged to become and remain a member of the Bridge City Management Association (the Association) if it is established by the Primary Developer. Any subsequent buyer, in freehold or any other form of tenure, shall similarly be obliged to become and remain members of the Association, should the Association so wish.

7.1.6 Nothing in this Manual, or the design review procedures, releases a developer from compliance with the requirement for approval by the local authority in terms of its relevant by-laws and regulations or the requirements of any other relevant authority.

7.1.7 The DRP or the Association shall, if established, have the right at any time to add to or amend the Development Manual (provided that any addition or amendment shall only be made by the Association after due consultation with the DRP). Any future purchaser as well as existing purchasers will be expected to abide by the amended document.

7.1.8 No building may be erected within Bridge City, nor any site works undertaken, nor any plans submitted to the local authority, without first having obtained the approval of a SDP by the DRP on behalf of the Association.

7.1.9 Once the DRP has approved a SDP, such SDP must be submitted to the local authority for approval.

7.1.10 Once the DRP has approved SDP, Building Plans may be submitted for the DRP’s approval. Building Plans may only be submitted to the local authority once the local authority has approved the relevant SDP and DRP has approved such Building Plans.

7.1.11 An early start on site in respect of earthworks, piling, foundations or any other works will be solely at the DRP’s election. However, any early start on site will also be subject to prior written consent by the local authority. The minimum prerequisites for asking for an early start will be that a SDP has been approved by the local authority, Building Plans have been submitted to the local authority, the first round of referrals has been made by the local authority to the applicant and that the applicant has attended to, and resubmitted such plans to the local authority for approval.

7.1.12 Save with the DRP’s prior written consent, buildings on individual sites must be designed by a professional registered with the South African Council of Architectural Professionals (SACAP) save with the DRP’s prior written consent. This professional is to be the client’s principal agent throughout the design, documentation and construction phases of the project unless otherwise agreed by the DRP in writing.

7.1.13 Landscaping on individual sites is to be specified as laid out in Section 16 of this Manual.

7.1.14 The Association will provide for the appointment of the DRP as a sub-committee of the Association in terms of its Articles of Association. From time to time a scrutiny fee will be determined by the Association in terms of its rules and levied on applicants. A retention amount as determined by the Directors of the Association from time to time, is to be lodged with the Association for use as described in Section 17.1 below. This amount will only be refunded to the applicant on receipt of the DRP’s Certificate of Compliance noted below. The developer may not transfer ownership of the building to a third party until he receives the Certificate of Compliance.
7.1.15 The DRP will be authorised to review and act on development proposals in accordance with the procedures set out in the Development Manual and by applying its judgement against the Manual. In special circumstances, the DRP will be entitled to consider modifications or waivers of certain requirements laid down in the Development Manual.

7.1.16 Each development proposal will be reviewed, as the design for the building evolves, as set out in the Design Review Procedures below.

7.2. Design Review Procedures

7.2.1 Pre-Design Briefing and Statement of Intent

Prior to the submission of any proposal, a member of the DRP will brief the developer and architect and clarify the mutual design objectives, the characteristics of the particular site, its detailed development parameters, servicing considerations and special requirements, if any.

Following this briefing, the applicant is to submit a written statement of intent noting the development objectives for the site. This is to include the bulk to be realised, the height and coverage to be achieved, an indication of how parking, access, servicing and any special design intentions are to be achieved, the brief to the design team and its scope of work, a draft schedule of accommodation and land use and an indication of the budget for the development in terms of the building itself, the landscaping of the site and the package of professional fees.

The submission of this statement of intent and its broad acceptance by the Design Review Panel, the Primary Developer and the Local Authority is a critical step in the development process. Applicants are strongly advised to ensure that this step is not overlooked, as failure to comply at this stage could lead to significant frustration and cost if the design and concept is further developed on the basis of some fundamental issue not acceptable to any of these parties.

7.2.2 Outline / Concept Design Submission and Preliminary Sketch Plans

In light of the mixed-use nature of Bridge City and the proximity of developments to their neighbours, the preparation of the outline design proposal, concept plans and preliminary sketch plans is a process requiring constructive engagement between the developer and the DRP. The concept plans must include details of the bulk to be realised, the height and coverage to be achieved, an indication of how parking, access, servicing and any special design intentions are to be achieved, a draft schedule of accommodation and land use, and an indication of the budget for the development in terms of the building and landscaping of the site.

Emphasis at this stage is on the development of concepts and early design development sketch plans of a preferred alternative. The DRP will consider the proposed development in block, diagrammatic and conceptual form relative to site configuration, overall layout, site levels, pedestrian and vehicular access and egress points, services connections, parking provisions, proposed bulk, height and building envelope, influence on existing or proposed adjoining developments, major elevations and architectural features. The DRP will then indicate its satisfaction with the outline proposal and request the developer to undertake preparation of a Site Development Plan (SDP) for the DRP’s consideration.
7.2.3 Site Development Plan (SDP) Review and Approval

Site Development Plan documentation is to be at a minimum scale of 1:200 and is to include design concept plans, sections, levels, indicative elevations including signage zones, pedestrian and vehicular access and circulation, parking arrangements (including, if applicable, specific reference to any off site parking in the central core parking facility), services connections and service areas, overall bulk, height and other site controls as more fully outlined in the Primary Developer’s DRP checklist. Reference is to be made to adjacent developments and how the proposal, with its proportioning system and intended activities, will relate to its context, the street, its neighbours and other public or semi-public space. The layouts must deal with issues such as the interface with paving, landscaping and other features of the public domain and with the central parking courts (where applicable).

The treatment of elevations, materials, colours and textures is required in indicative form only.

A comprehensive list, with contact details, of the professional team including the Architect (specifying whether he is the principal agent) and, as applicable, project manager, structural engineer, traffic engineer, mechanical/air conditioning engineer, landscape architect/consultant, fire consultant and any other professional, is to be included with the SDP submission.

When satisfied, the DRP will approve the SDP for onward approval by the Local Authority, will permit the developer to proceed with the preparation of building plans for submission to the Local Authority and allow the developer to submit landscaping and building plans to the DRP.

7.2.4 Detailed Design Approval of Building Plans, Landscaping Plans and Signage Policy

The documentation required for the DRP’s detailed design approval is approaching, but not as exhaustive as that required for local authority building plan submission. It includes a refinement and development of all the details submitted at the SDP stage, plus dimensioned plans, sections and elevations at a scale of 1:100, one or more detailed sections indicating typical and, where necessary, special construction details at a scale of 1:20. A detailed landscaping plan, including final land forming and planting types at a scale of 1:200 is also to be included. A detailed signage policy describing and detailing signage zones and signage specifications is to be submitted and approved as part of this approval stage. A schedule of materials, colours and other relevant finishes is required in respect of the building’s exterior and public lobby areas at ground floor. All information is to be submitted in triplicate in hard copy and in an electronic format acceptable to the DRP. Only on approval of the plans by the DRP may the applicant submit building, landscaping and signage plans, if required, to the Local Authority for approval. The DRP will serve a letter of recommendation (with any special conditions agreed upon with the Primary Developer) in support of the plans and will sign or stamp the Plan which must be submitted to the Local Authority.

7.2.5 Construction Review and Review of Detailed Items

A member of the Design Review Committee, or its representative, may attend site meetings from time to time in order to assist in the development process and maintain on-going review of the building through the construction phase. The Design Review Committee will, at an appropriate time suitable both to the
applicant and the Committee, convene further design review meetings and in situ inspections to consider detailed items in respect of lighting, specific signage applications in terms of the approved policy, landscaping and other detailed items that may arise. All lighting and signage proposals and pro-forma tenant lease agreements in respect of these are to be approved by the Committee prior to an Occupation Certificate being applied for from the local authority. It is an express intention of the construction review process that site and construction management, site establishment, public safety, hoarding, screening, delivery of materials, management of construction traffic and site personnel all receive due diligence and attention. All construction operations are to be carried out strictly in conformance with the rules of the Association.

7.2.6 Final certification of Compliance and As Built Drawings

On practical completion of the building and all site works, including landscaping, the developer is required to submit to the DRP one full set of As Built drawings in hard copy, plus in electronic format acceptable to the DRP. On receipt of the As Builts, one or more members of the DRP will, together with the developer and architect, inspect the building in respect of compliance with approved plans, signage, lighting, landscaping and discussions held at prior reviews. Once satisfied that the development complies with the DRP’s requirements, the DRP will issue a Certificate of Compliance on behalf of the Association. Once this certificate has been issued the development will be considered finished in terms of the Articles of Association of the Association and only then will the applicant be due the retention noted above and have the right, should the developer choose, to transfer ownership of the building to a third party.

8. ARCHITECTURAL GUIDELINES

8.1 FUNDAMENTAL PRINCIPLES

In essence, the design ethic is to use buildings to define space rather than for buildings to appear simply as objects in space having little or no relationship to one another. It is therefore important for the built fabric of Bridge City to have a critical mass defined by:

- Relatively high floor area ratios
- Minimum heights that, at different points within Bridge City, achieve an acceptable degree of enclosure of the public environment
- The imposition of Urban Design Guidelines, such as build-to lines, that ensure that buildings conform to create strong street edges rather than recede from the public environment
- Minimum design criteria that accentuate the building’s relationship to the public environment, its point of entry, parking, vehicular circulation, the security treatment of site boundaries, massing of built form, elevation and roof treatment, façade modulation, vertical composition and relationship to adjacent developments.

8.2 THE ARCHITECTURAL ETHIC

An architectural ethic is sought with urban character that:

- Recognises its context,
- Is respectful of its neighbours,
- Responds to, defines and enriches the public, semi-public and private environments, and
- Contributes to an overall group urban form
Theme architecture is discouraged, but branding, in certain instances, may be acceptable to the DRP provided it is properly motivated on merit.

Buildings should not be overtly fashionable, although the DRP may accept this provided it is properly motivated on merit.

8.3 Materials and Quality of Work
The use of high quality materials and their application being of the highest standards is essential.

Durability and easy, cost-effective maintenance is to be encouraged.

All materials used and their application are to be to the satisfaction of the DRP whose judgement will be directed to how it achieves the above aims.

All walling materials complying with good quality, detailing and durability, both in performance and aesthetic terms, will be considered although the DRP’s decision in this regard will be final.

All surface coatings are to be long lasting, enduring in quality and appearance and requiring only low to moderate maintenance.

Although reflective glazing of varying degrees may be used, its extensive use is discouraged and it should be used to achieve specific architectural intentions.

Materials and elevations should reflect sustainability concerns in respect of energy and water conservation.

All roofs, whether pitched or flat, are to be dealt with as conscious elements of façade treatment.

All shade structures, whether on a building’s façade, or its roof are to be of a substantial nature and designed in keeping with the building’s architectural ethic.

All materials used in screening, filtering of sun or heat, and sun control blinds should comply with high-quality, well-tested specifications.

8.4 Colours and Textures
Any colours are permitted, although the use of primary or bright colours for more than 5% of a façade is discouraged, exceptions will be permitted on application to the DRP.

All materials noted above and within a wide colour range are encouraged and a wide variety of textures is welcomed. Heavily textured materials that tend to trap dirt and dust are discouraged, but these can be motivated where necessary.

8.5 Addressing the Street, the Inner Core of the Block and the Relationship to Surrounding Developments
As a general principle, each street or urban space is to be lined by a continuous façade of buildings, each building bearing a strong relationship to its neighbours and, hence, to the collective streetscape.
It is essential that gaps between buildings be as limited as possible and buildings are encouraged to abut up against each other at least in respect of their street edges. Where driveways or pedestrian lanes are to penetrate from the street through to the rear of a lot, it is encouraged that such discontinuity in the building’s street façade be limited to the ground floor only.

Common elements occurring as part of each building’s proportioning and modulation system must be brought into relationship with one another. Tide lines, cornice lines, or other devices of horizontal modulation, for example, should be related from building to building with common design elements. Similarly, the vertical modulation of buildings should have the combined effect of establishing a rhythm of frontage as viewed as a combined street façade.

In the event of one building preceding either of its neighbours, all blank facades built onto common boundary lines in anticipation of an adjacent building butting up against such façade, must be treated as properly finished elevations in keeping with the building’s architectural style.

It is equally essential that the interior condition of each block be considered with similar importance. A critical design principle of the urban centre is that the interior of each block should be recognised as a place in its own right and should form an important ingredient of the semi-private domain of the urban centre.

The core of the block is intended to become a semi-private court and will be registered as a separate subdivision or a non-user servitude. It may be used collectively by lot owners in that block as an underground parking garage with gardens above, various configurations of well-landscaped surface parking courts, or as an above-ground parking structure commensurate with the mass and form of the architecture surrounding it, to the discretion of the DRP. It as an important frontage and the design should respond accordingly.

8.6 ENERGY EFFICIENT DESIGN

Improving the energy performance of buildings is an important part of the strategy to reduce greenhouse emissions and thereby assist in securing ecologically sustainable development and the use of natural resources. Accordingly, all buildings with mechanical ventilation systems should comply with the goals of the proposed SANS 0204 “Energy Standard for Buildings with Mechanically assisted Ventilation Systems”. Copies of this are available from the CSIR (Council for Scientific and Industrial Research) or on request from the Primary Developer.

Tongaat Hulett Developments, in terms of its commitment to sustainable human settlements, has embarked on a process to implement aspects of the One Planet Living Principles in the design and construction of the buildings in Bridge City. Whilst these aspects are strongly recommended, it is believed that the aspects considered and implemented will ensure that the precious resources of the planet are, as far as is practical, used efficiently. Some aspects of the One Planet Living Principles are included for the purchaser and architect to consider in the planning and designing of the development. Some of the aspects are common sense and have no financial impact on the design or implementation of your building but some aspects have a short-term financial impact. This short-term financial impact is more than negated by the financial and non-financial medium and long-term gains.
The following aspects are strongly encouraged and the developer's intentions in regard to each item must be indicated on the plans to be submitted to the Design Review Panel/the Association.

a) Use only low energy / CFL light bulbs.
b) Use of solar for external lighting.
c) Solar thermal hot water heating.
d) Timer switchers on conventional geysers.
e) Geyser blankets on conventional geysers.
f) Use of dual flush toilets mandatory.
g) Creative application of lighting solutions e.g. uplights using CFLs, LED spots etc.
h) Motion sensor light switches.
i) Turning geyser thermostat down in summer (approx 50 degrees, may need to go up to 60 degrees in winter).
j) Maximize use of double glazing and circulation in building design and operation.
k) Ensure most efficient orientation of building to maximize sun and wind.
l) Roof Space insulation.
m) Use of gas stoves.
n) Use of showers instead of baths (maximum of 1 bath per unit).
o) Rainwater harvesting for irrigation.
p) Timer switches on irrigation such that watering happens at appropriate times (not midday) and for minimum necessary time periods.
q) Tap aerators on sinks and basins (not baths, takes too long to fill with concurrent heat loss of the water)
r) Low flow shower heads.
s) Low energy / low water use appliances ("A" rated).
t) Separation of grey water for use for irrigation.
u) Use of re-usable shopping bags.
v) Use of home composters for each house, (start at approx R350 from Mica) to encourage people to separate their organic fraction from their kitchens (some 60% of household waste).
w) Use of freestanding 'planters' for each home to encourage home growing of veggies.
x) Ensure planting palette includes food plants.
y) Use of indigenous landscaping and planting palettes (providing for use of food plants)

8.7 HAZARDS POSED BY PHOENIX INDUSTRIAL PARK SASOL GAS SUPPLY PIPELINE

It is recorded that a gas supply pipeline operated by Sasol Gas runs along Abedare Drive in the Phoenix Industrial Park. The Primary Developer commissioned a risk assessment and mitigation report from a specialist gas line consultant that concludes that the associated risks in Bridge City are minimal. A small portion of Bridge City lies within the 104m zone (104m from Main Road 93) within which zone certain mitigation measures are recommended. However, this small portion comprises road reserve or non-developable land and, as such, the zone does not impact on Bridge City. This has been confirmed by the eThekwini Municipality's Fire and Emergency Services Department. Nevertheless, the Primary Developer cannot accept any liability in this regard and it is incumbent on developers and their design
consultants to familiarise themselves with the contents of this report, which are available on request from the Primary Developer, and any requirements of the eThekwini Municipality.

9. URBAN DESIGN GUIDELINES

9.1 NON-USER SERVITUDE
Where a site is subject to a non-user servitude, the bulk and coverage calculations are to be based on the gross site area although the development itself is to be confined to the net area of the site alone. The area designated as non-user servitude is to be used for paving, planting and parking purposes only and kept free of structures save that basements which, subject to written approval by the DRP in cases of individual merit, may encroach partially or wholly into the non-user servitude area.

In the case of corner sites (unless otherwise indicated on the subdivisional or precinct plan or at the discretion of the DRP), a spayed building restriction area measuring 3m by 3m applies in respect of ground floor level only, leaving clear headroom of a minimum of 3.5m. This allows clear traffic sight-lines with buildings articulated above the ground floor.

On all other sites (unless otherwise indicated or motivated and approved by the DRP), any designated building restriction area or non-user servitude restriction applies to all levels of the building other than basement level. A lot owner may be released from the requirements of a non-user servitude at the discretion of the Primary Developer after reference to the DRP.

No side space nor rear space restrictions apply to sites within the urban centre other than where specified otherwise, or in the case of a non-user servitude or subject to the provisions of the National Building Regulations in respect of drainage, sewers and other site-internal services.

Additional building restriction areas may be designated, or designated building restriction areas removed, as may be indicated on a detailed precinct plan from time to time.

9.2 BUILD-TO LINES
The boundary of a lot abutting a street or streets is, unless otherwise indicated, regarded as a build-to line on which a minimum of 90% of a building’s street-facing façade must be built.

The build-to line is to apply to all levels within a building’s façade provided that, beyond a height of 2 storeys, the façade of the building may be developed on a line no further than 1m from the street boundary and provided further that, beyond a height of 3 storeys, the façade of the building may be developed on a line no further from the boundary than 2.5m.

Overhanging elements of a building’s street-facing façade, such as balconies, sun screening devices and eaves, are not regarded as defining the building’s street-facing façade and may extend beyond the build-to line.
9.3 **BUILD-WITHIN ZONES**

Where a lot is not specifically designated as being subject to a building restriction area or build-to line, such lot is deemed to be subject to a build-within zone extending along the full street boundary or boundaries to a depth of 5m (unless otherwise specified) measured from such boundary.

Where a site is subject to a build-within zone, 100% of any relevant street-facing façade of a building shall be within such zone and 75% of any relevant street facing façade of a building shall be completely over such zone. The build-within zone is to apply to all levels within a building’s façade provided that, beyond a height of 2 storeys, the façade of the building may be developed on a line no further from the boundary than 3m, unless otherwise specified.

Overhanging elements of a building’s street-facing façade, such as balconies, sun screening devices and eaves, are not regarded as defining the building’s street-facing façade and may extend beyond the build-within zone.

9.4 **COLONNADE RESPONSE**

A colonnade is defined as the covered canopy predominantly extending over the sidewalk or the public domain. A minimum height of 4.5m shall apply and a minimum width of 2m shall be provided, although this can vary depending on local conditions and extent of public edge.

9.5 **ARCADE RESPONSE**

A covered walkway to predominantly occur within the envelope of the building and within the private domain. A minimum height of 4.5m shall apply and a minimum width of 2m shall be provided for.

9.6 **MINIMUM SETBACK**

A primary setback should be applied above the 2nd floor having a minimum setback of 3m and is to be applied in accordance with the urban form directives plan. Setback detail is subject to design review process. In some cases both the primary and secondary setback should be applied.

A secondary setback is to be applied above the 4th floor having a minimum setback of 5m and is to be applied in accordance with the urban form directives plan in the precinct plans.

Changes may be motivated for the Design Review Panel’s consideration.

10. **HEIGHT OF BUILDINGS**

It is the intention to achieve as much of an urban quality as possible and to this end developers are encouraged to achieve maximum allowable bulk and height. Whereas developers may not wish to utilise their full height allowances, minimum and maximum heights are demarcated on the precinct plans.

Exceeding the permitted maximum height for a building in respect of creating a landmark or an accentuated architectural feature can, in cases of individual design merit, be permitted by the DRP (subject to Local Authority approval) and is actively encouraged in helping to create a townscape of unique and complex qualities.
The roof is not included in the height envelope to encourage architectural response provided that it is not used as habitable space. Basement shall not be included in the height envelope provided that such basement does not exceed 1m in height from natural ground level (NGL) (subject to the relevant Precinct Plan provisions).

11. MIXED USE DEVELOPMENT, STREET RELATED USES AND ENCOURAGEMENT OF RESIDENTIAL DEVELOPMENT

Much of the quality and life sought for the urban centre is dependent on the extent to which mixed use developments are achieved and this is a high priority for developers.

Uses sought are retail, restaurant and entertainment activities at ground level where permitted in terms of the precinct plans. The ground floor activities would complement residential uses and activities on the upper floors.

Mixed uses and the use of sidewalk space are important elements in the architecture of a building and the use of colonnaded, canopied or similarly shaded and rain-protected sidewalk space becomes an important determinant of a pedestrian-friendly approach. Areas where colonnades and street awnings are required are demarcated on the precinct plans and are to be constructed by the developers as part of the first phase of development.

The mixed uses at ground level must have active interfaces with the street and outside public environment along most of the length of such street interfaces, be this in the way entrances, windows or common areas facing out onto the street and promoting the surveillance of the street space. Blank, or largely blanked off ground level facades are strongly discouraged.

12. PEDESTRIAN ENTRY, VEHICULAR ACCESS AND PARKING

Street related architecture is to emphasise the accentuation of pedestrian walkways and pedestrian entries in secure paths, both off the street and from internal squares. Buildings are to have double frontages with pedestrian circulation and clarity of access being important from both sides.

Given the close juxtaposition of the main entry into a building with the sidewalk, care must be taken to deal with the transition from public sidewalk to the semi-private and private interior of the building’s lobby.

The urban centre must be as user-friendly and as accessible as possible to all people regardless of disabilities.

The number of vehicular driveways across the pedestrian pavements and sidewalks must be limited. The non-user servitudes that traverse each block provide secure internal vehicular and pedestrian access.

The system of mid-block lanes will also be used for service deliveries, provision of utilities and refuse collection.
13. SECURITY, FENCING, DEFENSIBILITY AND NATURAL SURVEILLANCE

With the emphasis on street-related architecture, the amount of perimeter security fencing other than in the design of the building itself must be minimised. In certain instances the precinct plans may allow setbacks.

It is the intention that the buildings be designed onto public edges in such a way that the security of the buildings and the lot itself becomes a consequence of the building’s design. At the same time, care must be taken to ensure that surveillance of the public environment from within the building is promoted to a high degree.

The security of the building and lot can be designed as an integral part of the building’s architecture in many ways:

- The perimeter of the building should be as continuous and with as few breaks as possible relative to the lot’s perimeter
- The ground floor of the building may be set above the sidewalk level by an amount not exceeding 1.2m, thus removing lower floor window sill heights from street level both for security and privacy reasons, while increasing the level of surveillance of the street from within the building
- Basement ventilation slots thus presented to the sidewalk may be made safe by means of attractive grilles and further made impenetrable with planting and low level picket rails
- Roller shutter grilles securing access to driveways and parking areas should be disengaged from the sidewalk line and be visually permeable in order to maintain surveillance of the public domain
- Discreet, unobtrusive security systems, such as electronic beams (often combinations of infrared and radio) or closed circuit television can be used to safeguard the building
- Lower level windows may be designed as non-opening elements with or without smaller pane sizes
- Smaller pane sizes, in the context of the building’s design ethic, can be used in ground-related windows to create burglar proofing by virtue of mullion spacing

Barbed wire, razor wire, spiked toppings to walls, broken glass inlays to wall tops or any similar measure not designed as an integral part of the building’s architecture are forbidden on any frontage or other instance where it would be visible to any neighbouring or public view.

Any fence, hedge or wall is subject to the approval of the DRP and must be in keeping with the architectural ethic of the building. Any fencing or wall material is to be of properly rendered and treated metal, timber or masonry. Diamond mesh or any other mesh not constituting a grille design in keeping with the building’s architecture, together with split-pole, untreated stock brick or concrete block, unless approved by the DRP, is expressly forbidden.

14. ARCHITECTURAL ASPECTS OF URBAN DESIGN

The building plinth must be in reasonable proportion to the volume of the building.
The building must respect existing building forms. Buildings must relate to each other’s tide lines, canopy lines, awnings or colonnades, the general façade, cornice lines, friezes, parapets or other manner of the façade meeting the building’s roof element.

Similarities or disparities are encouraged subject to the DRP’s decision.

The following features are promoted:

- The definition of and response to the sidewalk,
- The promotion of sidewalk activities and a human scale of enclosure,
- Continuity and shelter from sun and rain,

The vertical appearance a building defines complex street architecture. Extensive, unrelieved facades are discouraged.

All apertures and fenestration should incorporate a proportional system of windows, doors and recesses relating to the overall façade.

Sunscreen devices, balconies, colonnades, canopies, awnings and multi-planar facades are encouraged. Eaves, overhangs of all descriptions are discouraged by virtue of their strong domestic, suburban and office park-like qualities.

No single roof should dominate the overall composition of the building or the landscape. This will be to the DRP’s discretion.

In certain parts of the precinct plans, it is proposed that buildings should meet the sky and articulate their relationship to the skyline and those of adjacent buildings. Architectural accentuation may include vertical protrusion above the height envelope provided that such building volume within any protrusion does not constitute habitable space. This is subject to a design review process.

Corner buildings should be unique and celebrate planes and junctions.

All plant and equipment, including air conditioners, antennae and satellite dishes or cellular communication equipment, if not designed as an integral part of the architecture of a building, is to be hidden, suitably screened or made to appear as a designed element of the buildings, including views from adjacent buildings. Should plant and equipment be housed on the roof of the building, all air conditioning equipment, whether centralised, split or individual must either be entirely hidden within the architecture of the building or be expressed as a conscious intention within the building’s design. All gutters, rainwater goods, plumbing, cabling, lighting or signage is to be concealed within the design of the building’s façade or designed as an integral part of the architectural ethic.

15. SIGNAGE, LIGHTING AND GRAPHICS

In respect of all signage placed on a building façade visible to any public, semi-public or neighbouring property, all buildings approved by the DRP are to indicate a zone or zones designed as integral parts of the building’s architecture, which are to be designated for the placement of such signage. Such designated zone or zones, together with a signage code prepared by the building owner and architect and
approved by the DRP for inclusion in any tenant lease agreement, is to be the sole basis of any signage on the building’s exterior.

No sign may be displayed on any exterior façade of a building without first obtaining the approval of the DRP.

A unique name for buildings, rather than the naming of any corporation, organisation, company or product alone, is encouraged. In the case of a building, or complex of buildings, designed so as to create clearly identifiable and unambiguous wings, the DRP may, where individual design merits warrant it, agree to more than one name being given to such components of the building or complex as long as not more than one such name relates to an individual component.

The signage of each of multiple tenants occupying a building may be displayed on the façade of the building within a zone not exceeding 8m from the sidewalk level to which the building relates. It is not the intention to advertise product on the façade in this zone. All advertising of product is to be within the leased area of the shop, office or commercial undertaking. All signage is to be in terms of a code prepared by the developer, approved by the DRP and included in the standard tenant lease agreement.

No sign is to be displayed at a point above the line where the dominant façade of a building meets the transition with the building’s roof element or, in the case of a parapet façade, beyond the height of the parapet itself.

No characters nor items of a sign may exceed 750mm in height and the sign as a whole may not exceed 6m in length provided that the DRP may, in the individual circumstances of a development, decide that such size may be inappropriate and increase such sizing parameters.

Should the sign envisaged not suit the proportions noted above, the guide will be followed that the overall area of the entire sign shall not exceed 4.5 m² subject to the proviso noted in the paragraph above.

All signage shall appear as if it is part of the building, i.e., separate boards and hoardings will not be allowed.

Each building is to have its street address displayed prominently, preferably at the main street entrance of the building. Address signage facing onto the parking court area within any block is also encouraged.

Flood or accent lighting of building facades or elements of the building is encouraged provided that, in the DRP’s opinion, these do not spill excess light into the sky nor create any glare onto the adjoining street or neighbouring developments.

Teardrop freestanding banners, free standing temporary signboards, banners, rotating (whirligig) signs, sandwich boards, bunting, sails, posters, balloons, blimps or other inflatable devices are all prohibited unless specifically approved by the DRP. The erection of flags is prohibited unless specifically approved by the DRP. In the event of such approval, the signs or flags shall at all times be maintained in compliance with the conditions of approval and the rules of the Association and in a condition that is acceptable to the Association.
The abovementioned signage provisions do not apply to the advertising and marketing of Bridge City by the developer, being the Effingham Development Joint Venture (EDJV), in any form that it together with the DRP deem appropriate and subject to the appropriate approval of the local authority being obtained, if required. Such advertising and marketing may include the erection of billboards, use of mobile trailers (notwithstanding the provisions of the Rules of the Bridge City Management Association (BCMA) which apply to members and their developers/representatives) or any other appropriate means of advertising, on any site that is not sold nor transferred and is in the control of the developer or the BCMA, but always subject to the appropriate authority being obtained from the local authority.

16. LANDSCAPING GUIDELINES

16.1 THE LANDSCAPING ETHIC

One of the major landscaping qualities in Durban is the plethora of trees, shrubs and other vegetation which softens the urban landscape, provides definition to open and public spaces, and enhances the architecture of the buildings. Landscaping enhances the human, pedestrian and natural qualities and comforts afforded by the environment. In this light, the building’s architect shall submit, for the approval of the DRP, plans indicating the landscaping intentions for the site in terms of planted area and form as well as associated structural, waterproofing and other details. The DRP shall have the right to insist on the appointment of a landscape architect to take the Architect’s design intentions to completion or may permit the completion of a “design and install” brief by a recognised and experienced landscaping contractor approved by the DRP.

As far as possible, planting is to be indigenous. Landscaping plans are to list and motivate plant types proposed for use and are subject to approval by the DRP. Planting shall also be properly irrigated and designed with conscious attention to routine maintenance.

Save with the DRP’s consent or in cases where the contrary is detailed on the precinct plans, a minimum of 20% of the site’s area is to be landscaped in terms of a properly prepared landscaping plan detailing all earthworks, paving, water features, planters and planting together with the associated irrigation arrangements, structural details to accommodate the landscaping and maintenance specification. The 20% is to be regarded as both hard and soft landscaping areas. Both the plan and the actual completed installation shall be subject to the approval of the DRP.

Where, in the opinion of the Association, a site is inadequately landscaped or poorly maintained, the owner of such site is obliged to rectify the situation, failing which the Association will have the right to undertake such remedial action to the account of the owner. In the case of undeveloped sites no longer in the ownership of the Primary Developer, such sites are to be planted and maintained without any other interim use of the site being permitted other than for purposes permitted in terms of the site’s zoning or for properly constructed and landscaped parking purposes.
16.2 Landscaping in respect of prominent and corner sites

Certain prominent sites, such as corner sites warrant particular landscaping attention. In cases where such sites are designated as having build-to lines or build-within zones and require a particular architectural response, the DRP may approve the conscious design of a landscaping response in lieu of an architectural response in cases of individual merit.

16.3 Landscaping in relation to safety and surveillance

Attention in landscaping is to be paid to the extent to which such landscaping both achieves and enhances the security arrangements of a site as well as the general safety, surveillance and defensibility of the public environment and that of neighbouring sites.

In this regard attention should be paid to ensure that planting does not lead to dark areas that facilitate loitering or which unduly restrict natural surveillance of the areas surrounding a building (particularly the street) either by occupants of the building or by those passing by the building or lot.

16.4 Boundary-related landscaping

Landscaping within or on the boundary of a development facing onto a street or public space is to be undertaken so as to make a conscious contribution to both the architecture of the development (how it is composed, meets the ground or is set within the site) and the public environment onto which it faces.

As a minimum sidewalk treatment, the Primary Developer undertakes to provide a paved sidewalk and planters and trees approximately as set out in the Precinct Plan. It is the responsibility of individual developers to address the interface of their sites with the adjacent sidewalk and surfacing treatment and to include this aspect as an integral part of the landscaping plan prepared for the site.

Landscaping and maintenance of the sidewalk areas adjacent to a development is encouraged and is to be as provided for in the terms of the sidewalk servitude agreement. Where sidewalk areas have not been paved to the full width of the road reserve, an adjacent owner may extend such paving over all or some of the remaining area provided that paving materials and patterns are subject to approval by the DRP. Any planting or planters placed within the sidewalk area are to enhance the prevailing streetscape, permit ease of pedestrian circulation and promote the safety and surveillance intentions of the urban centre.

Landscaping and maintenance of any common side boundary between developments is to be undertaken with due regard to the mutual benefits to be derived from such planting and so as to promote the safety and surveillance requirements of both parties.

16.5 The role of landscaping in creating the inner-core of each urban block

The inner-core of each block is important and the landscaping of that developable portion of a site fronting onto the inner-core must reflect this. The edge-condition defining the transition of the developable portions of the site to the inner core should be expressed as the conscious making of a collective urban square. The inner-core of a block is to be regarded as a semi-private urban court or park and security edges, if applied, are to be kept to the boundary of the site adjoining the inner core.
With the inner-core of the block thus defined, developers are encouraged to approach the landscaping interface with the inner-core as a collective expression of a single, common space. Well-landscaped, combined surface parking lots are encouraged as are combined basement parking facilities within this zone. As with other public and semi-public landscaped areas, care is to be taken in achieving well-designed, secure and pedestrian-friendly environments. In most instances, the inner core of the block has been pre-designed, and developers are required to comply with detailed requirements arising from this design in respect of their developments’ relationship to the core.

17. CONSTRUCTION

The ethos of Bridge City is one of establishing quality through the management of important aspects of the environment. Construction activities within Bridge City require to be carried out in a way that supports this ethos. The rights of landowners, businesses, residents and members of the public using Bridge City also need protection during construction. The Primary Developer has adopted specific rules as follows to regulate construction activities in the new urban centre and all construction work shall comply with such rules and will be subject to review in terms of its compliance with these rules. The Association will be obliged to adopt and enforce such rules.

17.1 GENERAL CONSTRUCTION PROVISIONS

The conduct and performance of on-site contractors throughout the Urban Centre’s development must be exemplary. The Association shall accordingly regulate certain matters related to tendering and construction procedures.

Whether a negotiated or open tender, the nature of any construction tender is to be reported to the Association. The Association may require that an additional contract governing due performance be entered into between the member and the Association.

In the case of all developments and irrespective of tender procedures and the proposed appointment of a successful tenderer, it is required that the Association receives a full report on the successful tenderer and the position regarding bank guarantees. Where the successful tenderer’s work is unknown to the Association, the Association may require such contractor to submit to the Association suitable evidence/examples of previous work.

A special retention to be determined by the Association, is to be lodged with the Association, in cash or in the form of an acceptable bank guarantee to cover damages to the public and semi-public domain and any failure to comply with due performance criteria, late finish or failure to complete the contract satisfactorily. The DRP may require that the retention be provided before plan approvals are granted. The retention shall be provided before the site is handed over to the developer for construction.

A Clerk of Works, at the discretion of the Association, may be appointed to ensure due performance of contractors in respect of the interests of the Association. The Clerk of Works or in the absence of such appointment, the Town Manager, shall report to the Design Review Panel in this regard.
17.2 PROCEDURES BEFORE CONSTRUCTION COMMENCEMENT

Prior to commencing any construction work, members are to furnish to the Association for approval particulars of the following:

- Contractors’ intended date of site establishment,
- Arrangements for contractors’ entrances, materials and plant storage,
- Fencing and hoarding details,
- Site office arrangements,
- Security of the site and ensuring security for adjacent sites,
- Contract and commercial signage
- Site management procedures including provisions relating to hire of casual labour and to vendors supplying the on site labour force
- Site specific Environmental Impact Assessment (EIA), if required by legislation.

On commencement of construction and as construction proceeds, members shall furnish the Association with updated copies of work programmes and subcontractors’ responsibilities to enable the Association to monitor progress and report back to the DRP.

17.3 SITE DEMARCATION

For all sites, specific site demarcation is required and the following will apply:

- A 1.8 m high hoarding shall be erected on the site boundary screen consisting of a neat pole structure with stable horizontal members top and bottom, covered with a 70% minimum density shadecloth.
- Substantial, lockable gates shall be provided at approved access / egress positions
- The hoarding shall be maintained and be neat at all times
- Should the DRP consider that special hoardings are required in any circumstances, including the requirement for solid hoardings or covering over sidewalks and other areas where members of the public may be at risk from building activities, its decision shall be binding on the member, who shall ensure that all such requirements are complied with forthwith.

17.4 CONTRACT AND DEVELOPMENT SIGNAGE

Contract and development signage is to comply with the relevant signage rules of the Association as set by the relevant professional associations and institutes.

17.5 MISCELLANEOUS CONSTRUCTION PROVISIONS

The site shall be kept tidy and in a workmanlike condition at all times and building works, whether permanent or temporary, may not encroach onto any adjacent site or the public domain without the prior written consent of the Association. No building or excavated material shall be dumped anywhere within Bridge City or adjacent areas without the prior written consent of the Association.

All infrastructure surrounding the site, whether above ground (lampposts, signs, roads and sidewalks, etc.) or buried (Services lines, ducts etc.) shall be protected at all times. The member shall be responsible to ensure that his development team acquires all services layouts and proof of the position of all services before
commencement of work. Where construction takes place on zero building lines, members will generally be required to erect lateral support structures around basement or other excavations.

Any damage to any infrastructure shall be immediately notified to the Association, who shall undertake necessary repairs to the account of the member. No water run off onto adjacent sites or public areas around the site shall be permitted. Members shall further implement steps to control wind blown dust generated from construction sites and mud / dust deposited on surrounding roads during construction, to the approval of the Association.

The Association may from time to time prescribe penalties applicable in the event of any of these construction provisions being transgressed. The member shall be held responsible for the actions of all contractors, sub contractors and suppliers engaged in the construction works and shall be liable for the costs of any repair or fine arising from these provisions.

17.6 Completion and Sign Off

On completion of the contract, the DRP will carry out an inspection of the site and, if satisfied, issue a Certificate of Compliance in respect of the overall site. Such certificate is a prerequisite for official hand over and for repayment of the retention noted in 17.1 above.
## TABLES

### TABLE 1: LAND USE CONTROLS

<table>
<thead>
<tr>
<th>USE ZONE</th>
<th>REFERENCE NO MAP</th>
<th>PURPOSES FOR WHICH LAND AND BUILDINGS MAY BE ERECTED AND USED*</th>
<th>PURPOSES FOR WHICH LAND MAY BE USED &amp; BUILDINGS MAY BE ERECTED &amp; USED ONLY WITH THE SPECIAL CONSENT OF COUNCIL</th>
<th>PURPOSES FOR WHICH LAND MAY NOT BE USED AND FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Zone 44: Phoenix South - Bridge City</td>
<td></td>
<td>Ancillary unit, art gallery, bed &amp; breakfast/guesthouse, bottle store, business premises, casino, change room, cluster housing, commercial, conference hall, convention centre, crèche, dry cleaning or dyeing establishment, duplex flat, dwelling house, exhibition centre, extended residential buildings, fast food outlet, hairdressing salon, hospital, institution, laundry, library, licensed hotel, light and service industry, maisonettes, Medical suites, motor showroom and associated workshops, museum, Municipal building, office, parking garage, parking lot, photographer’s kiosk, place of amusement, place of assembly, place of entertainment, place of instruction, place of worship, police station, post office, private open space, public open space, public convenience, recreational purposes, refreshment kiosk, residential building, restaurant, shop, social hall, special building, sports club, swimming baths, paddling pools, tearooms, Totalisator Depot and any other uses considered by the Head: Development Planning &amp; Management to be ancillary to the aforementioned uses or deemed to be appropriate for development within this Land Use category.</td>
<td>Buildings and other uses not included in columns (3) and (5)</td>
<td>Agricultural Building, Agricultural Land, Noxious Industry, Heavy Industry, Extractive Industry.</td>
</tr>
</tbody>
</table>

* Purposes for which land and buildings may be erected and used include any sale, lease, or transfer of land with the construction of buildings or other structures, and any use of land for any purpose other than those listed in columns (2) and (4).
ANNEXURE “C”

DRAFT SCHEME CONTROLS BASED ON THE SCHEME AMENDMENT AS SUBMITTED TO AND APPROVED BY ETHEKWINI MUNICIPALITY ON 31 July 2007.

NB. Every effort has been made to ensure that these are the Special Zone 44 Regulations as approved by the eThekwini Municipality. In case of any variances the Scheme as finally published by the Municipality will apply.

31-07-2007 SPECIAL ZONE 44: PHOENIX SOUTH – BRIDGE CITY

The purpose of this zone will be to accommodate a wide range of recreational, entertainment, residential, shopping, business, commercial, community, service industrial and related activities and any other activities that would ordinarily be accommodated within a city environment, in such a way that the uses contribute towards the creation of a dynamic, harmonious and well balanced city precinct of the highest aesthetic, landscaping and urban design quality that promotes the notion of African Urbanism.

This Special Zone is as indicated on Development Plan No. PHZS118 dated 4 August 2003 and applies to the PHOENIX SOUTH - BRIDGE CITY New Town Centre area, excluding the lower platform industrial area, and comprised of the following:

- Rem of 433 (of 432) of the Farm Melk Houte Kraal no. 789.
- Rem of Sub 306 of the Farm Melk Houte Kraal no. 789.
- Erven 447 (of 306) : 434 (of 433) : 435 (of 433) and 436 to 444 (of 433) all of the Farm Melk Houte Kraal No. 789

A Development Framework Plan (reference 2002/10/02) provides a conceptual indicative portrayal of how the zone could develop overtime. It is noted that this plan is purely conceptual and is subject to change to the satisfaction of the Head: Development Planning and Management.

1 MANAGEMENT OF THE SCHEME

The following development control principles will act as the critical guiding and managing ‘mechanisms’ in order to ensure that the vision for the PHOENIX SOUTH - BRIDGE CITY New Town Centre is not jeopardised, but facilitated by:

(i) The creation of a flexible Scheme control mechanism, which provides key areas of certainty in order to ensure the basic integrity of the PHOENIX SOUTH - BRIDGE CITY development.
(ii) The use of defined, detailed Precinct Plans that provide certainty in terms of overall spatial frameworks and primary structuring elements, broad land use categories, potential minimum and maximum heights and potential minimum and maximum floor area ratios (FAR).
(iii) The management of Development Rights in terms of a “Permitted Floor Area Bank” and the vesting of all of the Development Rights contained in the Bulk Floor Area with the Primary Developer and through whom and by whom, within the provisions of this zone, all Rights are allocated.
(iv) The imposition of Urban Design Guidelines, such as Build-To Lines, to which all sites must adhere.
(v) The use of a Design Review Panel to review all development proposals prior to
Local Authority approval of Building Plans.

(vi) The preparation of Precinct Plans by the Primary Developer with local authority input and approval to guide the detailed development on a site by site basis.

1.1 Scheme Control Mechanism

(a) A critical feature of the PHOENIX SOUTH - BRIDGE CITY development is the carefully formulated Town Planning Scheme mechanism. This mechanism provides uncertainty on key aspects relating to both the control and management of the PHOENIX SOUTH - BRIDGE CITY development but also provides sufficient adaptability and flexibility to enable the PHOENIX SOUTH - BRIDGE CITY development to evolve and develop naturally in tune with changing demands and wider socio-economic conditions and to be managed in a facilitative and proactive manner.

(b) The Scheme control mechanism is based on the overarching vision and Development Framework as well as the particular planning and development controls as provided for below.

1.2 Permitted Floor Area Bank

a) The total maximum Development Rights (bulk floor area) envisaged for the PHOENIX SOUTH – BRIDGE CITY is 725 000m². These are comprised of Primary and Secondary Floor Area Rights (see Sections 1.6 and 2.1 below).

b) The total amount of Development Rights will be held in a "Permitted Floor Area Bank" which is effectively controlled and managed by the Primary Developer in conjunction with the Local Authority.

c) All Rights which are sold/transfered/distributed or used shall be taken from the Permitted Floor Area Bank solely by the Primary Developer unless with the written consent (that may include a Sales Agreement) of the Primary Developer.

d) The manner in which the Development Rights held in the "Permitted Floor Area Bank" will be sold/transfered/distributed and used will be in accordance with the Precinct Plans.

e) Any Development Rights not used on any site (where the maximum FAR is not taken up) will automatically be reallocated into the "Permitted Floor Area Bank" for future use and sale by the Primary Developer.

1.3 Urban Design Guidelines

a) Notwithstanding what may be in the Scheme, Urban Design Guidelines, such as Building Lines and Build-To Lines, will be set in the Precinct Plans.

b) The basis on which such Urban Design guidelines are to be determined relates to the need for buildings to express their edges and celebrate the adjacent public environment. Accordingly, Urban Design Guidelines such as Build-to-lines, Build-within zones, Primary and Secondary setbacks, Conceptual Primary Building Zones and Non-user Areas, are to be stipulated in the Precinct Plans and are subject to review by the Design Review Panel. These Urban Design Guidelines are defined in the appendix of definitions attached.
1.4 Design Review Panel

a) A Design Review Panel will be established by the Primary Developer and will be responsible for the review and assessment of all development proposals in a manner to be determined in consultation with the Development Planning, Environment and Management Unit.

b) Such review and assessment must lead to the recommendation for approval to the Local Authority, of the required Building Plans.

c) The Local Authority will not approve any Building Plan unless it has been recommended for approval by the Design Review Panel and provided that the relevant Precinct Plan has been approved by the Local Authority.

d) The recommendation of Building Plans by the Design Review Panel shall only occur once the purchaser/site developer has adhered to all requirements of this Zone.

e) The composition, function and responsibilities of the Design Review Panel are to be agreed to by the Head: Development Planning and Management.

1.5 Precinct Plans

a) The Special Zone area will be divided into a number of Precincts as determined by the Primary Developer.

b) Each Precinct, which may be comprised of any number of sites, will have a Precinct Plan prepared for it by the Primary Developer.

c) Such Precinct Plans are to be prepared with the Local Authority’s input and must be formally submitted to the Local Authority for approval in terms of Section 2.7 below.

d) The issues that need to be included within the Precinct Plan are indicated in Section 2.7 below.

1.6 Transport

A Traffic Impact Assessment (TIA) for PHOENIX SOUTH - BRIDGE CITY has been prepared by Iliso Consulting. This outlines future traffic and parking requirements for the area. The parking requirements have been included in the proposed Special Zone 44 scheme controls (see Section 2.4 below). The following infrastructure upgrading is required to achieve the potential Bulk Floor Area:

i) Road link between the top platform and the industrial platform will release 33 000m² GFA for development

ii) Construction of the Ntuzuma Access Road (Besters) link will release 67 000m² GFA for development (which, together with i above, comprise the Primary Floor Area Rights)

iii) Bhejane Road Link will release 187 500m² GFA for development

iv) New half diamond interchange on MR 93 will release 187 500m² GFA for development.

An additional 250 000m² GFA will be released with the construction of the Inanda Rail and Station. This together with iii) and iv) above will comprise the Secondary Floor Area Rights.

In order to achieve the envisaged 725 000m², the above upgrades may be done in any order.
2 ZONE CONTROLS

2.1 DEVELOPMENT RIGHTS – GENERAL

2.1.1 The purpose of this Special Zone will be to accommodate a wide range of recreational, entertainment, residential, shopping / retail, business park, office and commercially related activities, as well as micro enterprises and other SMME activities, in such a way that the uses contribute towards the creation of a dynamic, harmonious and well balanced new town centre of the highest aesthetic, landscaping and urban design quality.

2.1.3 In terms of the Permitted Floor Area Bank, as envisaged in 1.2 above, the total maximum Development Rights envisaged for the PHOENIX SOUTH - BRIDGE CITY development is 725 000m². All Development Rights within the PHOENIX SOUTH - BRIDGE CITY development shall be allocated / distributed / transferred / used in accordance with the provisions of this Special Zone.

2.1.4 The Primary Floor Area Rights (Rights which are immediately available to be sold and used), which are part of the amount stipulated in 1.2 (b) above, is 100 000m². Secondary rights to a maximum of 625 000m² shall be subject to construction of public transport facilities and links to KwaMashu as agreed to by the Local Authority’s Traffic and Transportation Department (see Section 1.6).

2.1.5 Any additional development rights sought, over and above the amount stipulated in 2.1.2 above, shall be subject to a full Town Planning Scheme Amendment.

2.1.6 The Local Authority and the Primary Developer shall maintain an accurate and up-to-date record of both the sale and use of development rights in a proper and accessible manner, which shall be subject to annual audit by an independent body if deemed necessary by any of the parties.

2.1.7 A Traffic Impact Assessment (TIA) must be prepared, where deemed appropriate and necessary by the Head: Engineering for site specific developments and shall be submitted for approval by the Head: Engineering as above prior to that development occurring on site.

2.2 DEVELOPMENT RIGHTS – SPECIFIC

2.2.1 A maximum FAR of 1.5 shall apply, subject to anything in excess of this figure being approved by the Head: Development Planning, Environment and Management and recorded with the Permitted Floor Area Bank.

2.2.2 There shall be no limitation on the minimum FAR or maximum FAR that is allocated to any site by the Primary Developer subject to 2.2.1 above.

2.2.3 An increase in the maximum FAR above 1.5 to 6.0, with the increase above 1.5 being solely for residential use, shall apply. Any increase for any other use above 1.5 shall be subject to the satisfaction of the Head: Development Planning and Management. Any increase for any use above 6.0 shall be subject to a Special Consent application.

2.2.4 Development rights are indicated in Precinct Plans as stipulated below in Section 2.7.
2.3 **Building Controls**

Notwithstanding anything contrary in the Scheme, the following Building Controls will apply.

2.3.1 The maximum height of any development within the Special Zone is as determined in the Precinct Plans. The maximum height of any development within the Special Zone is 40 meters. Height is calculated from the median natural ground level of the site to the top of the highest habitable storey. The roof is excluded as long as it is not habitable. A basement shall be included in the height envelope to the extent it exceeds the median natural ground level of the site. This may be increased by way of an application to and approved in a manner deemed appropriate by the Head: Development Planning and Management. The maximum height has been determined to allow the envisaged development bulk to be realised. Note the Precinct Plans set out specific minimum and maximum heights for individual sites.

2.3.2 Notwithstanding anything to the contrary in the Scheme, parking areas basement, covered and uncovered shall not be included in FAR and coverage calculations nor shall they be included in the maximum height (the maximum height will be increased by any full parking storey).

2.3.3 Notwithstanding anything to the contrary in the Scheme, awnings, canopies, arbours, colonnades or balconies within the sidewalk area shall not be included in coverage and FAR calculations.

2.3.4 Building Line = nil unless where otherwise indicated in the Precinct Plans.

2.3.5 Side and Rear space = nil unless where otherwise indicated in the Precinct Plans.

2.3.6 Every site shall be subject to Urban Design Guidelines, such as Build-To lines, Build-Within Zones, Arcade and Colonnade responses, Primary and Secondary Setbacks, Conceptual Primary Building Zones and Non-User Areas, as contemplated in 1.3 above and as indicated in the Precinct Plans.

2.3.7 Where a site is subject to a Build-To Line, he boundaries of such site abutting a street or streets shall be subject to a Build-To Line on which a minimum of 90% of a building's street-facing façade must be built. This does not include overhanging elements such as balconies, eaves etc. which may extend beyond the Build-To Line. Where these conditions cannot be met, then deviation from the above can be made at the discretion and to the satisfaction of the Design Review Panel.

2.3.8 The Build-To Line is to apply to all levels within a building's facade, provided that, where a site is subject to Primary and/or Secondary Setbacks, the façade should be setback as determined in the Precinct Plans. Where these conditions cannot be met, then deviation from the above can be made at the discretion and to the satisfaction of the Design Review Panel. Similarly, applications may be made to the Design Review Panel for permission to apply setbacks where not prescribed in the Precinct Plans.

2.3.9 Overhanging elements of a building's street-facing facade, such as balconies, sun screening devices and eaves, may not be regarded as the building's street-facing façade and may extend beyond the Build-To Line subject to Design Review Panel recommendation and Local Authority approval.

2.3.10 Where a site is subject to a Build-Within Zone, 75% of any relevant street-facing facade of a building shall be developed over such zone subject to review by the Design Review Panel.

2.3.11 Where a site is designated as a non-user Area, both for individual sites and where the site is consolidated with other sites (subject to Design Review Panel recommendation), it is to be held as a Non User Servitude, subject to review by the Design Review Panel.
2.4 PARKING REQUIREMENTS

2.4.1 Parking provisions within the Development Framework Plan area, shall be outlined in each of the Precinct Plans. Further mechanisms to determine individual developer contribution to public transport facilities and such parking contributions shall be subject firstly to the recommendation of the Design Review Panel and, thereafter, to the approval of the Development and Management Department, at the Department’s discretion.

2.4.2 Notwithstanding the above, planning and parking rates for different uses should be based on the following:

(i) Mixed Use 3.5 bays per 100m$^2$ of usable building area;
(ii) Commercial 5.0 bays per 100m$^2$ of usable building area;
(iii) Entertainment 7.0 bays per 100m$^2$ of usable building area;
(iv) Civic / Offices 4.0 bays per 100m$^2$ of usable building area;
(v) Light / Service Industry 1.0 bays per 100m$^2$ of usable building area;
(vi) Institutional 4.0 bays per 100m$^2$ of usable building area;
(vii) Residential 1.0 bays per unit.

Any combination of two or more uses from (ii) to (vii) will be categorised as Mixed Use and a composite parking ratio as per (i) above will apply to the uses other than residential, subject to recommendation by the Design Review Panel and thereafter, to the approval of the Head : Development Planning, Environment and Management at his/her discretion.

2.4.3 Application may be made to the Design Review Panel for recommendation to the Local Authority to reduce the total number of parking bays for any use subject to the applicant providing a suitable motivation for such reduction based on certain factors including, but not limited to: target market of potential users/buyers, availability of on-street parking bays adjacent to the site, availability of any public bays in any central parking pool that may be reasonably accessible to the site and relevant precedent. Any such recommendation shall be further subject to the satisfaction of the eThekwini Transport Authority (ETA) in terms of the above base rates, 1 minibus taxi bay is equivalent to 15 private car bays and 1 conventional bus bay equivalent to 40 private car bays. However, these rates may only be used if recommended by the Design Review Panel and approved by the ETA.

2.5 LAND USE CATEGORIES

2.5.1 The following uses that are freely permitted in Special Zone 44, in any combination on a site, are as follows:

Ancillary unit, art gallery, bed & breakfast/guesthouse, bottle store, business premises, casino, change room, cluster housing, commercial, conference hall, convention centre, crèche, dry cleaning or dyeing establishment, duplex flat, dwelling house, exhibition centre, extended residential buildings, fast food outlet, hairdressing salon, hospital, institution, laundry, library, licensed hotel, light and service industry, maisonettes, Medical suites, motor showroom and associated workshops, museum, Municipal building, office, parking garage, parking lot, photographer’s kiosk, place of amusement, place of assembly, place of entertainment, place of instruction, place of worship, police station, post office, private open space, public open space, public convenience, recreational purposes, refreshment kiosk, residential building, restaurant, shop, social hall, special building, sports club, swimming baths, paddling pools, tearooms, Totalisator Depot and any other uses considered by the Head: Development Planning & Management to be ancillary to the aforementioned uses or deemed to be appropriate for development within this Land Use category.
2.5.2 The following uses are prohibited in Special Zone 44:
   Agricultural Building, Agricultural Land, Noxious Industry, Heavy Industry, Extractive
   Industry.
2.5.3 All other uses are permitted by special consent

2.6 Development

2.6.1 Every site shall have a Site Development Plan prepared for it by the developer prior to any
   construction on the site and development on the site shall be in accordance with such
   Plans.
2.6.2 All Site Development Plans will be reviewed by the Design Review Panel prior to
   submission to the Development Planning, Environment and Management Unit and prior to
   the submission of Building Plans to the Development Planning, Environment and
   Management Unit.
2.6.3 The Primary Developer will establish a Design Review Panel, including local authority
   representatives, that will be responsible for recommending for approval by the local
   authority of all Site Development Plans and Building Plans with the provision that no
   Building Plan may be approved unless a Site Development Plan has been reviewed and
   recommended for acceptance by the local authority, in writing, by the Design Review
   Panel.

2.7 Precinct Plans

2.7.1 The Special Zone area will be divided into a number of Precincts as may be determined by
   the Primary Developer.
2.7.2 A Precinct Plan may be comprised of any number of sites
2.7.3 The Precinct Plans must be submitted to the Local Authority’s Head: Development
   Planning, Environment and Management for approval.
2.7.4 A Precinct Plan shall include site specific details on each of the following where relevant:
   a) Land Use Categories & Controls
   b) List of Sites within the Precinct
   c) Details of the maximum Development Rights Potential
   d) Max floor area ratios per site
   e) Max Heights per Site
   f) Coverage Implications
   g) Parking provisions and Requirements
   h) Urban Design Guidelines such as Arcades, Colonnades, Building Lines, Build-
      To lines and Build Within Zones
   i) Indicative Side and Rear Space provisions
   j) Road Network
   k) Pedestrian streets / squares / spaces
   l) Indicative landscaping of streetscape
   m) Identification of sites requiring specific architectural responses
   n) Identification of important / sensitive features and / or landmarks
   o) Areas identified for Street Trading, if applicable
   p) Areas identified for Bus/Taxi Ranks and Termi and ranking facilities, if applicable
q) Areas identified for public transport facilities if applicable
r) Areas identified for parking, where applicable
s) Areas identified for taxi stops, where applicable
t) Indication of where additional details, investigations, approvals are required
u) Additional site specific design/planting controls where applicable
v) Linkages to adjacent/ future precincts
w) Other specific conditions and features determined through detailed precinct design.

2.8 BUILDING PLANS

2.8.1 The Local Authority will be responsible for approving all Building Plans.

2.8.2 The Local Authority will however only be able to approve Building Plans if such plans have been recommended for approval, in writing, by the Design Review Panel.

2.8.3 The Design Review Panel shall only recommend for approval Building Plans that have been completed in accordance with the Site Development Plan’s provisions, processes and requirements and specifically once the relevant Precinct Plan has been approved as per 2.7 above.

GLOSSARY OF TERMS AND DEFINITIONS

Unless where described below, or otherwise described/provided for in Section 2 above, the definitions of the Scheme will apply.

- Primary Developer refers to Moreland Developments (Pty) Ltd. which is appointed in terms of the Joint Venture Agreement set up by the eThekwini Municipality and Moreland Developments (Pty) Ltd. The Primary Developer is responsible for the administration, planning and detailed design of the PHOENIX SOUTH - BRIDGE CITY area and its development.

- Local Authority refers to the eThekwini Municipality and is the competent authority under which the Primary Developer discharges its development undertakings, duties and responsibilities.

- Development Rights refers to bulk floor area and all development parameters ascribed to a lot in terms of the Development Framework Plan and the relevant Precinct Plan.

- Design Review Panel refers to a body set up by the Primary Developer in consultation with the Development Planning, Environment and Management Unit, to assess the plans required in terms of this zone and to assess all development proposals prior to the submission of Building Plans to the Local Authority for approval.

- Permitted Floor Area Bank is a term referring to the pool of development rights (bulk floor area), which is allocated by the Primary Developer within the ambit defined by this zone.

- Primary Floor Area Rights refers to the approved bulk floor area rights, which are available to the Primary Developer to allocate to purchasers as at the approval of these controls.

- Secondary Floor Area Rights refers to further approved bulk floor area rights that will automatically be made available to the Primary Developer on the construction of certain public transport facilities and links to KwaMashu as provided for in the controls.

- Scheme refers to the Durban Town Planning Scheme in the course of preparation.

- Special Zone Area refers to the properties that are included within Special Zone 44: PHOENIX SOUTH – BRIDGE CITY.
- **Floor Area Ratio** = Plot Area Ratio as defined in the Durban Town Planning Scheme in the course of preparation.
- **Build-to line** is the boundary of a lot abutting a street or streets, unless otherwise indicated, regarded as a build-to line on which a minimum of 90% of a building’s street-facing façade must be built. Overhanging elements of a building’s street-facing façade, such as balconies, sun screening devices and eaves, are not regarded as defining the building’s street-facing façade and may extend beyond the build-to line.
- **Build-within zones.** Where a lot is specifically designated as being subject to a build-within zone, such zone extend along the full street boundary or boundaries to a depth of 5 metres measures from such boundary, unless otherwise specified. Where a site is subject to a build-within zone, 100% of the relevant street facing façade shall be within the build-within zone and 75% of any relevant street facing façade of a building shall be completely over such zone.
- **Colonnade** refers to a predominantly covered canopy over the sidewalk or the public domain. Minimum height of 4.5m shall apply and the width can vary depending on local conditions and the extent of the public edge.
- **Arcade** refers to a covered walkway that will occur predominantly within the envelope of the building and within the private domain. A minimum height of 4,5m shall apply and a minimum width of 2m shall be provided
- **Primary and Secondary Setbacks** - The build-within zone is to apply to all levels within a building’s façade provided that, beyond a height of 2 storeys, the façade of the building shall be developed on a line no closer to the boundary than 3 metres (the primary setback) and beyond a height of 4 storeys, the façade of the building shall be developed on a line no closer to the boundary than 5 metres (the secondary setback). Changes can be motivated subject to Design Review Panel recommendation.
- **Primary Building Zones** - These define where the preferred bulk of the building should be located. Any changes can be motivated for the Design Review Panel’s approval/recommendation.
- **Non-User Servitude or Areas** - Where a site is subject to a non-user servitude, the bulk and coverage calculations are to be based on the gross site area although the development itself is to be confined to the nett area of the site alone. The area designated as non-user servitude is to be used for paving, planting and parking purposes only and kept free of structures save that basements, which, subject to written recommendation by the Design Review Panel in cases of individual merit, may encroach partially or wholly into the non-user servitude area.

In the case of corner sites (unless otherwise indicated on a precinct plan or at the discretion of the Design Review Panel), a splayed non-user servitude measuring 3 metres by 3 metres may be applied as indicated on the precinct plans, in respect of ground floor level only, leaving clear headroom of a minimum of 3,5 metres. On all other sites (unless otherwise indicated or at the discretion of the Design Review Panel), any designated non-user servitude restriction applies to all levels of the building other than basement level. A lot owner may be released from the requirement of a non-user servitude at the discretion of the Primary Developer after reference to the Design Review Panel. Additional non-user servitudes may be designated, or designated non-user servitudes removed, as may be indicated on a detailed precinct plan from time to time.
ANNEXURE “B” TO DEV MANUAL

ANNEXURE SS – DRAFT SIDEWALK SERVITUDE

Protocol No.
GARLICKE & BOUSFIELD INC. Attorneys, Notaries & Conveyancers Suite 102 Ferfam House 9 Stanley Grace Crescent Umhlanga Rocks

NOTARIAL DEED OF SERVITUDE

BE IT HEREBY MADE KNOWN
THAT on this the day of the month of in the year of Our Lord Two Thousand and One (2001) before me,
GRAEME FURZE PHILLIPS
Notary Public by lawful authority duly sworn and admitted, practising at Umhlanga Rocks, KwaZulu-Natal personally came and appeared
TRACEY HEATHER LEE
she being duly authorised thereto by:
1. A Special Power of Attorney in her favour signed at Umhlanga Rocks on the day of 2001, and granted to her by:

   a duly authorised representative of

   THE DURBAN METROPOLITAN UNICITY MUNICIPALITY
   (hereinafter referred to as the “GRANTOR”)

   and

2. A Special Power of Attorney in her favour signed at on the day of 2001, and granted to her by:

   duly authorised thereto by a Resolution of Directors of the :
   BRIDGE CITY MANAGEMENT ASSOCIATION
   (An Association incorporated under Section 21)
   NO. 2001/000648/08
   (hereinafter referred to as THE “GRANTEE”)

which aforesaid Special Powers of Attorney and certified copy of which Resolution have this day been exhibited to me and now remain filed in my protocol.

AND THE SAID APPEARER DECLARED :

WHEREAS the GRANTOR is the registered owner of the undermentioned property,
AND WHEREAS the GRANTOR has agreed to grant to the GRANTEE, free of consideration, a sidewalk servitude over the undermentioned property subject to the terms and conditions contained hereunder, which servitude the GRANTEE accepts.

NOW THEREFORE THE APPEARER DECLARED THAT :

1. The GRANTOR hereby grants to the GRANTEE, in perpetuity, a sidewalk servitude, over the areas shaded in yellow on the plans attached hereto marked “A”, “B”, “C”, ..... and “..”. (hereinafter referred to as the “PROPERTY”)

2. The GRANTEE shall have the right to erect or construct (as the case may be) any awing, canopy, arbour, colonnade, balcony or similar structure within the SERVITUDE AREA, subject to the following restrictions:
2.1 No aforesaid structure may extend onto the SERVITUDE AREA to within a distance less than 1.2 metres measured from the original curb line or more than 3.5 metres from the boundary of the SERVITUDE AREA and adjoining erf boundary, whichever is the more restrictive.

2.2 any aforesaid structure on the SERVITUDE AREA (apart from its supports) shall have a clear headroom of a minimum of 3.5 metres.

2.3 all structures erected within the SERVITUDE AREA shall be of a substantial nature and comply with the requirements of the National Building Regulations, the GRANTOR and the provisions of the GRANTEE'S Design Review Panel.

2.4 Any structure on the SERVITUDE AREA need not be restricted to ground floor level only but may include a balcony on top of any ground floor level structure and may include balcony or sunscreen projections at any level above ground level.

2.5 Where it is the intention of the GRANTEE to extend the upper or basement levels of any buildings adjoining the SERVITUDE AREA as an integral part of the building itself, apart from balcony, shade awnings, eaves, overhangs and canopies, the prior written consent of the GRANTOR shall be required.

3 The GRANTEE shall be entitled to use the SERVITUDE AREA for any of the following uses or activities:

3.1 outdoor restaurant areas associated with a restaurant on an adjacent property;

3.2 outdoor trading areas directly related to and operated by the shop immediately adjacent to such area and extending no more than one metre into the SERVITUDE AREA;

3.3 the display of goods directly related to the shop immediately adjacent to such display;

3.4 landscaping and planting, providing that such planting does not in any way compromise the ease of pedestrian through movement, visibility or safety.

3.5 any other use or purpose that may be agreed to in writing by both the GRANTOR and GRANTEE.

4 The GRANTEE shall:

4.1 be responsible for the maintenance and cleansing of the SERVITUDE AREA;

4.2 ensure that in exercising its rights in terms of this Deed of Servitude, the GRANTEE or its members do not breach any by-law regulations, ordinance or statutes governing behaviour in public places

4.3 ensure its members do not exceed the rights granted in terms of this Notarial Deed of Servitude in respect of the use of the SERVITUDE AREA.

4.4 ensure that pedestrians have a right of way over the SERVITUDE AREA parallel to the adjoining public road over a portion of the SERVITUDE AREA.

5 The GRANTOR shall be entitled to undertake maintenance of services and installation of new services on the SERVITUDE AREA (provided that the condition of the sidewalk is restored to its original standard once such maintenance and installation have been completed) and the widening of roads up to the line of any structure erected in terms of this Notarial Deed of Servitude on the SERVITUDE AREA. In the event of any structure erected on the SERVITUDE AREA, in terms of the rights granted to the GRANTEE in terms hereof, having to be partially or fully demolished in order to accommodate the GRANTOR'S services or road widening, the member of the GRANTEE having erected such structure or whose predecessor in title had erected such structure, shall be entitled to the fair market compensation for such demolition, however shall not be entitled to any compensation for any loss of income or earnings attributable to the loss of the use of such portion of the SERVITUDE AREA.

6 In the event of the GRANTEE not complying with the provisions of this Notarial Deed of Servitude, the GRANTOR shall have the right to assume control and administration of this SERVITUDE AREA and oblige the GRANTEE to fulfil its obligations in terms of this Notarial Deed of Servitude.

7. Save as provided for herein, the GRANTOR shall not be entitled to use the SERVITUDE AREA for
any purpose whatsoever.

8. The GRANTEE’S rights in terms of this Notarial Deed of Servitude may be exercised by any of the GRANTEE’S individual members with the GRANTEE’S prior written consent.

9. It is recorded that neither the GRANTOR nor any other party has received nor shall receive any consideration in respect of the granting of this servitude in terms of this Notarial Deed and that neither the GRANTEE or any other party has given nor shall give any consideration in respect of the granting of the servitude as set out in this Notarial Deed. In no detracting from the generality of the aforesaid, it is recorded that the GRANTEE shall not be entitled to payment of rental or rates in any form whatsoever in respect of the GRANTEE’S usage of the SERVITUDE AREA as set out in this Notarial Deed.

10. The GRANTOR and GRANTEE acknowledge, for the purposes of Transfer Duty, that the value of this servitude granted by the GRANTOR to the GRANTEE in terms hereof is R…………,00 (………………. THOUSAND RAND).

AND the APPEARER on behalf of the GRANTEE hereby accepts, insofar as may be necessary, the benefits, subject to the conditions aforementioned, of this Notarial Deed.

AN ACT WHEREOF being required I have granted the same under my Notarial Form and Seal of Office and have caused the same to be subscribed by the said Appearer in the presence of the undersigned witnesses.

AS WITNESSES:

1. _________________________ __________________________
2. _________________________ __________________________

QUOD ATTESTOR
NOTARY PUBLIC
ANNEXURE UA – DRAFT USE AGREEMENT (SIDEWALKS)

USER AGREEMENT

entered into between

BRIDGE CITY MANAGEMENT ASSOCIATION
(An Association incorporated under Section 21)
No. 2001/000648/08

(hereinafter referred to as the "ASSOCIATION")
and

………………………………………………………………………………………………………
………………………………………………………………………………………………………
………………………………………………………………………………………………………
…………(hereinafter referred to as the "MEMBER")

WHEREAS

The ASSOCIATION has entered into a Servitude Agreement with the eThekwini Municipality, in terms
of which the ASSOCIATION has certain rights of use in respect of, inter alia, that portion of the
sidewalk outlined in red on the plan which is Annexure "A" hereto;

AND WHEREAS

The MEMBER and the ASSOCIATION have agreed that the MEMBER shall exercise the ASSOCIATION’S
rights of usage in terms of the SERVITUDE in respect of the area outlined in red on the plan;

NOW THEREFORE IT IS AGREED THAT:

PREAMBLE

The contents of the aforesaid preamble are hereby confirmed;

1. DEFINITION

In this Agreement –

1.1 "the PROPERTY" means that portion of the sidewalk outlined in red on the PLAN;
1.2 "PLAN" means the plan drawn by ____________________________
dated __________, Reference Number __________, a copy of which is Annexure "A" hereto;
1.3 "SERVITUDE" means the Notarial Deed of Servitude entered into between the
ASSOCIATION and the eThekwini Municipality as more fully described in the preamble
hereto;
1.4 Words denoting a particular gender shall be deemed to include the other genders
and words denoting the plural shall be deemed to include the singular, and vice versa.
1.5 The respective parties are designated as set out in brackets after their respective
names in the heading to this Agreement.
1.6 Clause headings in this Agreement are for guidance only and are not relevant to the
interpretation hereof.
1.7 If any provision of this Agreement is unenforceable for any reason whatsoever, such
provision shall be deemed to be separate and severable from this Agreement,
without in any way effecting the validity of the remaining provisions of this Agreement.

2. USE OF PROPERTY

2.1 The MEMBER shall from the date of signature of this Agreement be entitled to exercise
the ASSOCIATION’S rights in respect of the use of the PROPERTY in terms of the SERVITUDE subject the terms and conditions as set out herein.

2.2 Save as otherwise provided for herein, the MEMBER shall diligently and timeously perform all the obligations of the ASSOCIATION in terms of the SERVITUDE in respect of the PROPERTY.

2.3 The MEMBER shall be entitled to utilise the PROPERTY for the specific purposes set out in Annexure “B” hereto and for no other purpose whatsoever.

2.4 The MEMBER shall not damage or make any structural improvements or alterations of any nature whatsoever to the PROPERTY without the prior written consent of the ASSOCIATION and the eThekwini Municipality first having been had and obtained.

3. EXPIRY

3.1 The MEMBER shall immediately vacate the PROPERTY:

3.1.1 within a period of ten (10) days after receiving notice from the ASSOCIATION to do so (which notice the ASSOCIATION may in its sole and absolute discretion at any time decide to give);

3.1.2 immediately on receiving notice from the eThekwini Municipality to do so; and shall have no claim against the ASSOCIATION or the eThekwini Municipality of any nature whatsoever arising from the loss of the usage of the PROPERTY (including, but in no way limited to, any claim for any loss of profit the MEMBER may have suffered, any compensation for any improvements the MEMBER may have made to the PROPERTY while in occupation thereof in terms of this AGREEMENT or any other damages the MEMBER may have suffered of any nature whatsoever).

3.2 When vacating the PROPERTY the MEMBER shall leave the PROPERTY in the same order and condition as it was when the MEMBER first took occupation of same in terms of this Agreement, unless otherwise agreed to by the ASSOCIATION in writing.

4. CONSIDERATION

Save as otherwise specifically provided for herein, it is recorded that neither the ASSOCIATION or any other party has, nor shall, receive any consideration, and neither the MEMBER, nor any other party has, nor shall give any consideration, in respect of the rights granted to the MEMBER in terms hereof.

5. MAINTENANCE

5.1 The ASSOCIATION shall undertake the maintenance functions, in respect of the PROPERTY, outlined in Annexure “C” hereto, for which the MEMBER shall reimburse the ASSOCIATION an amount of R______________ per month.

5.2 Such amount shall be paid on or before 2nd day of every month to the ASSOCIATION at its domicilia referred to in paragraph 8 hereof.

6. INDEMNITY

The MEMBER waives all claims against the ASSOCIATION and the eThekwini Municipality for any loss or damage to property or injury to person which the MEMBER or any other party may suffer as a result of the MEMBER’S use of the PROPERTY in terms hereof and indemnifies the ASSOCIATION and the eThekwini Municipality against any such claim that may be made against the ASSOCIATION or the eThekwini Municipality by the MEMBER or any other party who suffers any injury to person or damage to property of any nature whatsoever as a result of the MEMBER’S use of the PROPERTY.

7 DOMICILIA AND NOTICES

7.1 The parties choose as their domicilia citandi et executandi for all purposes under this Agreement, whether in respect of court processes, notices or other documents or communications of whatsoever nature, the following addresses:

7.1.1 the ASSOCIATION:
7.1.2 the MEMBER:

7.2 Any notice or communication required or permitted to be given in terms of this Agreement shall be valid and effective only if in writing.

7.3 Any party may by notice to any other party change the physical address chosen as its domicilium citandi et executandi vis-à-vis that party to another physical address in the Republic of South Africa, provided that the change shall become effective vis-à-vis that address on the 7th business day from the deemed receipt of the notice by the addressee.

7.4 Any notice to a party:--

7.4.1 sent by prepaid registered post (by airmail if appropriate) in a correctly addressed envelope to it at its domicilium citandi et executandi shall be deemed to have been received on the 7th business day after posting (unless the contrary is proved); or

7.4.2 delivered by hand to a responsible person during ordinary business hours at its domicilium citandi et executandi shall be deemed to have been received on the day of delivery.

7.5 Notwithstanding anything to the contrary herein contained a written notice or, communication actually received by a party shall be an adequate written notice or communication to it notwithstanding that it was not sent to or delivered to its chosen domicilium citandi et executandi.

8. JURISDICTION AND COSTS

8.1 In the event of any action or application arising out of this Agreement, the parties hereby consent to the jurisdiction of the Magistrate’s Court otherwise having jurisdiction under section 28 of the Magistrate’s Court Act of 1944, as amended. Notwithstanding that such proceedings are otherwise beyond the said court’s jurisdiction, this clause shall be deemed to constitute the required written consent conferring jurisdiction upon the said court pursuant to Section 45 of the Magistrate’s Court Act of 1944, as amended.

8.2 Notwithstanding anything to the contrary herein contained the ASSOCIATION shall have the right at the ASSOCIATION’S sole option and discretion to institute proceedings in any other court which might otherwise have jurisdiction.

8.3 In the event of it becoming necessary for the ASSOCIATION to take any action against the MEMBER as contemplated herein, the MEMBER agrees to pay to the ASSOCIATION all the attendant costs and expenses incurred by the ASSOCIATION as between attorney and client.

9. CESSION AND ASSIGNMENT

The MEMBER shall not be entitled to sell, assign, cede or makeover its rights in terms of this Agreement without the prior written consent of the ASSOCIATION.

10. COSTS

The MEMBER shall be liable for all legal expenses incurred in connection with the negotiation, drafting and execution of this Agreement.

11. INDULGENCE

No indulgence which any party (the" GRANTOR") may grant to any other (the "GRANTEE") shall not prejudice or constitute a waiver of the rights of the GRANTOR, who shall not thereby be precluded from exercising any rights against the GRANTEE which may have arisen in the past or might arise in future.

12. ENTIRE CONTRACT
This Agreement (read with the SERVITUDE) constitutes the entire contract between the ASSOCIATION and the MEMBER and any acts, representations, announcements, statements, warranties, guarantees or conditions not recorded herein shall be of no force or effect whatsoever. The MEMBER acknowledges that neither the ASSOCIATION nor anybody acting on its behalf has made any representations, announcements, statements or given any warranties inducing the signature of this Agreement by the MEMBER. Any agreement between the MEMBER and the ASSOCIATION to cancel, alter or add to this Agreement shall not be binding and shall be of no force or effect unless reduced to writing and signed by the parties hereto, or by their agents acting on their written instructions.

13. BREACH:

Should any party (the "defaulting party") commit a breach of any of the provisions of this Agreement, then the party which is not in breach (the "aggrieved party") shall be entitled to give the defaulting party written notice to remedy the breach. If the defaulting party fails to comply with that notice within 10 (TEN) days of receipt thereof, subject to any other provisions of this Agreement to the contrary, the aggrieved party shall be entitled to cancel this Agreement or to claim specific performance, in either event without prejudice to the aggrieved party's right to claim damages. The aforesaid is without prejudice to such other rights as the aggrieved party may have in terms of this Agreement, common law or statute.

THUS DONE and SIGNED by the ASSOCIATION at on this day of 200__.

AS WITNESSES:

1. __________________________
2. __________________________

THUS DONE and SIGNED by the MEMBER at on this day of 200__

AS WITNESSES:
ANNEXURE "D" TO DEV MANUAL

ANNEXURE D – BRIDGE CITY FLOOR SPACE AND BULK CONTROL

<table>
<thead>
<tr>
<th>Gross Area to include wall thickness</th>
<th>Foyers</th>
<th>Entrance Areas</th>
<th>Ablutions</th>
<th>Plant Rooms</th>
<th>Plant Room Offices</th>
<th>Balconies</th>
<th>Corridors Enclosed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Include in Bulk Calculation</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
</tr>
</tbody>
</table>

**Notes**
- Corridors refer to passages and other internal covered circulation routes.
- Entrance areas to buildings and shopping centers are generally included in bulk, especially if roofed at any level whether they are fully enclosed or not.
- Applicable to public conveniences in Shopping Centers only.
- Plant Rooms include AC Plant Rooms, Electrical Substations etc. Plant Room Offices refer to manned offices such as the Office component forming part of a large Substation or a manned Security Control Office.
- Balconies and Corridors that are roofed but open on one side are considered to be open. Balconies and Corridors that are roofed and enclosed on two sides are considered to be enclosed.

<table>
<thead>
<tr>
<th>Staircases</th>
<th>Lifts</th>
<th>Parking Basement</th>
<th>Structured Parking</th>
<th>Parking Ramps</th>
<th>Taxi Ranks</th>
<th>Taxi Ranks Below Building</th>
<th>Taxi Ranks Open</th>
<th>Ticket Offices &amp; Ablutions in Taxi Ranks</th>
<th>Delivery Yard Rooted</th>
<th>Delivery Yards Walled but Unroofed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Include in Bulk Calculation</td>
<td>Exclude Area Once</td>
<td>Include Area Once</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
</tr>
</tbody>
</table>

**Note 6**
- Where the parking provided exceeds the minimum parking requirement by more than 50% the City Engineer may require such excess or portion thereof to be taken into account in calculating the permissible floor area.
- Structured parking refers to above ground parking at any level within a building.

**GENERAL NOTES**
- The above summary has been prepared to assist developers with the interpretation of specific clauses contained in the bulk control regulations and is to be used as a guide only.
- Developers and their consultants must familiarise themselves with all aspects of the Ethekwini Municipality Town Planning Regulations and relevant local building bye-laws to avoid unnecessary delays during the plan approval process. The regulations can be viewed on the Ethekwini Municipality Website - Refer to the link below:
  - http://www.durban.gov.za/ethekwini/Municipality/planning/town_planning_regulations/space_about_building_density_control_etc/clause23

Rev A - Note 5 Amended - 17/07/07
Rev B - Parking Notes Revised - 18/07/07
Rev C - Potrait Orientation A4